

AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

April 2022

TRUSTEE MEETING

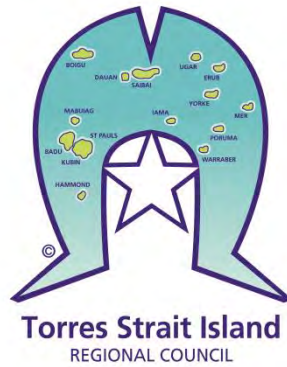
Wednesday, 20th April 2022

Video Conference

TRUSTEE MEETING
Wednesday, 20th April 2022
Agenda Items

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|-----|--------------------------|--|
| 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">• Trustee Meeting – 22nd March 2022 |
| 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">• Undocumented commercial land occupation project – verbal update• DOGIT Transfers – Verbal Update |
| 7. | <u>9:30am – 9:50am</u> | <u>LEGAL – LHA lease transfers: Warraber Lot 8 and Lot 81 SP270859</u> |
| 8. | <u>9:50am – 10:10am</u> | <u>LEGAL – TCHHS lease St Pauls (Lot 36 on SP256048)</u> |
| 9. | <u>10:10am – 10:15am</u> | <u>Next meeting – Monday, 16th May 2022</u> |
| 10. | <u>10:15am – 10:20am</u> | <u>Closing Remarks and Prayer</u> |

MORNING TEA 10:20AM – 10:35AM



Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

March 2022

TRUSTEE MEETING

Tuesday, 22nd March 2022

Video Conference

TRUSTEE MEETING

Tuesday 22nd March 2022

PRESENT

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Keith Fell, Division 4 – Mabuiag
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Hilda Mosby, Division 12 – Masig (Yorke)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)
Cr Aven Noah, Division 15 – Mer (Murray)

STAFF:

Mr James William, Chief Executive Officer (CEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr David Baldwin, Executive Director, Engineering Services (EDES)
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)
Mr Peter Krebs, Manager Legal Services (MLS)
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)
Ms May Mosby, Acting Secretariat Officer (ASO)

Note: Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS) – to dial in later in the day

9:05am - 9:10am**Opening Prayer and Welcome**

Mayor Mosby established a quorum and opened the meeting with a welcome and acknowledged and paid respects to the following:

- Our Heavenly father for his awesome wisdom, knowledge and understanding upon our lives and his blessings upon our families, this organisation and our region of Zenadth Kes
- Traditional Owners of this land we are dialling in from
- All Elders, past, present, and emerging
- Executive Team

Mayor Mosby opened the meeting in a word of prayer.

One minute's silence was observed.

Mayor Mosby provided a quick update to Council before calling in the Member for Leichardt, regarding the upcoming Federal elections and to allow candidates in the upcoming elections to come and deputise with Council to let us know what is going to happen and which party comes into government.

Mayor Mosby acknowledged and thanked the elected Divisional Councillors for their continuing leadership and presence in the community and maintaining stability in the organisation and most importantly across the region. Mayor also acknowledged and welcomed newly appointed CEO, Mr James William to his first Council meeting.

9:10am – 10-10am**Deputation 1 | Hon Warren Entsch MP – Member for Leichardt**

Mayor Mosby welcomed Hon Warren Entsch MP to speak with full Council. Hon Warren Entsch MP, Mayor Mosby and Councillors had an in-depth conversation on matters relating to the Torres Strait.

9:15am – Cr John Levi joined the meeting.

9:30am – Cr Dimas Toby joined the meeting.

9:45am – Cr Hilda Mosby joined the meeting.

Mayor Mosby thanked Hon Warren Entsch MP and wished him all the best.

10:02am – Cr Tamu left the meeting

10:06am – Cr Tamu re-joined the meeting

MORNING TEA 10:10 – 10:38AM

TRUSTEE MEETING
Tuesday, 22nd March 2022
Agenda Items

1. 10:38am - 10:47am

Welcome

Mayor Mosby established a quorum and reconvened the Trustee meeting.

Mayor introduced the newly appointed Chief Executive Officer, Mr James William and invited Mr William to formally introduce himself to full council.

Mayor invited Deputy Mayor, Cr Getano Lui to say a few words on behalf of Council to Mr James William, Chief Executive Officer.

10:44am – Mr Dawson Sailor joined the meeting.

2. 10:47am – 10:48am

Apologies

No apologies noted.

3. 10:48am - 10:52am

Declaration of Conflict of Interest (COI) Declarable and Prescribed

Cr Hilda Mosby declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 9 LEGAL – Masig Lot 29 – consent to development application as the late Mrs Matilda Gela and late Mrs Dorothy Lowatta is her Aunt and father's cousins and therefore are related parties under s150EP. The late Mrs Matilda Gela and late Mrs Dorothy Lowatta are the applicants in this matter and Cr Hilda Mosby declared an interest under s150EQ(4).

Cr Hilda Mosby proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

Cr Jimmy Gela declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 9 LEGAL – Masig Lot 29 – consent to development application as the late Mrs Matilda Gela is a close relative and therefore are related parties under s150EP. The late Mrs Matilda Gela is the applicant in this matter and Cr Jimmy Gela declared an interest under s150EQ(4).

Cr Jimmy Gela proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

4. 10:52am – 10:55am

Confirmation of Trustee Meeting Minutes

- Trustee Meeting – 15th February 2022

RESOLUTION:

Moved: Cr Kabay Tamu; Second: Cr John Levi

That the Trustee accepts the minutes of the Trustee meeting held on 15th February 2022 as a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

5. 10:55am – 10:58am

Outstanding Action Items

Mr Peter Krebs, Manager Legal Services provided the Trustee on the outstanding Action Items from February's 2022 Trustee meeting.

6. 10:58am – 11:12am

Standing Agenda Item: (verbal update)

- Undocumented commercial land occupation project – verbal update
- DOGIT Transfers – Verbal Update

Mr Peter Krebs, Manager, Legal Services provided the Trustee with a verbal update on IBIS leases. IBIS has requested a deputation with Full Council which is proposed for the next face to face Council Meeting.

ACTION: Manager Legal Services to draft a letter to the Minister on behalf of Mayor Mosby regarding the Trustee's concern of IBIS position on negotiating leases with TSIRC.

Mr Peter Krebs, Manager Legal Services advised the Trustee he has received no further updates or progress on DOGIT transfers. Mr Peter Krebs advised that TSRA would be transferring Native Title services to GBK from 1st July 2022.

Cr Rocky Stephen enquired on the status of the letter sent to the Ministers office on Land Transfers and if TSIRC had secured any funding to host a lessons Learnt meeting. Mr Peter Krebs, Manager Legal Service advised Council has received a response from the Minister on the 17th March 2022 and with permission from Mayor Mosby read the letter to Council.

ACTION: Manager Legal Service to liaise with the Secretariat to add DOGIT Transfer as an agenda topic at the next SARG meeting.

7. 11:12am – 11:27am LEGAL – The effect of Native Title on DOGIT

Mr Peter Krebs, Manager Legal Services spoke to this report. The report provided information on the effects of native title on DOGIT and the impacts of native title on the operations of DOGIT.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Francis Pearson

The Trustee resolves to note the report.

MOTION CARRIED UNANIMOUS

11:20am – David Baldwin left the meeting

11:25am – David Baldwin re-joined the meeting

8. 11:27am – 11:43am LEGAL – Firearms Licence – Landowner consent

Cr Jimmy Gela declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 8 LEGAL – Firearms Licence – Landowner consent as Richard Gela is his nephew and therefore are related parties under s150EP. Mr Richard Gela is the applicant in this matter and Cr Jimmy Gela declared an interest under s150EQ(4).

Cr Jimmy Gela proposed to leave and stay away from the place where the meeting is being held while this matter is discussed and voted on.

11:29am – Cr Jimmy Gela left the meeting due to his Declarable Conflict of Interest.

Mr Peter Krebs, Manager Legal Services spoke to this report. The purpose of the report is to provide options in giving landowners consent on the DOGIT regarding applications for firearms licences.

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr Seriako Dorante

That the Trustee resolves that landowner consent for firearms licence application under the Weapons Act 1990 be approved by the Trustee by:

- Referring all landowner consent to Trustee meeting of council for approval with the Divisional Councillor having the right of veto.
- Maintaining a register of all landowner consent applications approved.
- Amending Council's Trustee Policy to incorporate the changes above.
- Granting landowner consent for Richard Gela.

MOTION CARRIED

AGAINST – Cr Lama Trinkoon, Cr Getano Lui, Cr John Levi, Cr Hilda Mosby and Cr Rocky Stephen

11:43am – Cr Hilda Mosby left the meeting due to her Declarable Conflict of Interest.
11:43am – Cr Jimmy Gela left the meeting due to his Declarable Conflict of Interest.

9. **11:43am – 11:53am** **LEGAL – Masig Lot 29 – consent to development application**

Mr Peter Krebs, Manager Legal Services spoke to this report.

RESOLUTION:

Move: Cr Torenzo Elisala; Second: Cr Francis Pearson

1. That the Trustee grant owner's consent to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in support of a development application for a Reconfiguration of Lot (1 into 2 Lots) over Lot 29 on SP277431 (29 & 46 Lowatta Road, Masig Island), on behalf of Anna Ruth Kris, Bethelia Nai, Lily Elma Lena Gela, Margaret Tubau Stephen, Robert Gela, Christina Moira Gela and Leonard Francis Gela (the beneficiaries of Land Holding Act Lease No. 715653392) and Paul Lowatta (lease entitlement holder); and
2. Authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.

MOTION CARRIED UNANIMOUS

10. **11:53am – 12:10pm** **LEGAL – Telstra request to transfer lease interests to Amplitel**

Mr Peter Krebs, Manager Legal Services spoke to this report and in-depth conversation was held on Telstra's request to transfer or licence its various leases on Council-held DOGIT land to its new subsidiary, Amplitel Pty Ltd.

Under the terms of the leases, the Trustee cannot unreasonably refuse consent to Telstra's request. Amplitel intends to use the leased premises for the same purposes as Telstra currently uses those premises. The terms of the leases will not change, other than that Amplitel will become the tenant or licensee (as appropriate) under the leases.

ACTION: Manager Legal Service to liaise with the Secretariat to add this as an agenda topic for SARG for further discussions before it goes to Culture, Arts, Land and Heritage Committee to investigate further around any possible risk factor.

MATTER LEFT LAYING ON THE TABLE

11. **12:10pm – 12:10pm** **Next Trustee meeting – Wednesday, 20th April 2022**

Mayor Mosby confirmed the next Trustee Meeting date as Wednesday 20th April 2022

12. **12:10pm – 12:11pm** **Closing Remarks and Prayer**

Mayor Mosby acknowledged the Secretariat Team and Manager Legal Services, Mr Peter Krebs, and declared the Trustee Meeting closed.

MEETING CLOSED 12:11PM

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

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:

STATEGIC AND OPERATIONAL ACTIONS FROM ORDINARY MEETING AND EXECUTIVE - PLUS OPERATIONAL ACTIONS ONLY FROM SARG TO BE INPUT ONTO THIS DOCUMENT #85075

Date	Month of Meeting	Year	Type of Meeting	Community	Agenda Report	Action	Lead Officer	Advisory Officer	Budget	PI	Lead Officer Comments	ETA
22	March	2022	Trustee	VC	Standing Agenda - DOGIT	Manager Legal Services to draft a letter to the Minister on behalf of Mayor Mosby regarding the Trustee's concern of IBIS position on negotiating leases with TSIRC.	Manager Legal Services				Letter to be sent to Minister 19.04.2022	
22	March	2022	Trustee	VC	Standing Agenda - DOGIT	Manager Legal Service to liaise with the Secretariat to add DOGIT Transfer as an agenda topic at the next SARG meeting.	Manager Legal Services				Topic added to next SARG agenda	
22	March	2022	Trustee	VC	LEGAL – Telstra request to transfer lease interests to Amplitel	Manager Legal Services to liaise with the Secretariat to add this as an agenda topic for SARG for further discussions before it goes to Culture, Arts, Land and Heritage Committee to investigate further around any possible risk factor.	Manager Legal Services				Topic added to next SARG agenda	



TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE REPORT

ORDINARY MEETING:	April 2022
DATE:	20 April 2022
ITEM:	Agenda Item for Resolution by Trustee
SUBJECT:	LHA lease transfers: Warraber Lot 8 & Lot 81 SP270859
AUTHOR:	Julia Maurus, Senior Legal Officer
PRESENTER:	Peter Krebs, Manager Legal Services

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. 720577055) from Harold Pearson, Mary Mosby, Olandi Pearson, Cessa Asai, Harry Pearson, Katherine Roberta Sailor and Dorothy Elizabeth Mari Tyore over Lot 8 on SP270859 (title reference 51056732) to Mark Smith Pearson;
- consent to the transfer of a trustee lease (Lease No. 720398420) from Della Maira Pearson over Lot 81 on SP270859 (title reference 51056805) to Laura Lillian Pearson; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.

Executive Summary:

This report seeks the Trustee's consent to two LHA/Katter lease transfers:

- Lot 8 on SP270859 (address 53 Yessie Street, Warraber Island); and
- Lot 81 on SP270859 (address 9 Esplanade Road, Warraber Island)

The lease transfers are supported by Cr Tamu.

Background:

The Katter (LHA) lease for Lot 8 on SP270859 (address 53 Yessie Street, Warraber) is currently held by Harold Pearson, Mary Mosby, Olandi Pearson, Cessa Asai, Harry Pearson, Katherine Roberta Sailor and Dorothy Elizabeth Mari Tyore. They want to transfer the Katter lease (53 Yessie Street) to Mark Smith Pearson. This report proposes that the Trustee consent to the lease transfer.

Della Maira Pearson wishes to transfer her Katter lease (9 Esplanade Road, Warraber Island, surveyed as lot 81 on SP270859) to Laura Lillian Pearson.

The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) Home Ownership Team is assisting the families with these lease transfer requests.

Comment:

1. 53 Yessie Street, Warraber Island: A Land Holding Act lease (Lease No. 720577055) was

- granted under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld) to Harold Pearson, Mary Mosby, Olandi Pearson, Cessa Asai, Harry Pearson, Katherine Roberta Sailor and Dorothy Elizabeth Mari Tyore over Lot 8 on SP270859. The lease commenced on 11 February 2021. TSIRC is the lessor of the lease.
2. 9 Esplanade Road, Warraber Island: A Land Holding Act lease (Lease No. 720398420) was granted under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld) to Della Maira Pearson over Lot 81 on SP270859. The lease commenced on 19 November 2020. TSIRC is the lessor of the lease.
 3. Section 64 of the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld) states that a lease may be transferred only to an Aboriginal or Torres 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 its consent.
 4. Under the current Trustee Policy, consent to the transfer of an LHA/Katter lease requires a Council resolution.

Considerations

Risk Management

Senior Legal Officer has reviewed the documents and all is in order. No identified risks.

Council Finance

Not applicable

Consultation:

- Supported by Cr Tamu
- Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) Home Ownership Team

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

Operational Plan:

LHA (Katter) lease resolution

Statutory Requirements:

Torres Strait Islander Land Act 1991 (Qld)

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

Conclusion:

It is recommended that the Trustee consent to the proposed transfer of these Katter leases.



Endorsed:

Megan Barrett

Executive Director Corporate Services



Endorsed:

James William

Chief Executive Officer



TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE AGENDA REPORT

ORDINARY MEETING: April 2022

DATE: 20 April 2022

ITEM: Trustee Agenda Item for Resolution by Council

SUBJECT: TCHHS lease St Pauls (Lot 36 on SP256048)

AUTHOR: Julia Maurus, Senior Legal Officer

Recommendation:

That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to grant Torres and Cape Hospital and Health Service (TCHHS) an extension to 30 August 2022 of the date for the satisfaction of the native title and works approval requirements in relation to the proposed lease of St Pauls Lot 36 on SP256048, subject to continued payment of a monthly land occupation fee (pro rata at the same rate as the starting rent under the proposed lease) until the commencement of the lease (or until TCHHS ceases occupying the land, whichever is earlier), and delegate to the Chief Executive Officer the power to the power to negotiate, sign and discharge the Deed of Variation and lease.

Executive Summary:

Torres and Cape Hospital and Health Service (TCHHS) has sought an extension of time to 30 August 2022 to allow time for TCHHS to address the native title requirements for the proposed lease through the use of the Moa Housing and Infrastructure ILUA.

Background:

Under the *Torres Strait Islander Land Act 1991 (Qld)* and the *Aboriginal Land Act 1991 (Qld)*, Council (as Trustee) has the power to grant leases of up to 99 years.

Council has previously made resolutions supporting the grant of standard trustee leases to TCHHS, including for its sites at Kubin and St Pauls.

Minutes extract from February 2018:

RESOLUTION

Moved: Cr Nona; Second: Cr Sabatino

1. That pursuant to the Torres Strait Islander Land Act 1991 (Qld), the Trustee grant, subject to registration of Indigenous Land Use Agreement, development approval and survey in each case, a standard lease to Torres and Cape Hospital and Health Service over each of the following areas of land, for the purpose of:

- operating a primary health care centre; and
- undertaking works (subject to obtaining necessary approvals); and
- operating and maintaining residential accommodation for Lessee and Queensland Government agency employees and service providers; and
- other Government Services Use of and incidental to the above.

<i>Lot on Plan Description</i>	<i>Community</i>
<i>Lot 87 on SP 270862 (1,664m²)</i>	<i>Poruma</i>
<i>Lot 36 on SP 256048 (2,066m²)</i>	<i>St Pauls (Moa)</i>
<i>Lot 124 on SP 277431 (714m²) and Lot 125 on SP 277431 (1,484m²)</i>	<i>Masig</i>
<i>Lot 49 on SP 270872 (373m²), subject</i>	<i>Dauan</i>
<i>Lot 134 on SP 271019 (1,668m²)</i>	<i>Kubin (Moa)</i>
<i>Lot 11 on SP 282706 (unregistered) (738m²)</i>	<i>Ugar</i>

Subject to confirming Trustee consultation with community, Native Title consent, Development Approval, and/or surrender of existing leases (as applicable).

2. That the Trustee delegate to the Chief Executive Office the power to conclude the terms of each of the above leases.

MOTION CARRIED

3:23pm – Cr Stephen, Cr Elisala, Cr Bosun and Cr Akiba came back into the room.

Minutes extract from April 2018:

17. LEGAL SERVICES – TRUSTEE – TCHHS Lease Update

RESOLUTION:

Moved: Cr Pearson; Second: Cr Akiba

1. That, further to the Trustee's February and March 2018 resolutions for the grant of leases to Torres and Cape Hospital and Health Service at Poruma, St Pauls, Masig, Dauan, Kubin and Ugar, the Trustee authorise the Chief Executive Officer to enter into those leases on the terms proposed in TCHHS's letter dated 12 April 2018, notwithstanding inconsistency with the Trustee's rent methodology resolution in February 2018.

<i>Land Use</i>	<i>Price per m2</i>
<i>Residential/ Community</i>	<i>\$4</i>
<i>Commercial/ Government*</i>	<i>\$10.80</i>

*Minimum charge of \$6,000p.a shall apply.

MOTION CARRIED

In May 2018, Council as Trustee for the various Deeds of Grant in Trust (including Kubin and St Pauls) set a rent methodology of \$10.80 per square metre per annum (starting rent subject to CPI) for commercial/government leases, with a minimum charge of \$6,000 per annum. This rent methodology applies to the proposed lease at St Pauls.

The original Conditional Agreement to Lease for St Pauls dated 1 June 2018 provides for a lease term of 40 years at a starting rent of \$22,313 per annum (starting rent subject to CPI). Council has previously consented to three Deeds of Variation to extend the native title condition and works condition deadlines (from 1 June 2020 to 31 December 2020 to 31 December 2021 to 30 April 2022).

TCHHS has advised that it is now proposing to address native title through the use of the Moa Housing and Infrastructure ILUA and TCHHS is in the process of issuing the required project notice with the assistance of Crown Law's Native Title and Resources Team.

Accordingly, TCHHS has requested an extension of the Native Title Condition date in clause 6 of the Deed of Agreement for Lease for Moa (St Pauls) Island for a further 4 months until 30 August 2022, and an extension of the works approval condition in clause 5 of this Deed of Agreement for Lease to 30 August 2022, to allow time for this process to be completed under the ILUA.

A development permit (formal development approval) is not required, but as a matter of practice the plans for the works are approved by Council through consultation with the divisional councillor.

Clause 3 of the Deed provides that Council must not unreasonably refuse a request for an extension of time to satisfy the conditions.

Comment:

The proposed lease area is currently occupied by TCHHS, with Health/TCHHS having had the benefit of the use of that land for many years.

Under the current Deed of Agreement to Lease, since 1 January 2021 TCHHS has been required to pay the trustee a commercial land occupation fee for its occupation of this land until a lease is eventually registered and commences. TCHHS was unable to agree to back-payment of licence fees. It is recommended that the Trustee agree to the requested extension of time for the St Pauls Deed of Agreement to Lease, provided TCHHS continues paying TSIRC a monthly licence fee (pro rata at the same rate as the starting rent under the proposed leases) until the commencement of the lease (or until TCHHS ceases occupying the land, whichever is earlier), and including this commitment in the proposed DOATL variation.

Considerations

Risk Management

Compliance (land titles)

Compliance (native title)

Council Finance

The Trustee is receiving commercial land occupation fees for this site.

Consultation:

- Crown Law
- Cr John Levi (St Pauls) has confirmed his support for this extension to 30 August 2022

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

Trustee lease revenue is vital to ensuring the sustainability of the Trustee's functions and improvement of the DOGIT.

Statutory Requirements:

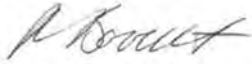
Torres Strait Islander Land Act 1991 (Qld)

Native Title Act 1993 (Cth)

Land Title Act 1994 (Qld)

Conclusion:

It is recommended that the Trustee grant Torres and Cape Hospital and Health Service (TCHHS) the requested extension to 30 August 2022 of the date for the satisfaction of the native title and works approval requirements in relation to the proposed lease of St Pauls Lot 36 on SP256048, subject to continued payment of a monthly land occupation fee, and delegate to the Chief Executive Officer the power to negotiate, sign and discharge the Deed of Variation and lease.

**Endorsed:**

Megan Barrett
Executive Director, Corporate Services

**Endorsed:**

James William
Chief Executive Officer