

# AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

SEPTEMBER 2021

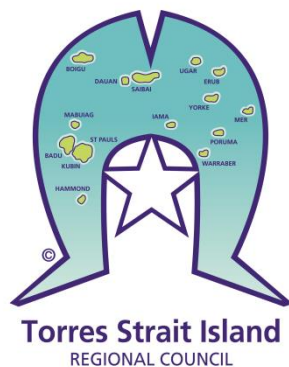
TRUSTEE MEETING

Tuesday 21<sup>st</sup> September 2021

Kirirri (Hammond) Island

**TRUSTEE MEETING**  
**Tuesday 21<sup>st</sup> September 2021**  
**Agenda Items**

- |   |                          |  |
|---|--------------------------|--|
| 1.  | <u>9:00am - 9:03am</u>   | <u>Opening Prayer and Welcome</u>  |
| 2.  | <u>9:03am – 9:05am</u>   | <u>Apologies</u>   |
| 3.  | <u>9:05am - 9:10am</u>   | <u>Declaration of Conflict of Interest (COI) Declarable and Prescribed</u>   |
| 4.  | <u>9:10am – 9:15am</u>   | <u>Confirmation of Trustee Meeting Minutes</u> <ul style="list-style-type: none"><li>• Trustee Meeting – 17<sup>th</sup> August 2021 – Video Conference</li></ul>  |
| 5.  | <u>9:15am – 9:20am</u>   | <u>Outstanding Action Items</u>  |
| 6.  | <u>9:20am – 9:30am</u>   | <u>Standing Agenda Item: (verbal update)</u> <ul style="list-style-type: none"><li>• TRUSTEE – Undocumented commercial land occupation project – verbal update</li><li>• DOGIT Lease - verbal update</li></ul> |
|   |                          |  |
| 7.  | <u>9:30am – 9:45am</u>   | <u>LEGAL – Transfer of St Pauls LHA (Katter) Lease from Dora Alice Uiduldam to Gayai Yamanu Ernest Uiduldam</u>  |
| 8.  | <u>9:45am – 10:00am</u>  | <u>LEGAL – Transfer of St Pauls LHA Lease from Mavis Ware to Wilson Matthew Ned Kris</u>   |
|   |                          |  |
| <b><u>MORNING TEA 10:00am – 10:30am</u></b> |                          |  |
|   |                          |  |
| 9.  | <u>10:30am – 10:50am</u> | <u>LEGAL – Warraber TCHHS sub-lease (Request for consent)</u>  |
| 10.   | <u>10:50am – 11:10am</u> | <u>LEGAL – CEQ Occupancy of Trust Land – Request for exemption of Trustee Lease charge of \$10.80 per square metre</u>   |
| 11.   | <u>11:10am – 11:15am</u> | <u>Next meeting – Tuesday 19<sup>th</sup> October 2021</u>   |
| 12.   | <u>11:15am – 11:20am</u> | <u>Closing Remarks and Prayer</u>  |



# MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

AUGUST 2021

TRUSTEE MEETING

Tuesday 17<sup>th</sup> August 2021

Video Conference

**TRUSTEE MEETING**  
**Tuesday 17<sup>th</sup> August 2021**

**PRESENT:**

Mayor Phillemon Mosby  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Keith Fell, Division 4 – Mabuiag  
Cr Laurie Nona, Division 5 – Badu  
Cr Lama Trinkoon, Division 6 – Kubin  
Cr John Levi, Division 7 – St Pauls  
Cr Seriako Dorante, Division 8 – Kirriri  
Cr Getano Lui, Division 9 – Iama  
Cr Kabay Tamu, Division 10 – Warraber  
Cr Francis Pearson, Division 11 – Poruma  
Cr Hilda Mosby, Division 12 – Masig - Late  
Cr Rocky Stephen, Division 13 – Ugar  
Cr Jimmy Gela, Division 14 – Erub  
Cr Aven Noah, Division 15 – Mer

David Baldwin, Acting Chief Executive Officer  
Hollie Faithfull, Chief Financial Officer  
Ilario Sabatino, Chief Operating Officer  
Adeah Kabai, Acting Chief Engineer  
Peter Krebs, Senior Legal Counsel  
Kathy Cochran, Executive Assistant, Mayor  
Naila Nomoa, Secretariat Officer

**APOLOGY:**

Cr Conwell Tabuai, Division 3 – Saibai  
Ursula Nai, Senior Executive Assistant, CEO

**TRUSTEE MEETING**  
**Tuesday 17<sup>th</sup> August 2021**  
**Agenda Items**

**1.      9:11am - 9:12am                              Opening Prayer and Welcome**

Mayor Mosby welcomed everyone to the meeting and gave thanks and acknowledged our Heavenly Father for his blessings on our lives and families. Mayor also acknowledged traditional owners across Zenadth Kes and the Cairns Region.

Mayor Mosby invited Cr Lui to open the meeting in prayer and Council observed a minute silent for families in sorry business.

9:18am – Mayor Mosby – housekeeping – code of conduct and invited Councillors to read the policies, corporate culture, meeting conduct, conflict of interest, point of order if meeting gets unruly.

Cr Toby asked if Council video conferencing system had a function to notify the Mayor of request to speak be queued.

ACTION: Matter to be referred to IT department for investigation.

**2.      9:27am – 9:30am                              Apologies**

- Cr Conwell Tabuai, Division 3 – Saibai – sorry business in community

**RESOLUTION:**

Moved: Cr Dimas Toby; Second: Cr Keith Fell

**That Council accept the apology of Cr Conwell Tabuai due to sorry business for the Trustee meeting on 17<sup>th</sup> August 2021.**

**MOTION CARRIED**

**3.      9:30am - 9:30am                              Declaration of Conflict of Interest (COI) Declarable and Prescribed**

No declaration made. Mayor Mosby encouraged staff and Councillors to make a declaration at any time.

**4.      9:30am – 9:44am                              Confirmation of Trustee Meeting Minutes**

- Special Trustee Meeting – 14<sup>th</sup> July 2021 – VC

**RESOLUTION:**

Moved: Cr Aven Noah; Second: Cr John Levi

**That the Trustee accepts the Minutes of the Special Trustee meeting held on the 14<sup>th</sup> July 2021, via video conference as a true and accurate account of that meeting.**

**MOTION CARRIED**

- Trustee Meeting – 20<sup>th</sup> July 2021 – lama

**RESOLUTION:**

Moved: Cr Rocky Stephen; Second: Cr Jimmy Gela

**That the Trustee accepts the Minutes of the Trustee meeting held on the 21<sup>st</sup> July 2021 at lama as a true and accurate account of that meeting.**

**MOTION CARRIED**

**5. 9:43am – 10:00am Outstanding Action Items**

Acting Chief Executive Officer, Mr David Baldwin spoke to the report and provided the Trustee with an update on all action item listed on the register.

**ACTION:** Secretariat to include on the agenda for the November 2021 workshop – DOGIT Transfer. Senior Legal Counsel.

**6. 10:00am – 10:04am Standing Agenda Item: (verbal update)**

- *TRUSTEE – Undocumented commercial land occupation project – verbal update*  
Senior Legal Counsel provided the Trustee with a verbal update.

- *DOGIT Lease - verbal update*  
Senior Legal Counsel provided the Trustee with a verbal update.

**7. 10:04am – 10:17am LEGAL – LHA Entitlements – Change of Procedure**

Senior Legal Counsel, Mr Peter Krebs spoke to the report.

**RESOLUTION 1:**

Moved: ; Second:

**NO MOVER OR SECONDER - MOTION LOST**

**That Council resolves to:**

- **Note the change to the process for the grant of LHA (Katter) lease entitlements as outlined in the letter of 13 July 2021 from the Department of Resources to Mayor Mosby,**

**RESOLUTION 2:**

Moved: Cr Getano Lui; Second: Cr Dimas Toby

**That Council resolves to:**

- **Object to the process and authorizes that a formal letter of reply from the Mayor to the Minister responsible for the Department of Resources outlining Councils concerns with a request to a meeting to discuss.**

**MOTION CARRIED**

**ACTION:** Senior Legal Counsel to respond to the letter regarding the LHA Entitlement – change of procedure from the Department and send a copy of the letter to Minister Crawford's office.

8. **10:17am – 10:18am**

**Next meeting – Tuesday 21<sup>st</sup> September 2021**

Mayor Mosby confirmed the next Trustee meeting will be held at Kiriri on Tuesday 21<sup>st</sup> September 2021.

9. **10:18am – 10:19am**

**Closing Remarks and Prayer**

Mayor Mosby thanked everyone for their contrition and declared the Trustee meeting closed.

**Meeting Closed at 10:19am**

.....  
Mr David Baldwin  
Acting Chief Executive Officer  
Torres Strait Island Regional Council  
21<sup>st</sup> September 2021

.....  
Cr Phillemon Mosby  
Mayor  
Torres Strait Island Regional Council  
21<sup>st</sup> September 2021

## Trustee Outstanding Action Items – September 2021

Agenda Item	Action	Lead Officer	Comments	Completion Date
Defence Lease Boigu	Manager Legal Services to conduct further consultation with the Boigu Community on the Defence Lease	Manager Legal Services	Arrangements to be made to hold community meeting after Council OM in September.	Oct 21
Standing Agenda item – DOGIT Transfer verbal update	Senior Legal Counsel to invite Peter Lawrence to speak at Council November workshop.	Senior Legal Counsel	A verbal update to be given by SLC regarding recent meeting with TSRA, DATSIP, Saibai and Ugar PBC's regarding DOGIT transfers	Nov 21
Standing Agenda item – DOGIT Lease verbal update	To note in the Policy the issue of the ownership of the asset.	Senior Legal Counsel	In progress however on hold due to appeal in Ahwang matter	ongoing
Dauan Kiosk divestment	Senior Legal Counsel to follow up with Manager Legal Services regarding the Divestment Policy.	Senior Legal Counsel	MLS advised NTO on applicable TSIRC utility charges on 28/7/21. Awaiting advice from NTO on PBC's financial capacity to pay outgoings associated with its intended use of the Dauan Kiosk	ongoing
Enterprise Divestment	Standing Committee to review the Divestment Policy	Senior Legal Counsel	On hold due to pending Supreme Court decision.	ongoing
LHA transfer	Follow up with Manager Legal Services on the Warraber and Saibai Katter leases.	Senior Legal Counsel	Could not find any outstanding LHA transfers for Warraber or Saibai. Require further information and lot numbers.	ongoing
Opening Prayer and Welcome	Cr Toby asked if Council video conferencing system has a function to notify the Mayor of request to speak be queued.	Manager Information Services	Manager of IT has confirmed that this is not an option with Video Conferencing however it may be an option if Councillor's used Business Connect on their surfaces or send messages via a group chat.	Closed
Outstanding Action Items	Secretariat to include on the agenda for the November 2021 workshop – DOGIT transfer	Senior Legal Counsel	Completed.	Closed
LHA Entitlements	Senior Legal Counsel to respond to the letter regarding the LHA Entitlement – change of procedure from the Department and send a copy of the letter to Minister Crawford's office.	Senior Legal Counsel	Completed. Letter has been signed by Mayor Mosby and forwarded to Minister Crawford's office.	Sept 21



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## TRUSTEE REPORT

---

### COUNCIL TRUSTEE MEETING

**DATE:** 21 September 2021

**SUBJECT:** Transfer of St Pauls LHA (Katter) Lease from Dora Alice Uiduldam to Gayai Yamanu Ernest Uiduldam

**AUTHOR:** Peter Krebs, Senior Legal Counsel

---

### PERSONAL INTERESTS

Councillors are reminded to declare any prescribed or declarable conflicts of interests relating to:

- Dora Uiduldam and Gayai Uiduldam
- Traditional Owner interests at St Pauls

### RECOMMENDATION

*That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld), the Council as Trustee consent to the transfer of the Land Holding Act (Katter) lease 719331037 from Dora Uiduldam to Gayai Uiduldam for 54 Anu Namai Street (Lot 54 on SP256048) on St Pauls.*

### PURPOSE

This report provides information to Council on the application for the transfer of a Katter lease from Dora Uiduldam to Gayai Uiduldam.

As trustee for the St Pauls Deed of Grant in Trust, it is TSIRC's role to provide consent to an LHA lease transfer. This report is for the Trustee to consider providing consent to the lease transfer.

### BACKGROUND

1. The Katter lease for 54 Anu Namai street (Lot 54 on SP256048) was granted to Dora Uiduldam. TSIRC is the lessor of the lease.
2. On 28 June 2021, DATSIP advised TSIRC that Dora Uiduldam wished to transfer her Katter lease to Gayai Uiduldam (**Attachment 1**).
3. The 2013 Act (Section 64) states that a lease may be transferred only to an Aboriginal or Torres Strait Islander person, or a spouse, or former

spouse, of an Aboriginal or Torres Strait Islander person who is deceased, and the lessor must not unreasonably withhold their consent.

### **OFFICER COMMENT**

Since this is a requested transfer to a family member who is eligible, there is no impediment to the transfer by Council.

The Form 18 (**Attachment 2**) needs to be signed by the Mayor to become effective.

### **CONSULTATION**

- Cr John Levi
- CEO
- DATSIP

### **LINKS WITH STRATEGIC PLANS**

Operational Plan:

To be advised

### **STATUTORY REQUIREMENTS**

*Torres Strait Islander Land Act 1991 (Qld)*

*Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)*

*Land Title Act 1994 (Cth)*

### **FINANCE AND RISK**

*Capital Cost*

*NIL*

*Operating Cost*

*NIL*

*Risk Assessment*

*NIL*

### **SUSTAINABILITY**

NA

**CONCLUSION**

As presented.

A handwritten signature in black ink, appearing to read "David Baldwin", with a stylized flourish at the end.

David Baldwin  
**A/CEO**

A handwritten signature in black ink, appearing to read "Peter Krebs", with a stylized flourish at the end.

Peter Krebs  
**Senior Legal Counsel**

**ATTACHMENTS:**

1. Letter dated 28 June 2021 from DATSIP requesting the transfer.
2. General Consent for transfer (FORM 18)



Department of  
**Seniors, Disability Services  
and Aboriginal and Torres  
Strait Islander Partnerships**

Our Ref: LHA SP1/87  
Date: 28 June 2021

Bruce Ranga  
Chief Executive Officer  
Torres Strait Islander Regional Council  
PO Box 7336  
Cairns QLD 4870

Attention: Peter Krebs

Dear Peter

Please find attached a General Consent for a transfer of a Land Holding Act lease, the transferor is seeking Trustee execution by Mayor Mosby or Bruce Ranga as Chief Executive Officer, to progress the transfer.

Details of the transfer are:

- Lot/plan - Lot 54 on SP256048
- Address – 54 Anu Namai Road, Moa Island
- Transferor – Dora Alice Uiduldam
- Transferee – Gayai Yamanu Ernest Uiduldam
- Reason –wishes to transfer the lease to a family member for love and affection

I have enclosed a copy of the signed Form 1 Transfer for reference and a stamped, self-addressed envelope for return of the document. If you have any questions, please don't hesitate to call me on 4252 5117 or 1800 001 931.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Coyle".

John Coyle

**Manager, Home Ownership Team  
Remote Indigenous Land and Infrastructure Program Office  
Infrastructure and Coordination**

Cairns Corporate Tower  
Level 9, 15 Lake Street  
Cairns QLD 4870

Telephone: +61 7 4252 5129  
[www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

ABN: 73882262700

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

COPY

Print one-sided only

1. Interest being transferred (if shares show as a fraction)

TRUSTEE LEASE NO 719331037

Lodger (Name, address, E-mail & phone number) Lodger

Attn: John Coyle  
DATSIP  
PO Box 5461  
Cairns QLD 4870  
FNQCSP@atsip.qld.gov.au  
(07) 4252 5124  
Code  
175

Note: A Form 24 - Property Information (Transfer) must be attached to this Form where interest being transferred is "fee simple" (Land Title Act 1994), "State leasehold" (Land Act 1994) or "Water Allocation" (Water Act 2000)

2. Lot on Plan Description

LOT 54 ON SP256048

Title Reference

51067400

3. Transferor

DORA ALICE UIDULDAM

4. Consideration

FOR NATURAL LOVE AND AFFECTION

5. Transferee

Given names

Surname/Company name and number

(include tenancy if more than one)

GAYAI YAMANU ERNEST

UIDULDAM

6. Transfer/Execution The Transferor transfers to the Transferee the estate and interest described in item 1 for the consideration and in the case of monetary consideration acknowledges receipt thereof. The Transferor declares that the information contained in items 3 to 6 on the attached Form 24 is true and correct. The Transferee states the information contained in items 1, 2, 4 to 6(h) on the attached Form 24 is true and correct. Where a solicitor signs on behalf of the Transferee the information in items 1, 2, 4 to 6(h) on the Form 24 is based on information supplied by the Transferee.

NOTE: Witnessing officer must be aware of their obligations under section 162 of the Land Title Act 1994.

Separate executions are required for each transferor and transferee. Signatories are to provide to the witness, evidence that they are the person entitled to sign the instrument (including proof of identity).

*C. A. Warr*  
*Charlie Albert Warr*  
Witnessing Officer (signature, full name & qualification)



30/05/2021  
Execution Date

*Dora Alice UIDuldam*  
Transferor's Signature

Witnessing Officer (signature, full name & qualification)

Execution Date

Transferor's Signature

Witnessing Officer (signature, full name & qualification)

10/06/2021  
Execution Date

*Gayai Yamanu Ernest*  
Transferee's or Solicitor's Signature

Witnessing Officer (signature, full name & qualification)

Execution Date

\*Transferee's or Solicitor's Signature

(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

\*Note: A Solicitor is required to print full name if signing on behalf of the Transferee and no witness is required in this instance

1. Lot on Plan Description

LOT 54 OF SP256048

Title Reference

51067400

2. Instrument/document being consented to

Instrument/document type TRANSFER OF TRUSTEE LEASE 719331037

Dated

Names of parties DORA ALICE UIDULDAM AS TRANSFEROR, GAYAI YAMANU ERNEST UIDULDAM AS  
TRANSFeree .....

3. Instrument/document under which consent required

Instrument/document type TRUSTEE LEASE .....

Dealing No. 719331037 .....

Name of consenting party TORRES STRAIT ISLAND REGIONAL COUNCIL DEED OF GRANT IN TRUST THE  
GRANTEE TO HOLD THE SAID LAND IN TRUST FOR THE BENEFIT OF ISLANDER  
INHABITANTS AND FOR NO OTHER PURPOSE WHATSOEVER .....

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

.....signature

.....full name

.....qualification

/ /  
**Execution Date**

**Witnessing Officer**

**Mayor/Chief Executive Officer  
Torres Strait Island Regional Council**

**Consenting Party's Signature**

(Witnessing officer must be in accordance with Schedule 1  
of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Mortgagee's Australian Credit Licence (if any)

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see  
the Department's website.

# TORRES STRAIT ISLAND REGIONAL COUNCIL

## TRUSTEE REPORT

---

### COUNCIL TRUSTEE MEETING

**DATE:** 21 September 2021

**SUBJECT:** Transfer of St Pauls LHA Lease from Mavis Ware to  
Wilson Matthew Ned Kris

**AUTHOR:** Peter Krebs, Senior Legal Counsel

---

### PERSONAL INTERESTS

Councillors are reminded to declare any personal interests relating to:

- Mavis Ware, and Wilson Matthew Ned Kris
- Traditional Owner interests at St Pauls

### RECOMMENDATION

*That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld), the Council as Trustee consent to the transfer of the Land Holding Act (Katter) lease 719331043 from Mavis Ware to Wilson Matthew Ned Kris for 99 Ware Street (Lot 33 on SP256048) on St Pauls.*

### PURPOSE

This report provides information to Council on the application for the transfer of a Katter lease from Mavis Ware to Wilson Matthew Ned Kris.

As trustee for St Pauls Island Deed of Grant in Trust, it is TSIRC's role to provide consent to an LHA lease transfer. This report is for the Trustee to consider providing consent to the lease transfer.

### BACKGROUND

1. The Katter lease for 99 Ware Street (Lot 33 on SP256048) was granted to Mavis Ware. TSIRC is the lessor of the lease.
2. On 9 June 2020 and 17 August 2021, DATSIP advised TSIRC that Mavis Ware wished to transfer his Katter lease to Wilson Matthew Ned Kris (**Attachment 1**).
3. The 2013 Act (Section 64) states that a lease may be transferred only to an Aboriginal or Torres Strait Islander person, or a spouse, or former

spouse, of an Aboriginal or Torres Strait Islander person who is deceased, and the lessor must not unreasonably withhold their consent.

### **OFFICER COMMENT**

Since this is a requested transfer to a family member who is eligible, there is no impediment to the transfer by Council.

This matter was originally scheduled to be discussed at the Trustee meeting in October 2020, but the consent form had expired and a new one had to be prepared at the request of the Land Titles office.

The Form 18 (**Attachment 2**) needs to be signed by the Mayor to become effective.

### **CONSULTATION**

- Cr Levi
- CEO
- DATSIP

### **LINKS WITH STRATEGIC PLANS**

Operational Plan:

To be advised

### **STATUTORY REQUIREMENTS**

*Torres Strait Islander Land Act 1991 (Qld)*  
*Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld)*  
*Land Title Act 1994 (Cth)*

### **FINANCE AND RISK**

*Capital Cost*

*NIL*

*Operating Cost*

*NIL*

*Risk Assessment*

*NIL*

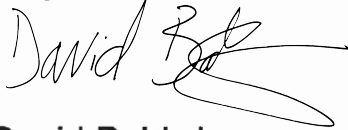


## **SUSTAINABILITY**

NA

## **CONCLUSION**

As presented.

A handwritten signature in black ink, appearing to read 'David Baldwin', with a stylized flourish at the end.

David Baldwin  
**A/CEO**

A handwritten signature in black ink, appearing to read 'Peter Krebs', with a stylized flourish at the end.

Peter Krebs  
**Senior Legal Counsel**

## **ATTACHMENTS:**

1. Letters dated 9 June 2020 and 17 August 2021 from DATSIP requesting the transfer.
2. General Consent for transfer (FORM 18).



Department of  
**Aboriginal and Torres Strait  
Islander Partnerships**

Our reference: SP6/87

Date: 09 June 2020

Bruce Ranga  
Chief Executive Officer  
Torres Strait Island Regional Council  
PO Box 7336  
Cairns, QLD 4870

ATTENTION: Peter Krebs

Dear Peter,

Please find attached a General Consent for a transfer of a Land Holding Act. The transferor is seeking Trustee execution by Mayor Mosby or Bruce Ranga as CEO, to progress the transfer.

Details of the transfer are:

- Lot/plan – Lot 33 on SP256048
- Address – 99 Ware Street, St Pauls
- Transferor – Mavis Ware
- Transferee – Wilson Matthew Ned Kris
- Reason – wishes to transfer the lease to a family member for love and affection

I have enclosed a stamped, self-addressed envelope for return of the document.

If you have any questions please don't hesitate to call me on 4252 5117 or 1800 001 931.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Coyle".

**John Coyle**

Manager, Home Ownership  
Remote Indigenous Land and Infrastructure Program Office  
Department of Aboriginal and Torres Strait Islander Partnerships  
Phone 4252 5117 or 1800 001 931



**Department of Seniors,  
Disability Services, and  
Aboriginal and Torres Strait  
Islander Partnerships**

Our reference: LHA SP6/87  
Date: 17 August 2021

Mr Bruce Ranga  
Chief Executive Officer  
Torres Strait Island Regional Council  
PO Box 7336  
Cairns, QLD 4870

ATTENTION: Peter Krebs

Dear Peter

Please find attached a General Consent for a transfer of a Land Holding Act lease. The transferor is seeking Trustee execution by Mayor Mosby or Bruce Ranga as Chief Executive Officer, to progress the transfer.

Details of the transfer are:

- Lot/plan – Lot 33 on SP256048
- Address – 99 Ware Road, St Pauls
- Transferor – Mavis Kris (formerly Ware)
- Transferee – Wilson Matthew Ned Kris
- Reason – wishes to transfer the lease to a family member for love and affection

I have enclosed a stamped, self-addressed envelope for return of the document.

If you have any questions, please don't hesitate to call me on 4252 5117 or 1800 001 931.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Coyle".

John Coyle

**Manager Home Ownership Team  
Remote Indigenous Land and Infrastructure Program Office  
Infrastructure and Coordination**

Cairns Corporate Tower  
Level 9, 15 Lake Street  
Cairns QLD 4870

Telephone: +61 7 4252 5129  
[www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

ABN: 73882262700

1. Lot on Plan Description

Title Reference

LOT 33 ON SP256048

51067379

2. Instrument/document being consented to

Instrument/document type TRANSFER OF TRUSTEE LEASE 719331043

Dated: 29/07/21

Names of parties MAVIS WARE AS TRANSFEROR AND WILSON MATTHEW NED KRIS AS TRANSFEREE .....

3. Instrument/document under which consent required

Instrument/document type TRUSTEE LEASE

Dealing No. 719331043

Name of consenting party TORRES STRAIT ISLAND REGIONAL COUNCIL DEED OF GRANT IN TRUST THE GRANTEE TO HOLD THE SAID LAND IN TRUST FOR THE BENEFIT OF ISLANDER INHABITANTS AND FOR NO OTHER PURPOSE WHATSOEVER

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument/document identified in item 2.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

.....signature

.....full name

.....qualification

/ /  
Execution Date

**Witnessing Officer**

.....  
**Mayor/Chief Executive Officer**  
**Torres Strait Island Regional Council**  
**Consenting Party's Signature**

(Witnessing officer must be in accordance with Schedule 1  
of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Mortgagee's Australian Credit Licence (if any)

**Privacy Statement**

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

Print one-sided only

COPY

1. Interest being transferred (if shares show as a fraction)

TRUSTEE LEASE NO 719331043

Lodger (Name, address, E-mail & phone number)

Attn: John Coyle

DATSIP

PO Box 5461

Cairns QLD 5870

FNQCSP@datcip.qld.gov.au

(07) 4252 5124

Lodger

Code

175

Note: A Form 24 - Property Information (Transfer) must be attached to this Form where interest being transferred is "fee simple" (Land Title Act 1994), "State leasehold" (Land Act 1994) or "Water Allocation" (Water Act 2000)

2. Lot on Plan Description

LOT 33 ON SP256048

Title Reference

51067379

3. Transferor

MAVIS WARE

4. Consideration

FOR NATURAL LOVE AND AFFECTION

5. Transferee Given names

WILSON MATTHEW NED

Surname/Company name and number

KRIS

(include tenancy if more than one)

6. **Transfer/Execution** The Transferor transfers to the Transferee the estate and interest described in item 1 for the consideration and in the case of monetary consideration acknowledges receipt thereof. The Transferor declares that the information contained in items 3 to 6 on the attached Form 24 is true and correct. The Transferee states the information contained in items 1, 2, 4 to 6(h) on the attached Form 24 is true and correct. Where a solicitor signs on behalf of the Transferee the information in items 1, 2, 4 to 6(h) on the Form 24 is based on information supplied by the Transferee.

NOTE: Witnessing officer must be aware of their obligations under section 162 of the Land Title Act 1994.

Separate executions are required for each transferor and transferee. Signatories are to provide to the witness, evidence that they are the person entitled to sign the instrument (including proof of identity).

Witnessing Officer (signature, full name & qualification)

29/7/21  
Execution Date

Mavis L. Ware  
Mavis Ware  
Transferor's Signature

Witnessing Officer (signature, full name & qualification)

/ /  
Execution Date

Transferor's Signature

Kristel Anna Pukallus JP QVAL 128939  
Witnessing Officer (signature, full name & qualification)

15/06/2021  
Execution Date

Wilson Matthew Ned Kris  
\*Transferee's or Solicitor's Signature

Kristel Anna Pukallus JP QVAL 128939  
Witnessing Officer (signature, full name & qualification)

/ /  
Execution Date

\*Transferee's or Solicitor's Signature

(Witnessing officer must be in accordance with Schedule 1 of the Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

\*Note: A Solicitor is required to print full name if signing on behalf of the Transferee and no witness is required in this instance

COPY



# TORRES STRAIT ISLAND REGIONAL COUNCIL

## TRUSTEE REPORT

<b>TRUSTEE MEETING:</b>	September 2021
<b>DATE:</b>	21 & 22 September 2021
<b>ITEM:</b>	Agenda Item for Resolution by Trustee
<b>SUBJECT:</b>	Warraber TCHHS sub-leases (request for consent)
<b>AUTHOR:</b>	Julia Maurus, Manager Legal Services

---

### Personal Interests

Councillors are reminded to declare any personal interests relating to:

- Torres and Cape Hospital and Health Service (TCHHS)
- the State of Queensland (represented by the Department of Energy and Public Works)
- Traditional owner interests at Warraber

### Recommendation:

The Trustee resolves pursuant to the *Torres Strait Islander Land Act 1991* (Qld) and the *Land Title Act 1994* (Qld) to

- consent to the sub-lease of lease 712724686 (Lease H located within Lot 43 SP270859, Warraber Island) from the Torres and Cape Hospital and Health Service (TCHHS) to the State of Queensland (represented by the Department of Energy and Public Works) on terms consistent with head lease 712724686  
and
- consent to the sub-sublease of lease 712724686 from the State of Queensland (represented by the Department of Energy and Public Works) back to the Torres and Cape Hospital and Health Service (TCHHS) on terms consistent with head lease 712724686  
and
- delegate to the Mayor and/or the Chief Executive Officer the power to execute a General Consent for the sub-lease and sub-sublease.

### Executive Summary:

TCHHS is proposing to sub-lease its lease at Warraber to the Department of Energy and Public Works, to allow DEPW to construct new residential accommodation on the land for TCHHS staff use. DEPW will construct the accommodation and then sub-sublease back to TCHHS to allow TCHHS to occupy and operate the new residential accommodation on the land for TCHHS staff use. The proposed sub-lease and sub-sublease are consistent with the terms of the head lease and are supported by the Divisional Councillor. Council's planning consultant has confirmed that development approval is not required.

**Background:**

1. TCHHS has an existing lease H at Warraber (registered lease number 712724686). This peppercorn lease commenced on 20 October 2009 for a term of 30 years. Lease H is located on Lot 43 SP270859 and is slightly smaller than surveyed Lot 43 SP270859.
2. TCHHS is proposing to sub-lease its lease at Warraber to the Department of Energy and Public Works, to allow DEPW to construct new residential accommodation on the land for TCHHS staff use.
3. Responsibility for the provision and management of public service employee housing has been vested to the Government Employee Housing (GEH) unit of the Department of Energy and Public Works (DEPW). The proposed Sublease is needed to provide legal rights and responsibilities to the DEPW for the provision and management of residential accommodation.
4. DEPW will construct the accommodation and then sub-sublease back to TCHHS to allow TCHHS to occupy and operate the new residential accommodation on the land for TCHHS staff use.
5. GEH/DEPW is funding the delivery of the staff accommodation and will own, manage and maintain the accommodation. The sub-sublease to the Torres and Cape Hospital and Health Service (TCHHS) provides TCHHS the right to occupy DEPW's building and documents TCHHS' obligation to pay rent to DEPW throughout the term of the sub-sublease.

**Comment:**

1. Manager Legal Services has reviewed the existing lease and proposed sub-lease and sub-sublease, and advises as follows:
  - a. Sub-leasing is permitted under the existing Lease H, provided TCHHS has the Trustee's prior written consent (clause 15.1).
  - b. Constructing new residential accommodation on the Lease H area is permitted under the existing lease, provided all approvals are obtained (clause 16).
  - c. Council's planning consultant has confirmed that development approval is not required.
  - d. Council's planning consultant has stipulated that any design for staff housing should avoid the Council sewerlines and manhole in the southeast of the site. This stipulation has been communicated to Crown Law.
  - e. The proposed sub-lease and sub-sublease fit the permitted use for Lease H, namely constructing, operating and maintaining a primary health care centre and employee residential accommodation, and for any other "Government Services Use" reasonably incidental to those purposes (clause 4.1). The terms of the draft sub-lease and sub-sublease reflect this permitted use.
  - f. The proposed sub-lease will be for the remaining term of Lease H, less one day.
  - g. The proposed sub-sublease will expire before the sub-lease.
  - h. The proposed sub-lease and sub-sublease must be over "Lease H on Lot 43 SP270859", not "Lot 43 SP270859", because the area of Lease H is slightly smaller than surveyed Lot 43 SP270859. The sub-leased area must mirror and cannot exceed the head lease area (1,597m<sup>2</sup>).
2. The area of the Trustee Lease on Lot 43 on SP270859 is covered by the Warraber Island Primary Health Care Centre Indigenous Land Use Agreement (ILUA) executed on 29/08/2007 and registered on 11/03/2008. The granting of the Trustee Lease and the construction of the health centre were consented to in this ILUA under the native title non-extinguishment principle. No provision was made for compensation under this ILUA.
3. The Trustee has directed that consent to creating land interests be made on a case-by-case basis only. In this instance, it is recommended the Trustee authorise the Mayor to sign the General Consent for the sub-lease and sub-sublease, with the CEO to sign if the Mayor is unavailable.

**Considerations**  
**Risk Management**

Compliance (land titles)  
Compliance (planning & development)  
Compliance (native title)

Council Finance

Not applicable

**Consultation:**

- Supported by Cr Tamu
- Crown Law
- Torres and Cape Hospital and Health Service

**Links to Strategic Plans:**

TSIRC Corporate Plan 2020–2025

Delivery Pillar: Sustainability

Outcome 8: We manage council affairs responsibly for the benefit of our communities

- 8.1: Effective management of DOGIT Land as a Trustee

**Statutory Requirements:**

*Torres Strait Islander Land Act 1991 (Qld)*

*Native Title Act 1993 (Cth)*

*Land Title Act 1994 (Qld)*

**Conclusion:**

It is recommended that the Trustee consent to the sub-lease and sub-sublease of head lease 712724686 and delegate to the Mayor and Chief Executive Officer each the power to execute a General Consent for the sub-lease and sub-sublease.



**Recommended:**

Julia Maurus  
Manager Legal Services



**Endorsed:**

David Baldwin  
Acting Chief Executive Officer



**TORRES STRAIT ISLAND REGIONAL COUNCIL  
TRUSTEE REPORT**

---

**TRUSTEE MEETING**

**DATE:** 21 September 2021  
**SUBJECT ITEM:** CEQ Occupancy of Trust Land – Request for exemption of Trustee Lease charge of \$10.80 per square metre.  
**AUTHOR:** Peter Krebs, Senior Legal Counsel

---

**RECOMMENDATION**

*That the Trustee resolves to:*

- *Confirm the previous resolution of the Trustee that CEQ must pay the required rental rate of \$10.80 per square metre under a lease as per the resolution of 25 and 26 June 2019, or*
- *Grant the CEQ an exception to the rental rate as per the Trustee resolution of 25 and 26 June 2019 and instead agrees to charge CEQ a rental amount of a peppercorn or (\$ to be advised) per annum.*

**BACKGROUND**

At the Trustee meeting of Council held on 25 and 26 June 2019, the following resolution was passed:

*‘That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, confirm that the following rent methodology applies to the following types of land use:*

***Supermarket***

- ***Commercial/Government (\$10.80 per square metre per annum subject to annual CPI increase. Minimum starting rent of \$6,000 per annum per lease shall apply)***

A letter advising of this resolution was sent to CEQ CEO Mr Ian Copeland on 11 July 2019 (Attachment 1).

At Council's Ordinary meeting at Iama on 21 July 2021, Mr Fred Gela attended a deputation to Council on behalf of CEQ.

Mr Gela gave a power point presentation (Attachment 2) outlining CEQ's operations and then invited council to reconsider its decision to charge CEQ \$10.80 per square metre of the store size. On page 6 of the powerpoint presentation, CEQ estimates that if Council were to insist on the rental charge, this would cost CEQ about \$94,000.00 per year for the stores on Kubin, St Pauls, Masig and Boigu in total.

A formal letter making that request for rent wavier was sent to the TSIRC CEO dated 18 August 2021 (Attachment 3).

#### **OFFICER COMMENT**

In summary, CEQ which is an organization controlled and answerable to the Minister in charge of DATSIP, is basing its request for the wavier of rental charges on the fact that it is a registered charity and a not-for-profit organization which has limited means to pay Council's rental charge.

It has also suggested that if Council insists on the rental charge, then CEQ would have to review its operations in order to remain sustainable which could be interpreted that it may raise the prices in its stores to cover any cost. This could constitute a breach of their terms of reference (Attachment 4), which is as follows:

***“The CEQ board is responsible for ensuring CEQ functions in accordance with the requirements of the Act, with specific focus on ensuring a reliable food supply for communities its services at a fair price.”***

A review of CEQ's annual report for 2020 shows a net profit of about \$7

Million.

The CEQ also pays native title compensation under several ILUA's for leases for its stores and pays the Council a peppercorn rental under an agreement which was before Council changed the rental policy in 2019.

CEQ also asserts that its profits are reinvested into the communities it services, and it also supports the communities by donating to community events and projects. It is also one of the main employers in the region and provides professional training and support to its employees on an ongoing basis.

## **LINK WITH STRATEGIC PLAN**

Corporate Plan

- Effective management of DOGIT land as a Trustee

## **RISK AND SUSTAINABILITY**

- Potential loss of future rental revenue
- Inconsistency of approach if council makes an exemption in this case

## **STATUTORY REQUIREMENTS**

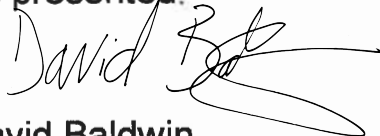
*Local Government Act 2009 (Qld)*

*Torres Strait Islander Land Act 1991 (Qld)*

*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 (Qld)*

## **CONCLUSION**

As presented.



David Baldwin  
A/CEO



Peter Krebs  
Senior Legal Counsel

## **Attachments**

1. Letter from TSIRC CEO to CEQ (IBIS) CEO Mr Ian Copeland dated 11 July 2019 advising of the Trustee resolution regarding the rental charge of \$10.80 per square metre with a minimum of \$6,000.
2. CEQ Powerpoint slides which were presented as part of the CEQ deputation to Council at Iama in July 2021.
3. CEQ letter dated 18 August 2021 requesting a 'peppercorn' rent for its stores.
4. Letter from DATSIP Minister to CEQ Chair dated 20 June 2017 regarding terms of reference for CEQ.



## TORRES STRAIT ISLAND REGIONAL COUNCIL

Lot 12 Francis Road Hammond Island QLD 4875  
p: (07) 4048 6009 f: (07) 4069 1692 e: [records@tsirc.qld.gov.au](mailto:records@tsirc.qld.gov.au)

PO Box 7336 Cairns QLD 4870  
ABN 15 292 645 165

Our Ref: MLS  
Your Ref:

**BY EMAIL** [ian.copeland@ceqld.org.au](mailto:ian.copeland@ceqld.org.au)

11 July 2019

Ian Copeland  
Chief Executive Officer  
Community Enterprise Queensland  
Shop 4, 269-277 Mulgrave Road  
CAIRNS QLD 4870

Dear Ian,

### **TORRES STRAIT ISLAND REGIONAL COUNCIL – TRUSTEE RENT METHODOLOGY - SUPERMARKETS**

At its 25 & 26 June Ordinary Meeting Council made the following resolution, namely:

*That the Trustee, for those communities where Council holds land under Deed of Grant in Trust, confirm that the following rent methodology applies to the following types of land use:*

#### **Supermarket:**

- *Commercial/Government (\$10.80\* per square metre per annum subject to annual CPI increase. \*Minimum starting rent of \$6,000p/a per lease shall apply.)*

Should you have any queries, please contact Peter Krebs, Manager Legal Services, on (07) 4034 5772, fax (07) 4034 5750 or email [Peter.Krebs@TSIRC.qld.gov.au](mailto:Peter.Krebs@TSIRC.qld.gov.au)

Yours faithfully,

**Bruce Ranga**  
Chief Executive Officer

Mr David Baldwin  
Acting Chief Executive Officer  
Torres Strait Island Regional Council  
PO Box 7336 Cairns Q 4870

via email: [david.baldwin@tsirc.qld.gov.au](mailto:david.baldwin@tsirc.qld.gov.au)

Dear David

### **Torres Strait Island Regional Council – CEQ Occupancy of Trust Land**

I refer to recent deputation 21 July 2021 attended to by CEQ GM Stakeholder Engagement Fred Gela who sought an exemption of the Trustee Lease charges of \$10.80 per square metre.

CEQ understands that TSIRC has implemented a new billing regime for land management issues where commercial/government use is subjected to a fee of \$10.80 per square meter per annum.

As stated in TSIRC's earlier correspondence dated 10 May 2019, CEQ has a number of Indigenous Land Use Agreements (ILUAs) in place with a number still to be formalised. CEQ / IBIS has and always will consult with Council and Native Title bodies to ensure the best outcomes for the people of the Torres Strait. IBIS as a member and stakeholder of Torres Strait communities has a fundamental understanding of the community and culture. It is not IBIS's wish to distance the Council from any land matters of which the Council is also a key stakeholder.

With regard to rent for IBIS stores of which there is no formal land tenure arrangements, IBIS would like to put forward the following:

- IBIS is a not-for-profit registered charity with the Australian Charities and Not-for-Profits Commission; and
- IBIS is un-funded from government – surviving on its own revenues;

Whilst it is acknowledged that IBIS has a foundation in statute, IBIS receives no re-current funding from government. IBIS also does not earn a commercial return on its asset base. This is evident from published figures which demonstrate the social margins that IBIS operates within.

Community Enterprise Queensland's reinvestment strategies are underpinned and guided by its functional responsibility defined in Part 7A Community Enterprise Queensland, 60B Function under clauses (a), (b) and (c) of the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984.

Operating surplus's labelled 'profit' earned by IBIS is reinvested within the Torres Strait Region delivering the following Regional outcomes;

CORPORATE SERVICE OFFICE FOR:



- Improvements in capital – a recent initiative including the large scale Erub redevelopment forecast for 2019/2020;
- Past expenditures include the improvements in refrigeration at all outer island stores (Planned and reactive maintenance schedules);
- Creation of employment opportunities – helping to address the unemployment levels within communities;
- Continuity of retail services in communities that would not be able to operate in isolation from the conglomerate business model and benefit from our fair pricing structure across the entirety of our business; and
- Community 'Giving Back' initiatives i.e. Donations & Sponsorships and Promotional Sales.

IBIS has a long history of working with traditional owners and the Council in the Torres Strait. IBIS continues to make its compensation payments in accordance with ILUA requirements, understanding and honouring the strong commitment made by the native title owners to IBIS stores. IBIS would hope that this commitment to the store operations is continued in the future.

As mentioned previously, IBIS is a registered charity and this provides IBIS with various exemptions from state and federal taxes and levies. As you are aware, IBIS through its operations provides the Torres Strait community with access to essential services including a wide range of food, drinks and household items essential for a healthy life at a fair price. Fundamental to IBIS is the development of community and various training services provided to staff. Any significant change in cost structure would require a further review of IBIS operations in order for IBIS to remain sustainable.

To sum up, IBIS, as a registered charity and not-for-profit, is requesting that rents payable to the Council remain as peppercorn, similar to church leases whom it is understood are also registered charities. IBIS receives no re-current funding from the State or Federal governments associated with its operations.

Should you require any further information, please contact Mr Ian Copeland of this office on 0419 784 497.

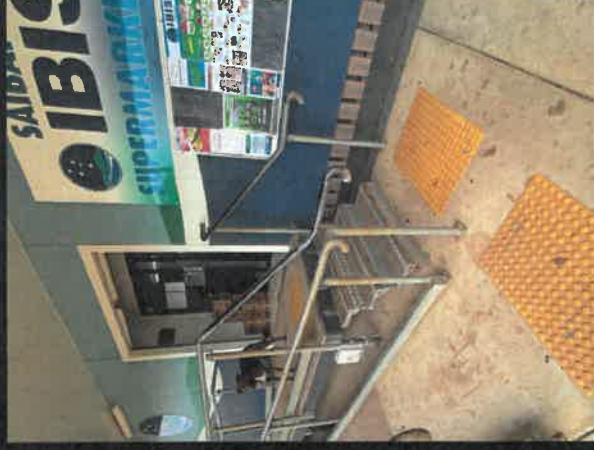
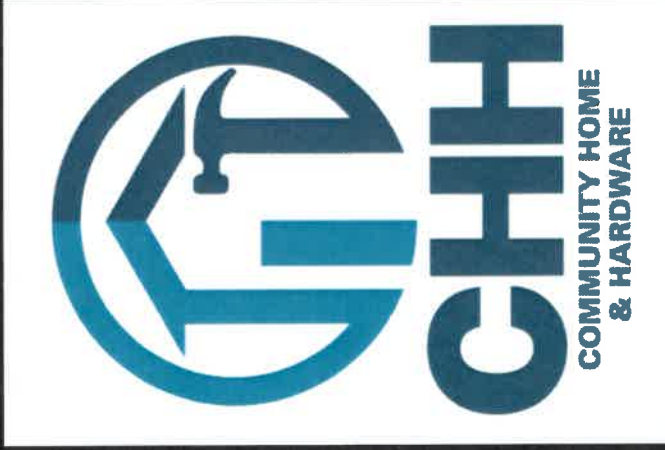
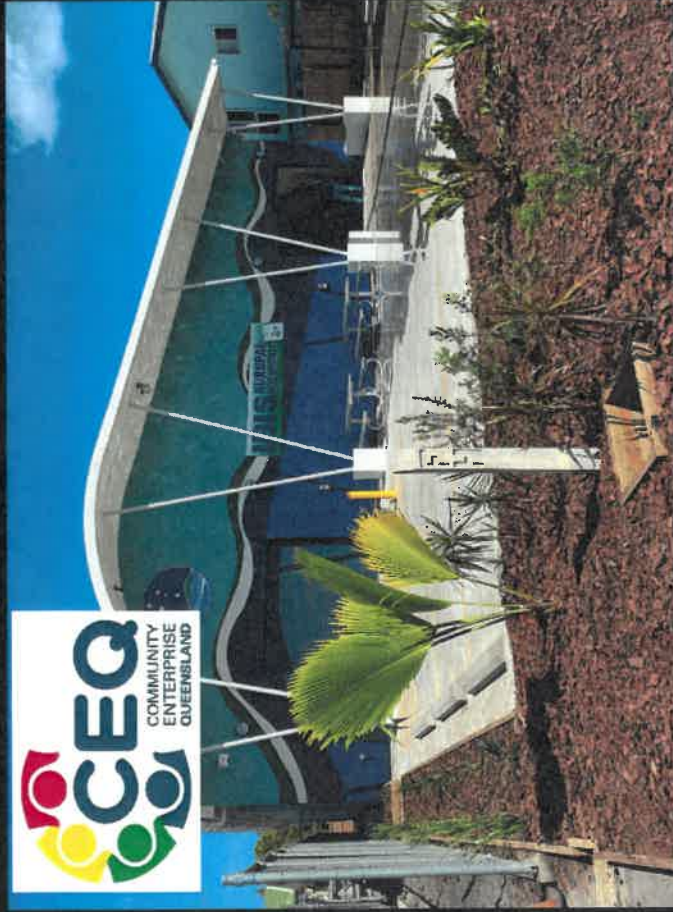
Yours sincerely



Fred Gela  
General Manager Stakeholder Engagement  
Community Enterprise Queensland

18 August 2021







# IIB - CEQ

2

Aboriginal & Torres Strait Islander Communities (Justice, Land & Others Matters) Act 1984 Part 7A

Division 1. Transition 60A

Functions 60B (a,b,c)

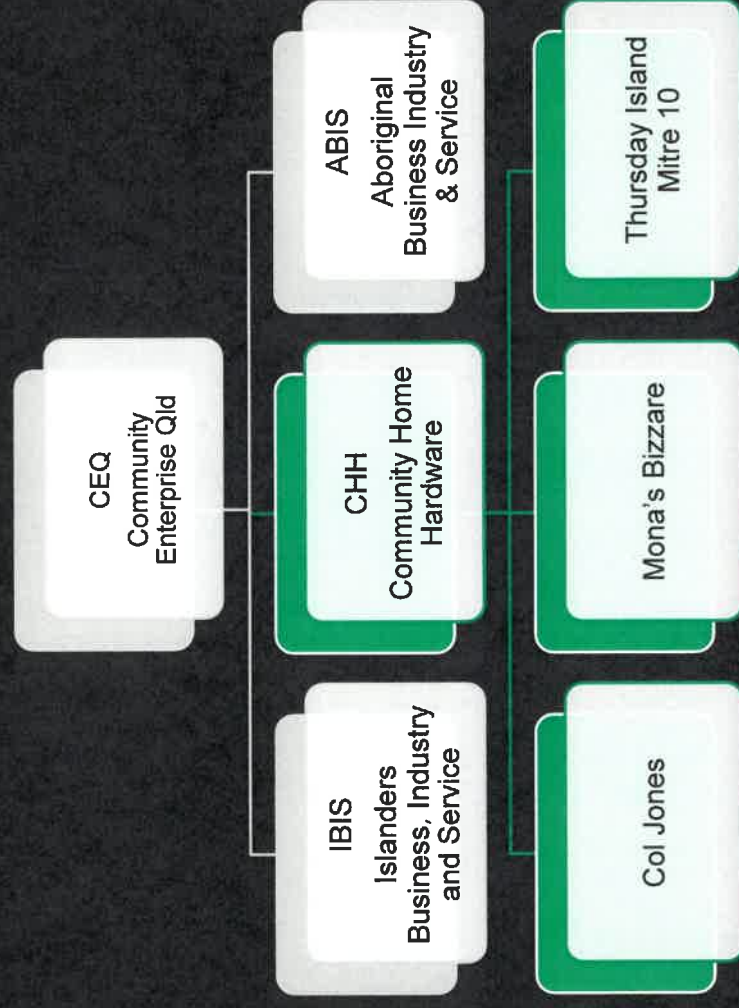
Division2. Role of Board 60DA

Board Appointment 60DB

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'

# CEQ OPERATIONAL STRUCTURE

3



'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'





# Operational Footprint

## IBIS SUPERMARKETS



## ABIS SUPERMARKETS

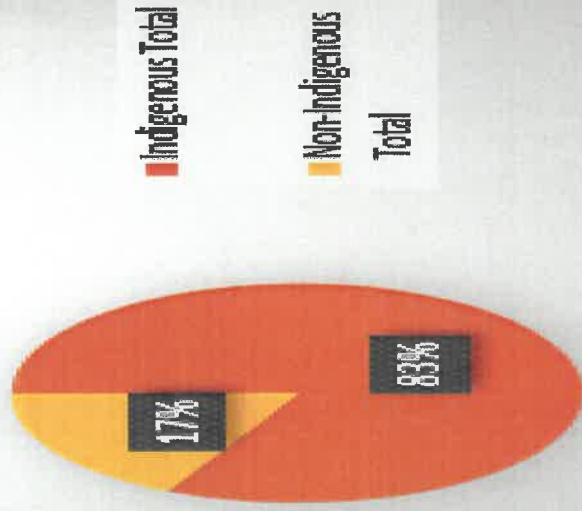


'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'

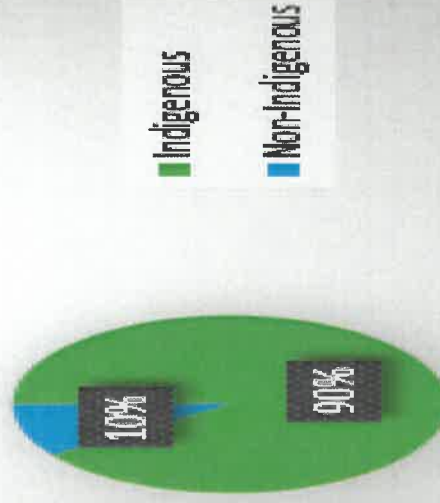


# CEQ Staffing Model

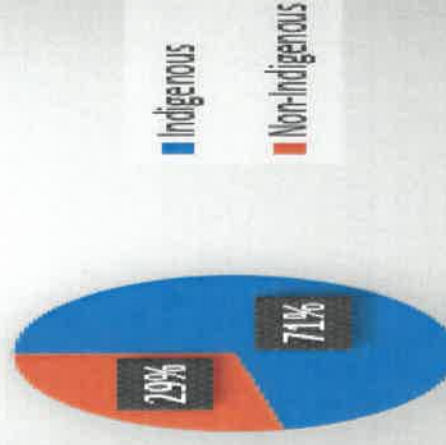
5 ABIS Stores



19 Islanders Board of Industry & Service Stores



2 Community Home & Hardware Stores



'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'

# LEASING

Store	Store Area	Trustee <u>Lease@ \$10.80m2 per annum</u>	Trustee <u>Lease@ \$10.80m2 x 40yrs</u>	Compensation Under Regional ILUA to PBC's per annum	Compensation Under Regional ILUA to PBC's x 40 yrs
Kubin	1,278m2	\$13,802.40	\$552,096.00	\$2,612.85	\$104,514.08
St. Paul's (Lot 152 SP256048)	4,365m2	\$47,142.00	\$1,885,680.00	\$3,757.82	\$150,313.14
Iama (Lot 8 SP270867)	706m2	\$7,624.80	\$304,992.00	\$1,828.11	\$73,124.71
Masig (Lot 119 SP277431)	691m2	\$7,462.80	\$298,512.00	\$1,799.28	\$71,971.49
Masig Service Station (part of Lot 196 SP277431)	Unsurveyed but total area is 4,695m2	Area TBC Min \$6,000.00	\$240,000.00	\$3,848.43	\$153,937.52 (on the total area)
Boigu (Lot 8 SP273190)	508m2	\$5,486.40 Defaults to min \$6,000.00	\$240,000.00	\$1,447.55	\$57,902.29
Boigu (Lots 9 SP273190 & 8)	697m2+508m2=1,205m2	\$13,014.00	\$520,560.00	\$2,463.32	\$98,532.85
		Subtotal min excl Boigu Lot 9 & Masig fuel site TBC = \$94,032.00 per annum	Subtotal min excl Boigu Lot 9 & Masig fuel site TBC over 40yrs = \$3,521,280.00	Subtotal min excl Boigu Lot 9 = \$15,294.04 per annum	Subtotal excl Boigu Lot 9 min over 40yrs = \$611,763.23

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'



# FOOD SECURITY & PRICING INQUIRY

## Indigenous Affairs Committee tables its report on food pricing and food security in remote communities

**Issue date:** Monday, 7 December 2020



### Media Release

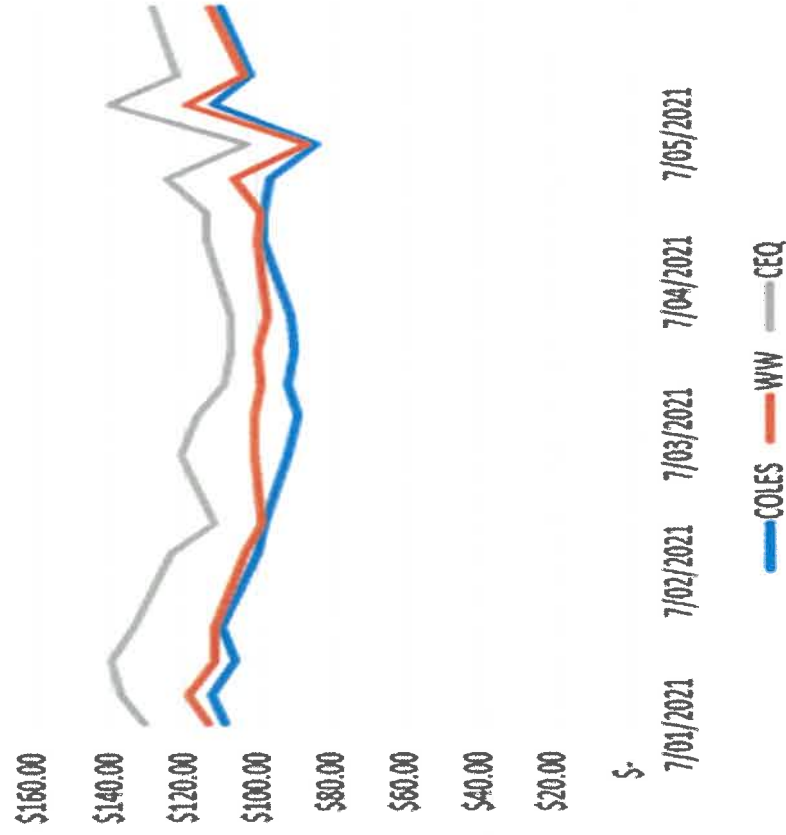
The Indigenous Affairs Committee has today tabled its report on food pricing and food security in remote Indigenous communities.

The report finds that food costs are very high in many remote communities, reinforcing long-held concerns regarding food security for Aboriginal and Torres Strait Islander Australians who are living remotely, however it did not find evidence of systemic price-gouging taking place in remote community stores.

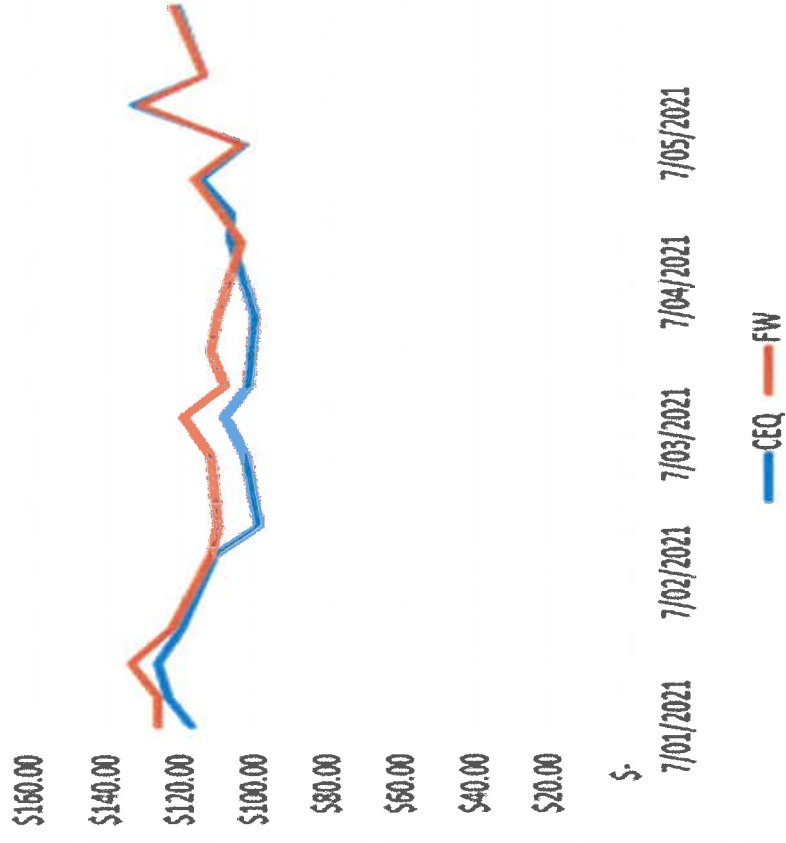
'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'

# MARKET PRICING TRENDS

Price comp FV WW & Coles



CEQ vs Foodworks FV





# Pricing

## Produce Competition Check, 07/07/2021

	CEQ		WW	Variant	Colas	Variant	Comments		CEQ	FW	Variant	Comments
APPLES ROYAL GALA	\$ 4.69		\$3.00	\$1.69	\$2.90	\$1.79			\$ 4.69	\$6.99	-\$2.30	
BROCCOLI	\$ 6.99		\$4.90	\$2.09	\$6.90	\$0.09			\$ 6.99	\$4.89	\$2.10	
CAPSICUM RED	\$ 5.99		\$4.50	\$1.49	\$3.50	\$2.49			\$ 5.99	\$4.99	\$1.00	
CAULIFLOWER	\$ 5.99		\$4.90	\$1.09	\$4.90	\$1.09			\$ 5.99	\$1.99	\$4.00	
CELERY	\$ 3.99		\$3.50	\$0.49	\$3.50	\$0.49			\$ 3.99	\$3.99	\$0.00	
CUCUMBER CONTINENTAL	\$ 3.29		\$3.00	\$0.29	\$2.90	\$0.79			\$ 3.29	\$2.99	\$0.30	
CUCUMBER LEBANESE	\$ 11.99		\$10.90	\$1.09	\$10.90	\$1.09			\$ 11.99	\$14.99	-\$3.00	
ESCHALOTS	\$ 3.99		\$2.50	\$1.49	\$2.50	\$1.49			\$ 3.99	\$2.99	\$1.00	
HAVEL ORANGES	\$ 3.69		\$3.00	\$0.69	\$3.90	-\$0.21			\$ 3.69	\$5.99	-\$2.30	
LEMON	\$ 3.99		\$3.50	\$0.09	\$3.90	\$0.09			\$ 3.99	\$4.89	-\$0.90	
MELON ROCK	\$ 4.49		\$3.00	\$1.49	\$2.90	\$1.59			\$ 4.49	\$2.99	\$1.50	
MELON SEEDLESS	\$ 2.29		\$1.90	\$0.39	\$2.00	\$0.29			\$ 2.29	\$0.99	\$1.30	
ONIONS BROWN BIG	\$ 3.89		\$2.50	\$1.39	\$1.50	\$2.39			\$ 3.89	\$3.29	\$0.60	
ONIONS BROWN LOOSE	\$ 2.99		\$3.00	-\$0.01	\$3.00	-\$0.01			\$ 2.99	\$1.99	\$1.00	
ONIONS RED LOOSE	\$ 3.99		\$3.50	\$0.49	\$3.50	\$0.49			\$ 3.99	\$4.99	-\$1.00	
PEARS GREEN	\$ 4.29		\$2.90	\$1.39	\$2.90	\$1.39			\$ 4.29	\$3.99	\$0.30	
PINEAPPLE TOPLESS	\$ 4.49		\$3.90	\$0.59	\$2.80	\$1.69			\$ 4.49	\$5.99	-\$1.50	
POTATO SWEET GOLD	\$ 3.99		\$2.00	\$1.99	\$2.00	\$1.99			\$ 3.99	\$2.99	\$1.00	
POTATOES WASHED 2KG	\$ 7.99		\$7.00	\$0.99	\$7.00	\$0.99						Not ranged
POTATOES WASHED LOOSE	\$ 3.99		\$4.00	-\$0.01	\$4.00	-\$0.01			\$ 3.99	\$2.99	\$1.00	
PUMPKIN JAP	\$ 2.49		\$3.50	-\$1.01	\$3.50	-\$1.01			\$ 2.49	\$1.49	\$1.00	
TOMATOES CHERRY	\$ 3.99		\$3.00	\$0.99	\$3.90	\$0.09			\$ 3.99	\$4.99	-\$1.00	
ZUCCHINI	\$ 4.99		\$6.90	-\$1.91	\$4.90	\$0.09			\$ 4.99	\$7.99	-\$3.00	
	\$108.47		\$91.20	\$17.27	\$89.30	\$19.17			\$100.48	\$99.38	\$1.10	

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'



# Pricing

11



**IBIS**  
INSTITUTE OF BUSINESS & INDUSTRY & SERVICE

**SPECIALS**

<p><b>\$3.99</b> Save \$1.00 12.1L x 12.1L Concordia Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$3.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$3.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$6.99</b> Save \$1.40 12.1L x 12.1L Uncle Tobin's Oats 1kg</p>	<p><b>\$9.99</b> Save \$1.17 12.1L x 12.1L Uncle Tobin's Oats 1kg</p>
<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>
<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>	<p><b>\$8.99</b> Save \$1.00 12.1L x 12.1L Impressional Pasta &amp; Sauce 145-170g Varieties</p>

Offers available 19th July to 1st August 2021

<p><b>\$24.49</b> kg Red Saffron 250g</p>	<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$16.49</b> kg Large Shrimps 500g</p>	<p><b>\$2.99</b> kg Buttered Potatoes 1kg</p>	<p><b>\$2.49</b> kg Maple Syrup 1kg</p>	<p><b>\$5.99</b> each Cauliflower 1kg</p>
<p><b>\$2.29</b> kg Watermelon 1kg</p>	<p><b>\$3.99</b> kg Mandarin 1kg</p>	<p><b>\$6.99</b> kg Tomato 1kg</p>	<p><b>\$2.99</b> kg Buttered Potatoes 1kg</p>	<p><b>\$2.49</b> kg Maple Syrup 1kg</p>	<p><b>\$5.99</b> each Cauliflower 1kg</p>



**IBIS**  
INSTITUTE OF BUSINESS & INDUSTRY & SERVICE

**Everyday**

"Save on the things you need for you and your family"

**LOW PRICE**

**\$14.99**  
kg  
Carnival Silverfish  
500g

**LOW PRICE**

**\$2.60**  
kg  
Maple Syrup  
1kg

<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$2.60</b> kg Maple Syrup 1kg</p>	<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$2.60</b> kg Maple Syrup 1kg</p>
<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$2.60</b> kg Maple Syrup 1kg</p>	<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$2.60</b> kg Maple Syrup 1kg</p>
<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$2.60</b> kg Maple Syrup 1kg</p>	<p><b>\$14.99</b> kg Carnival Silverfish 500g</p>	<p><b>\$2.60</b> kg Maple Syrup 1kg</p>

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'





12

# CAPEX PROGRAM

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'



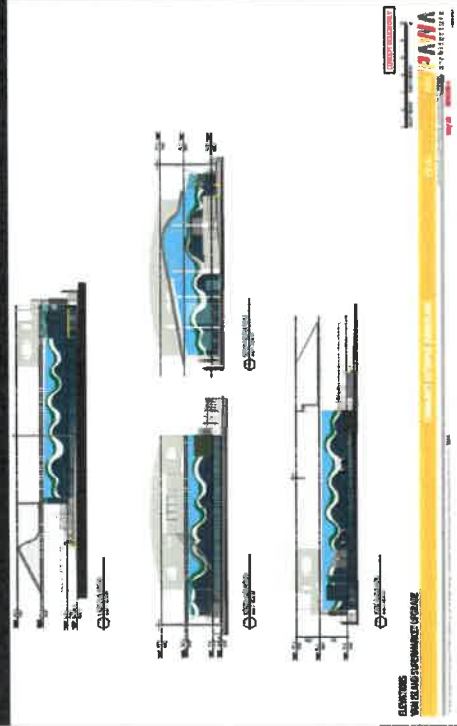
# ERUB ISLAND STORE

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'



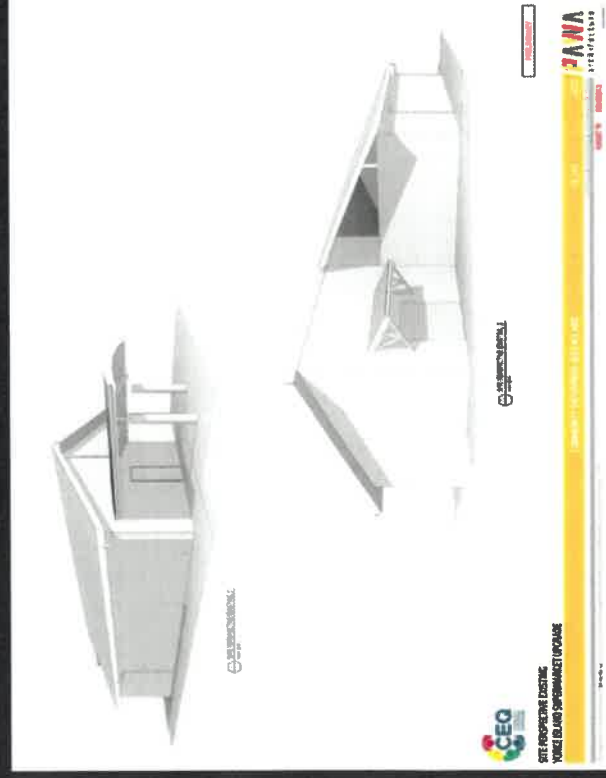
[illegible]

## COVER SHEET



14 To be the leading independent retailer, employer & economic partner operating in remote & regional communities'

# MASIG ISLAND STORE

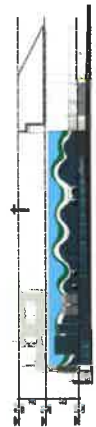
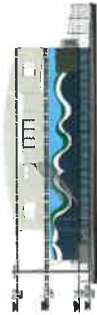
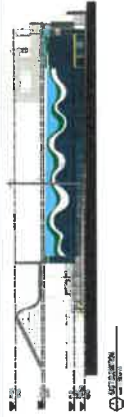


'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'





PORUMA ISLAND SUPERMARKET UPGRADE  
TORRES STRAIT, QLD



# PORUMA ISLAND STORE

‘To be the leading independent retailer, employer & economic partner  
operating in remote & regional communities’



# BOIGU SUPERMARKET

‘To be the leading independent retailer, employer & economic partner operating in remote & regional communities’

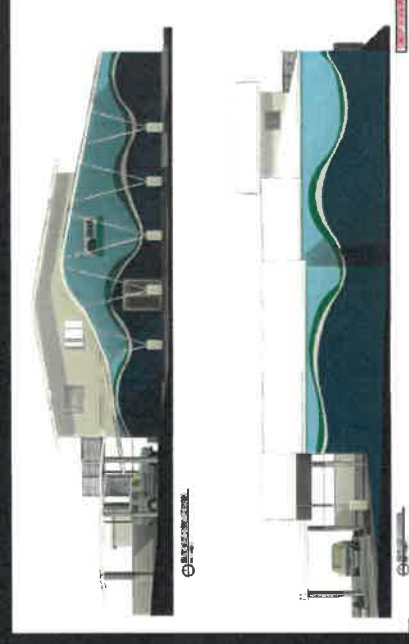
PROPOSED BOIGU ISLAND SUPERMARKET UPGRADE  
TORRES STRAIT, QLD





# KUBIN STORE

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'





# ST. PAUL'S STORE

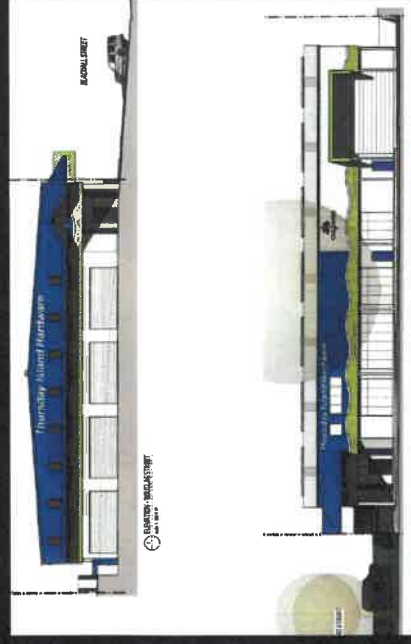
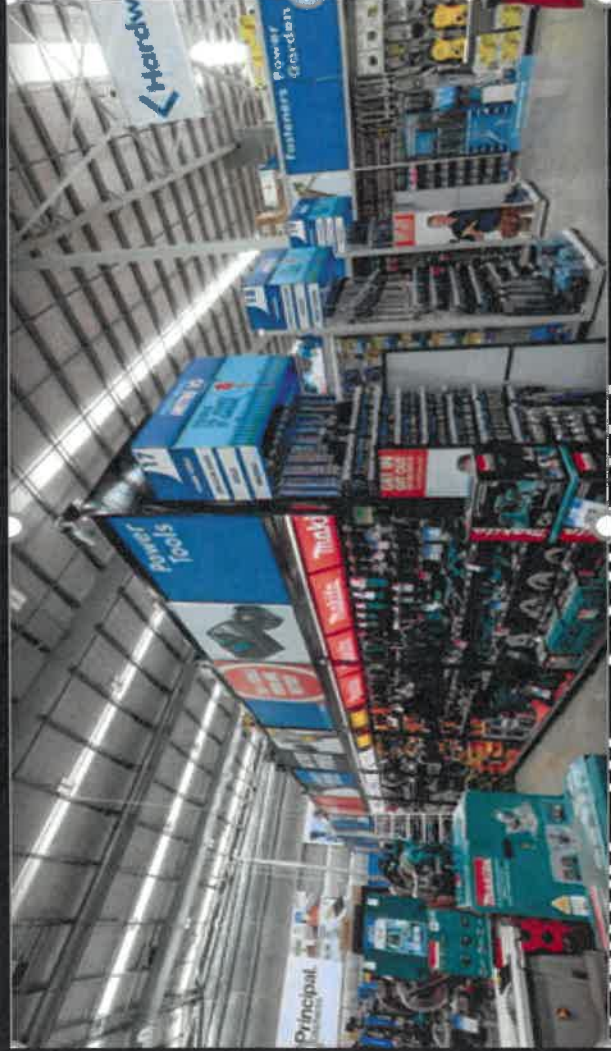
'To be the leading independent retailer, employer & economic partner  
operating in remote & regional communities'





# TI MITRE 10 & COL JONES WAREHOUSE

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'







# THANK YOU!

'To be the leading independent retailer, employer & economic partner operating in remote & regional communities'



Minister for Local Government and  
Minister for Aboriginal and Torres Strait Islander Partnerships

Our ref: DATSIP 03044-2017

20 JUN 2017

Mr Nigel Tillett  
Chairman  
Community Enterprise Queensland Board of Management  
379 Spence Street  
CAIRNS QLD 4870

1 William Street, Brisbane Qld 4000  
PO Box 15009, City East Qld 4002  
Telephone +61 7 3719 7420  
Emails [local.government@ministerial.qld.gov.au](mailto:local.government@ministerial.qld.gov.au)  
[atsip@ministerial.qld.gov.au](mailto:atsip@ministerial.qld.gov.au)  
Websites [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au)  
[www.datsip.qld.gov.au](http://www.datsip.qld.gov.au)

ABN 65 959 415 158

Dear Mr Tillett

I am writing in accordance with s.60VB of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (the Act).

In accordance with the Act, and in the public interest, I am providing the Community Enterprise Queensland Board of Management (CEQ Board) with a written direction:

I require the CEQ Board to seek approval of the Portfolio Minister in regards to:

- a. significant decisions relating to the scoping of commencement of operations in a new location or negotiations on potential new business acquisitions
- b. significant decisions relating to potential closure of an existing operation.

In accordance with s.60VA of the Act I also direct the CEQ Board to provide a written quarterly report to the portfolio minister on the performance of CEQ's core functions as defined by s.60B of the Act, CEQ financial activities and status, business operations, and community engagement. I also direct on a six-monthly basis a workforce report detailing employee profile information (gender, management vs operational, employee diversity, training and development statistics). The format of these reports will be provided to the CEQ Board by the Department of Aboriginal and Torres Strait Islander Partnerships.

The Board must publish this direction in accordance with the requirements of s.60VB(5) of the Act. I ask that you table this direction at your next board meeting.

The above reports recognise that CEQ is a substantial enterprise and employer in the regions it operates. The information provided will assist me in my role as Minister for Aboriginal and Torres Strait Islander Partnerships in communicating with my Government colleagues and stakeholders about CEQ's operations and successes.

I thank the CEQ Board for the Terms of Reference (Attachment 1) provided to me for approval and confirm my approval. The Terms of Reference provide the CEQ Board with clear operating procedures and principles, and will help guide the CEQ Board in this next exciting phase of the delivery of services to remote and very remote Aboriginal and Torres Strait Island communities.

If you require any further information or assistance in this matter, please contact my Chief of Staff, Louise Foley on 3719 7420 or at [louise.foley@ministerial.qld.gov.au](mailto:louise.foley@ministerial.qld.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "M. Furner". The signature is written in a cursive style with a large, stylized "M" and a trailing flourish.

**MARK FURNER MP**  
**Minister for Local Government and**  
**Minister for Aboriginal and Torres Strait Islander Partnerships**

Enc.

# COMMUNITY ENTERPRISE QUEENSLAND BOARD OF MANAGEMENT

## TERMS OF REFERENCE

### Establishing Legislation

Community Enterprise Queensland (CEQ) is established under Part 7A of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (the Act). The Board of Management is established under s. 60D of the Act.

### Purpose of Board

The purpose of the board is to oversee CEQ's functions in line with the requirements of the Act; provide direction to its operations, governance and accountability; develop and implement a growth strategy; and provide advice on its operations to the Minister for Aboriginal and Torres Strait Islander Partnerships.

### Responsibilities of the Board of Management

The board is responsible for:

- Ensuring CEQ functions in accordance with the requirements of the Act, with specific focus on ensuring a reliable food supply for communities its services at a fair price.
- Deciding CEQ's strategies for performing its functions and deciding the operational, administrative and financial policies under which CEQ is to operate.
- Ensuring CEQ acts under, and achieves the objectives in, approved strategy and policies with a focus on achieving growth and applying any operating surplus or assets to promote, support and improve its services and the general welfare, of the Aboriginal and Torres Strait Islander residents in remote and very remote Queensland.
- Reporting to the Minister about the performance of CEQ's functions and the exercise of its powers.
- Determining remuneration package and appointing the chief executive officer.
- Reviewing annually the performance of the chief executive officer (CEO).

### Power of the Board of Management

The Board of Management has powers in accordance with s. 60C of the Act. Noting the Minister has the power to direct the Board in accordance with s. 60 VB, the Board of Management is required to consult with the Minister prior to commencement of any actions in relation to significant decisions which impact on Government policy. Such examples may include, but are not limited to:

- providing advice and seeking approval of the Minister prior to scoping of commencement of operations in new locations
- providing advice and seeking approval of the Minister prior to scoping and negotiation on potential new business acquisitions

The Board of Management has approval authority on:

- a) Matters relating to the strategic direction of CEQ in line with Government priorities and outcomes of Ministerial consultation as appropriate; and
- b) Operational, financial and administrative matters and policies of CEQ as outlined in the Act;
- c) Engagement and review of performance of the CEO.

## Structure of Board of Management

The Board of Management has up to 10 members including the Chair.

Composition of the Board is in accordance with s. 60 DB of the Act.

The Board of Management may establish Sub Committees to report to the Board of Management on issues such as, but not limited to:

- Financial, Risk, Governance and Audit
- Health and Safety
- Community Engagement
- Business development
- Employment and training

The Board of Management shall elect a Deputy Chair at its first meeting. The Deputy Chair will assume the responsibilities of the Chair in their absence.

## Role and responsibilities of the Chair

The Chair of the Board of Management is appointed by Governor in Council in accordance with the requirements of the Act. In meeting the responsibilities of the Board, the Chair will:

- Chair the meetings of the Board
- Provide leadership to the Board
- Enable a respectful and professional culture where open discussions are facilitated ensuring CEQ issues are addressed
- Monitor the performance of the Board
- Mentor current and potential future Board members as required
- Ensure governance protocols are observed, including being alert to conflicts of interest
- Ensure Board records are maintained
- Consult with the Minister on significant issues

## Responsibilities of Members

- attend and actively contribute at board meetings and sub-committee meetings;
- provide input and feedback on development of strategy, operational policy and procedure;



- adhere to corporate governance requirements, including being alert to conflicts of interest;
- undertake tasks relating to the functions of the board at the request of the Chair;
- travel to meetings if necessary;
- Model values and behaviours expected of CEQ employees; and
- Nominate for sub-committees commensurate with skills.

### Meeting Frequency

- There are generally a minimum of 10 board meetings per year and up to six sub-committee meetings per year. Board meetings are generally a full day while sub-committee meetings are half a day.
- A notice of each meeting confirming the date, time, and venue will be forwarded to each member at least three weeks prior to the meeting date with the call for agenda items.
- A member of the CEQ board is taken to have vacated office as a board member if they are absent without the board's permission from three consecutive board meetings where notice of the meeting has been given; or absent in any period of six months without board permission from all board meetings where notice of the meeting has been given (s.60 I).

### Operations of the Board

- The Chair has the ability to call a meeting.
- In addition to appointed members, the Board may invite presenters on specific areas of expertise.
- An observer nominated by the Department of Aboriginal and Torres Strait Islander Partnerships will also attend all meetings.
- The CEO of CEQ may attend meetings as an observer.
- A Quorum is achieved when at least half the total number of Board members are in attendance (s. 60M).
- Board meetings are held in Cairns in person and with the assistance of technology for board members based out of Cairns. Some board meetings are held in the locations in which stores operate.
- A yearly meeting schedule is to be circulated to all members by the secretariat.
- Minutes will be kept for each meeting. The minutes will capture decisions of the Board, actions and recommendations. Minutes are to be reviewed and confirmed at the next meeting.
- The Board may request advice from relevant experts as required to make a decision.

### Secretariat

- All records, including agenda, minutes and any reports or recommendations will be prepared by the secretariat.
- The secretariat will circulate a call for agenda items at least three weeks prior to the next meeting date and will nominate a date for receipt of items.
- The Board may determine regular standing items for the agenda such as (but not limited to) CEO update or CFO update.



- The secretariat will liaise with the Chair on preparation of meeting agendas and any associated papers.
- The secretariat will circulate meeting agenda, follow up action items and papers to Board members at least one week prior to the next meeting date.
- The secretariat will attend meetings to take minutes.
- Draft minutes are to be finalised in consultation with the Chair and circulated to members within one week post meeting date.

## Code of Conduct

- All members are required to adhere to the CEQ Code of Conduct, and have particular attention to any issues of conflict of interest.

## Confidentiality and conflicts of interest

Members of the Board of Management should adhere to the CEQ Code of Conduct in relation to confidentiality of matters discussed by the group.

Members of the Board of Management will also not participate in discussions on any issues in respect of which there is an actual or perceived conflict of interest. These conflicts should be recorded in the minutes.

## Review Performance

The Board of Management will perform an annual evaluation of its performance and provide that information to the Minister for consideration.

The Board of Management will review its terms of reference on a regular basis to ensure relevance and currency against the current and future needs of the Queensland Government relevant to CEQ's legislative mandate.