



# Confirmed Minutes

## TRUSTEE COUNCIL MEETING

### 12 - 19 December 2023

## Day 1 – Tuesday, 12 December 2023

### PRESENT:

#### Mayor:

Cr Phillemon Mosby

#### Officers:

Chief Executive Officer

Acting Executive Director Corporate Services

Secretariat Officer

Mr James William

Mr Gary Stevenson PSM

Mr Darryl Brooks

Mayor Mosby welcomed attendees and made the following acknowledgements:

- Our Heavenly Father for his awesome wisdom, knowledge, understanding, favour and blessings for our lives; upon our leadership, our Council and for our people right across the length and breadth of Zenadth Kes;
- Acknowledgements of Traditional Owners throughout Zenadth Kes and the communities and constituents that Council serves; and
- All Elders with us, past, present and emerging.

Mayor Mosby paid special acknowledgement on behalf of the entire Council to the Family and loved ones of the late Pastor Nelson Billy, acknowledging his life-time of public service and spiritual devotion to the entire Torres Strait Islander community and beyond. Mayor Mosby expressed his personal sentiments that Pastor Billy will now be laid to rest on his beloved home of Warraber and the Mayor's deepest thoughts and heartfelt prayers are with the entire Warraber community at this time.

The Mayor also acknowledged that other Torres Strait Islander community members are experiencing their own Sorry Business also during this time and extended to them as well the thoughts and prayers of Council.

The Mayor then delivered an opening prayer and a minute of silence was observed for reflection and to remember loved ones.

Mayor Mosby then declared the Trustee Council Meeting open at 9:04am. As anticipated, the Mayor observed that the meeting had not achieved a quorum due to the implications of Tropical Cyclone Jasper and with due regard for Sorry Business on Warraber Island. As there was no prospect of the meeting being quorate, Mayor Mosby declared the meeting adjourned until 9.00am on Tuesday 19 December 2023.

The meeting closed at 9.13am.

## Day 2 – Tuesday, 19 December 2023

### PRESENT:

#### Mayor

Division 1 - Boigu  
Division 2 – Dauan  
Division 3 – Saibai  
Division 4 – Mabuiag  
Division 5 – Badu  
Division 6 – Arkai  
Division 7 – Wug (St Pauls)  
Division 8 – Kirirri  
Division 9 - Iama  
Division 10 – Warraber  
Division 11 – Poruma  
Division 12 – Masig  
Division 13 - Ugar  
Division 14 - Erub  
Division 15 – Mer

Cr Phillemon Mosby  
Cr Dimas Toby  
Cr Torenzo Elisala  
Cr Conwell Tabuai  
Cr Keith Fell  
Cr Ranetta Wosomo  
Cr Lama Trinkoon  
Cr John Levi  
Cr Seriako Dorante  
Cr Getano Jui (Jnr) AM - **Deputy Mayor**  
Cr Kabay Tamu  
Cr Francis Pearson  
Cr Hilda Mosby  
Cr Rocky Stephen  
Cr Jimmy Gela  
*not represented*

### OFFICERS:

Chief Executive Officer  
Executive Director Building Services  
Executive Director Community Services  
Acting Executive Director Corporate Services  
Acting Executive Director Financial Services  
Corporate Services Support  
Executive Support Coordinator  
Executive Assistant to the Mayor  
Senior Executive Assistant

Mr James William  
Mr Wayne Green  
Mr Dawson Sailor  
Mr Gary Stevenson PSM  
Ms Nicola Daniels  
Ms Margaret Gatt  
Ms Sharon Russell  
Ms Trudy Lui  
Ms Julie Marino

*Joined meeting at 9.41am*

### OTHERS:

Moray & Agnew Lawyers

Mr Andrew Kerr

*Joined meeting at 10.36am*

## 1. Welcome & Quorum Confirmation

The Mayor formally opened Day 2 of the December 2023 Trustee Council Meeting at 9:04am, noting that a quorum of members was established.

The Mayor made the following special acknowledgements on behalf of the entire Trustee Council:

- Acknowledgement of Traditional Owners throughout Zenadth Kes and the communities and constituents that Trustee Council serves;
- All Elders with us, past, present and emerging; and
- Special acknowledgement of those members of the community who are experiencing Sorry Business and extended to them the thoughts and prayers of the Trustee Council at this time.

The Acting Executive Director Corporate Services advised the Trustee Council that the meeting was being recorded for minute taking purposes and asked the Trustee Council if there were any objections to this being done.

## 2. Opening Prayer

The Deputy Mayor delivered the opening prayer.

## 3. Apologies (Day 2)

Nil.

The Mayor advised that some Councillors were experiencing technical difficulties joining the TEAMS meeting as a result of ongoing weather conditions due to Cyclone Jasper.

The Mayor also advised the Trustee Council that the Chief Executive Officer will be joining the meeting in person later this morning.

## 4. Conflict of Interest (COI) - Declarable/Prescribed

The Mayor invited Councillors to make any relevant conflict of interest declarations and to also advise if they were currently involved in any legal proceedings which pertain to the Trustee Council business to be considered at the meeting.

- Cr John Levi** made a declarable Conflict of Interest in relation to Agenda Item 8 (*CORPORATE SERVICES: Land Holding Act (LHA) Lease Transfer: 84 Newilgau Street, Kubin Community*) as this matter involved a family relative.
- Cr Francis Pearson** declared a possible conflict of interest with regard to Agenda Item 9 (*CORPORATE SERVICES: Land Holding Act (LHA) Lease Transfer: 54 Olandi Street, Poruma Island*) as this matter involved a family relative (grandfather).

Mr Julian Bodenmann (Legal Consultant, Preston Law) advised that this matter was declarable and that Cr Pearson had the option to either leave the meeting when this item is discussed, or remain present but abstain from voting. Cr Pearson advised Council that he will step out of the meeting when Item 9 is discussed.

5. Confirmation of Council Trustee Meeting Minutes - November 2023

**RESOLUTION**

Moved: Cr Lama Trinkoon

Second: Cr Jimmy Gela

Trustee Council agrees that the Minutes for the Council Trustee Meeting held on 16 November 2023 are confirmed as a true and accurate record of that meeting.

**CARRIED UNANIMOUSLY**

6. Action Items from Previous Trustee Council Meetings

The Chief Executive Officer provided the Trustee Council with a verbal update on the status of Action Items arising from the previous meeting, as well as outstanding action items from previous meetings.

7. CORPORATE SERVICES: Amendment of Social Housing Lease – Moa Island

**OFFICER RECOMMENDATION:**

*That the Trustee delegate to the Chief Executive Officer the power to finalise and execute on behalf of the Trustee, the amendments considered in this report to Lease No. 718552835, which was granted by the Trustee as lessor to the State of Queensland (represented by Department of Housing).*

- *Mr Julian Bodenmann (Legal Consultant, Preston Law) spoke to the report.*
- *After round table discussion involving the Chief Executive Officer, the Deputy Mayor and Mr Bodenmann, it was decided to bring back the report for discussion at a future Trustee Council Meeting.*

**RESOLUTION**

Moved: Cr John Levi

Second: Cr Rocky Stephen

Trustee Council agrees that the agenda item (Amendment of Social Housing Lease – Moa Island) be laid on the table for consideration at a future Trustee Council Meeting.

**CARRIED UNANIMOUSLY**

- *Cr John Levi made a Declarable Conflict of Interest in relation to Item 8 and left the room at 9:45am.*

8. CORPORATE SERVICES: Land Holding Act (LHA) Lease Transfer: 84 Newilgau Street, Kubin Community

**OFFICER RECOMMENDATION:**

*The Trustee resolves pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to:*

- *consent to the transfer of a trustee lease (Lease No. 715642236) over Lot 84 on SP271019 (title reference 51089441) from Penina Delora Levi to Penina Delora Levi, Alua Leroy Savage and Paula Emalda Savage; and*
- *delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.*

**RESOLUTION**

Moved: Cr Lama Trinkoon

Second: Cr Jimmy Gela

The Trustee resolves pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to:

- consent to the transfer of a trustee lease (Lease No. 715642236) over Lot 84 on SP271019 (title reference 51089441) from Penina Delora Levi to Penina Delora Levi, Alua Leroy Savage and Paula Emalda Savage; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.

**CARRIED UNANIMOUSLY**

- *Cr Francis Pearson makes a Declarable Conflict of Interest for Item 9 and left the room at 9.45am*
- *The Mayor reminds remaining Councillors to be mindful of maintaining a quorum.*

**9. CORPORATE SERVICES: Land Holding Act (LHA) Lease Transfer: 54 Olandi Street, Poruma Island**

**OFFICER RECOMMENDATION:**

*The Trustee resolves pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to:*

- *consent to the transfer of a trustee lease (Lease No. 719325784) over Lot 43 on SP270862 (title reference 51078140) from Nora Catherine Pearson to Frank Paul David; and*
- *delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.*

**RESOLUTION**

Moved: Cr Lama Trinkoon

Second: Cr Jimmy Gela

Against: Cr John Levi

The Trustee resolves pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to:

- consent to the transfer of a trustee lease (Lease No. 719325784) over Lot 43 on SP270862 (title reference 51078140) from Nora Catherine Pearson to Frank Paul David; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.

**CARRIED**

- *Cr Francis Pearson rejoined the meeting at 10.08am.*

**10. CORPORATE SERVICES: Land Holding Act (LHA) Lease Transfer: Boigu Lot 20, Lot 26, Lot 36 and Lot 90**

**OFFICER RECOMMENDATION:**

*The Trustee resolves pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to:*

- *consent to the transfer of a trustee lease (Lease No. 721602956) over Lot 20 on SP273190 (title reference 51146277) from Ned Kelly Banu to Ned Kelly Banu and Samuel Mackie Frank Banu; and*
- *consent to the transfer of a trustee lease (Lease No. 721602959) over Lot 26 on SP273190 (title reference 51146283) from Ned Kelly Banu to Ned Kelly Banu and Samuel Mackie Frank Banu; and*
- *consent to the transfer of a trustee lease (Lease No. 721007880) over Lot 36 on SP273190 (title reference 51146292) from Rosina Annita Gibuma to Ishmael Gibuma; and*
- *consent to the transfer of a trustee lease (Lease No. 720849951) over Lot 90 on SP273190 (title reference 51146341) from John Gibuma to Stanley Marama; and*
- *delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms for each of the above lease transfers.*

**RESOLUTION**

Moved: Cr Torenzo Elisala

Second: Cr Francis Pearson

**The Trustee resolves pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 to:**

- **consent to the transfer of a trustee lease (Lease No. 721602956) over Lot 20 on SP273190 (title reference 51146277) from Ned Kelly Banu to Ned Kelly Banu and Samuel Mackie Frank Banu;**
- **consent to the transfer of a trustee lease (Lease No. 721602959) over Lot 26 on SP273190 (title reference 51146283) from Ned Kelly Banu to Ned Kelly Banu and Samuel Mackie Frank Banu;**
- **consent to the transfer of a trustee lease (Lease No. 721007880) over Lot 36 on SP273190 (title reference 51146292) from Rosina Annita Gibuma to Ishmael Gibuma;**
- **consent to the transfer of a trustee lease (Lease No. 720849951) over Lot 90 on SP273190 (title reference 51146341) from John Gibuma to Stanley Marama; and**
- **delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms for each of the above lease transfers.**

**CARRIED UNANIMOUSLY**

**11. CORPORATE SERVICES: Information on Particular Trustee Matters**

**OFFICER RECOMMENDATION**

*That the Trustee Council resolves to note the report.*

**RESOLUTION**

Moved: Cr Francis Pearson

Second: Cr Jimmy Gela

**That the Trustee Council resolves to note the report.**

**CARRIED UNANIMOUSLY**

➤ *The meeting broke for 5 minutes at 10:30am.*

➤ *Mr Andrew Kerr (Moray & Agnew Lawyers) joined the meeting in person at 10.36am.*

**12. MOVE INTO CLOSED BUSINESS**

**RESOLUTION**

Moved: Cr Rocky Stephen

Second: Cr Keith Fell

That in accordance with section 84(3)(e) of the *Local Government Act 2009*, it is resolved for the meeting to go into closed session to allow the Trustee Council to discuss items listed on the agenda under Closed Business and for the reasons outlined under those items.

**CARRIED UNANIMOUSLY**

**13. MOVE OUT OF CLOSED BUSINESS**

**RESOLUTION**

Moved: Cr Rocky Stephen

Second: Cr Keith Fell

That the Trustee Council resolve to move out of Closed Business discussions.

**CARRIED UNANIMOUSLY**

**16. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED BUSINESS**

**13. (STANDING AGENDA ITEM) – CORPORATE SERVICES: DOGIT Update (verbal update)**

**RESOLUTION**

Moved: Cr Rocky Stephen

Second: Cr Keith Fell

The Trustee Council notes the verbal update provided by the Chief Executive Officer in relation to DOGIT.

**CARRIED UNANIMOUSLY**

**Action:**

Acting Executive Director Corporate Services, in conjunction with the Chief Executive Officer, to look at possible dates for the Trustee Council to meet with the Queensland Minister for Housing, Local Government and Planning and Minister for Public Works (and the Premier) to discuss DOGIT matters.

➤ *Cr Seriako Dorante made a Declarable Conflict of Interest in relation to Agenda Item 14 as this matter involved a direct family member.*

*Mr Julian Bodenmann (Legal Consultant, Preston Law) recommended that the Trustee Council resolve, pursuant to Section 150ES3 of the Local Government Act 2009, that Cr Dorante not participate in discussion on this matter.*

**RESOLUTION**

Moved: Cr Keith Fell

Second: Cr Francis Pearson

The Trustee Council, pursuant to Section 150ES3 of the *Local Government Act 2009*, resolves that Cr Seriako Dorante not participate in discussion on Agenda Item 14 (CORPORATE SERVICES: Expressions of Interest – Lot 38 on SP 248418, Hammond Island) due to a Declarable Conflict of Interest in relation to Agenda Item 14 (direct family member).

**CARRIED UNANIMOUSLY**

➤ *Cr Seriako Dorante left the meeting at 10.53am.*



**14. CORPORATE SERVICES: Expressions of Interest – Lot 38 on SP 248418, Hammond Island**

**OFFICER RECOMMENDATION:**

*That the Trustee:*

- (a) enters into a conditional agreement to lease with Ilario Sabatino over Lot 38 on SP 248418 ("the Premises"), pursuant to the conditional approval provided by the Trustee in 2013 in respect of Mr Sabatino's expression of interest over the Premises and which the parties have partially progressed;
- (b) delegates to the Chief Executive Officer the power to:
  - (i) negotiate, finalise and execute on behalf of the Trustee, the conditional agreement to lease with Mr Sabatino in respect of the Premises;
  - (ii) notify any other parties that have expressed interest in leasing the Premises of the Trustee's decision.

**RESOLUTION**

*Moved: Cr John Levi*

*Second: Cr Kabay Tamu*

**That the Trustee:**

- (a) enters into a conditional agreement to lease with Mr Ilario Sabatino over Lot 38 on SP 248418 ("the Premises"), pursuant to the conditional approval provided by the Trustee in 2013 in respect of Mr Sabatino's expression of interest over the Premises and which the parties have partially progressed;
- (b) delegates to the Chief Executive Officer the power to:
  - (i) negotiate, finalise and execute on behalf of the Trustee, the conditional agreement to lease with Mr Sabatino in respect of the Premises;
  - (ii) notify any other parties that have expressed interest in leasing the Premises of the Trustee's decision.

**CARRIED UNANIMOUSLY**

- *Cr Seriako Dorante returned to the meeting room at 11.45am, following resolution on the above agenda item.*

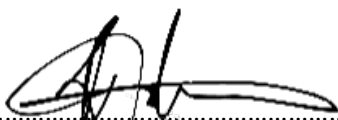
**17. BUSINESS ARISING**

Nil.

**18. Next meeting: 23 January 2024 (TEAMS).**

**19. Closing remarks and Prayer**

The Mayor closed Day 2 of the Trustee Meeting at 1.04pm.



Mr James William  
Chief Executive Officer  
Torres Strait Island Regional Council  
Date: 23 January 2024



Cr Phillemon Mosby  
Mayor  
Torres Strait Island Regional Council  
Date: 23 January 2024