

# MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

JULY 2021

TRUSTEE MEETING

Tuesday 20<sup>th</sup> July 2021

Division 9 - Iama

**TRUSTEE MEETING**  
**Tuesday 20<sup>th</sup> July 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 held on 29<sup>th</sup> June 2021</u>   |
| 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</li><li>• DOGIT Lease Verbal Update</li></ul> |
| 7.  | <u>9:30am – 9:40am</u>   | <u>LEGAL – DA consent – Masig Lots 15 and 30</u>   |
| 8.  | <u>9:50am – 10:00am</u>  | <u>LEGAL – Boiqu - LHA Entitlement – Lot 13 and 36</u>   |
| 9.  | <u>10:00am – 10:10am</u> | <u>LEGAL – St Pauls Lodge</u>  |
| 10. | <u>10:33am – 10:34am</u> | <u>Next meeting – Tuesday 17<sup>th</sup> August 2021</u>  |
| 11. | <u>10:34am – 10:35am</u> | <u>Closing Remarks and Prayer</u>  |

## **Trustee Meeting – Tuesday 20<sup>th</sup> July 2021**

### **PRESENT**

Cr Phillemon Mosby, Mayor  
Cr Dimas Toby, Division 1 – Boigu – online via Teleconference  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai – online via Teleconference  
Cr Keith Fell, Division 4 – Mabuiag  
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island  
Cr John Levi, Division 7 – St Pauls, Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri  
Cr Getano Lui Jnr, Division 9 – Iama  
Cr Francis Pearson, Division 11 – Poruma  
Cr Hilda Mosby, Division 12 – Masig  
Cr Rocky Stephen, Division 13 – Ugar – online via Teleconference  
Cr Jimmy Gela, Division 14 – Erub  
Cr Aven Noah, Division 15 - Mer

Mr David Baldwin, Acting Chief Executive Officer (ACEO)  
Ms Hollie Faithfull, Chief Financial Officer (CFO)  
Mr Dawson Sailor, Acting Chief Operating Officer (ACOO)  
Mr Adeah Kabai, Acting Chief Engineer (ACE)  
Mr Peter Krebs, Senior Legal Counsel (SLC)  
Mrs Ursula Nai, Senior Executive Assistant (SEA)

### **APOLOGY**

Cr Laurie Nona, Division 5 – Badu  
Cr Kabay Tamu, Division 10 – Warraber  
Mrs Kathy Cochran, Secretariat (SO)



- The Council as Trustee voted in favour of Cr Jimmy Gela remaining in the room, participating in the discussion, and voting on the matter.

**4. 9:45am – 9:50am Confirmation of Trustee Meeting held on 29<sup>th</sup> June 2021**

**RESOLUTION**

*Moved:* Cr Lama Trinkoon; *Second:* Cr Jimmy Gela

**That the minutes of the Trustee Meeting held on 29<sup>th</sup> June 2021, be adopted as a true and accurate record of that meeting.**

**MOTION CARRIED**

**5. 9:50am – 10:00am Outstanding Action Items**

Senior Legal Counsel, Mr Peter Krebs provided updates on all outstanding action items as per Register.

**ACTION:** Secretariat to Add Divestment Policy which is currently on hold as an Agenda Item at the next meeting for the Economic Growth Standing Committee to discuss and provide input.

**6. 10:00am – 10:18am Standing Agenda Item: (verbal update)**

- TRUSTEE – Undocumented commercial land occupation project

Senior Legal Counsel, Mr Peter Krebs provided a brief update on this topic to Council

- DOGIT Lease Verbal Update

Senior Legal Counsel, Mr Peter Krebs provided a brief update to Council on the letter from TSIRC to the Minister and the response from the Minister regarding their support of DOGIT transfers. A teleconference has been held between GBK, TSRA Native Title Office and TSIRC representatives and TSRA have confirmed they will provide funding for consultations and provide support for PBC's in regard to licencing, leasing and databases etc. TSRA will be engaging GBK to drive this process.

Council discussed the possibility of charging full applicable rates once transfers are complete.

**7. 10:18am – 10:25am LEGAL – DA consent – Masig Lots 15 and 30**

- Cr Hilda Mosby declared a declarable conflict of interest for Agenda Item 7 - LEGAL – DA consent – Masig Lots 15 and 30
  - The applicants are distant family members of Cr Hilda Mosby
  - Senior Legal Counsel, Mr Peter Krebs provided legal advice on the conflict and confirmed this is a Declarable Conflict of Interest
  - The Council as Trustee voted in favour of Cr Hilda Mosby remaining in the room, participating in the discussion, and voting on the matter.
- Cr Jimmy Gela declared a declarable conflict of interest for Agenda Item 7 - LEGAL – DA consent – Masig Lots 15 and 30
  - The applicants are distant family members of Cr Jimmy Gela
  - Senior Legal Counsel, Mr Peter Krebs provided legal advice on the conflict and confirmed this is a Declarable Conflict of Interest
  - The Council as Trustee voted in favour of Cr Jimmy Gela remaining in the room, participating in the discussion, and voting on the matter.

Senior Legal Counsel, Mr Peter Krebs spoke to this report. Cr Hilda Mosby confirmed she is supportive of both the applications.

**RESOLUTION:**

*Moved:* Cr Keith Fell; *Second:* Cr Aven Noah

**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 (DA2021\_011) for a Reconfiguration of Lot (1 into 2 Lots) over Lot 15 on SP277431 (199 and 199A Dans Road, Masig Island), on behalf of Elia Julius Billy, Edna Maku Billy and Ingvali Emanuel Billy, in relation to Land Holding Act Lease No 715653318, and authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.**

**MOTION CARRIED**

**RESOLUTION:**

*Moved:* Cr Keith Fell; *Second:* Cr Francis Pearson

**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 (DA2020\_029) for a Reconfiguration of a Lot (1 into 3 Lots) over Lot 30 on SP277431 (79, 78 & 30 Lowatta Road, Masig Island), on behalf of Flora Mosby, in relation to Land Holding Act Lease No 715653389, and authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.**

**MOTION CARRIED**

**8. 10:25am – 10:30am LEGAL – Boigu - LHA Entitlement – Lot 13 and 36**

Senior Legal Counsel, Mr Peter Krebs spoke to this report. Cr Dimas Toby raised his possible Conflict of Interest as he is the Prescribed Body Corporate Chair for Boigu. Senior Legal Counsel, Mr Peter Krebs provided legal advice that Cr Dimas Toby does not have a Conflict of Interest regarding this application. Cr Dimas Toby confirmed he is supportive of the applications.

**RESOLUTION:**

*Moved:* Cr Dimas Toby; *Second:* Cr Conwell Tabuai

**1. That the Trustee recommend advising the Minister that the lease over Lot 13 on SP273190 (13A and 13B Toby Street, Boigu) should issue to Frederick Anau as soon as possible under section 35 of the Aboriginal and Torres Strait Islander Land Holding Act 2013, and authorise the Chief Executive Officer to sign the Advice and Recommendation Report.**

**2. That the Trustee recommend advising the Minister that the lease over Lot 36 on SP273190 (36 Toby Street, Boigu) should issue to Rosina Gibuma as soon as possible under section 35 of the Aboriginal and Torres Strait Islander Land Holding Act 2013, and authorise the Chief Executive Officer to sign the Advice and Recommendation Report.**

**MOTION CARRIED**

**9. 10:30am – 10:52am LEGAL – St Pauls Lodge**

- Cr John Levi declared a declarable conflict of interest for Agenda Item 9 – LEGAL – St Pauls Lodge
  - The party is Cr. John Levi's sister.
  - Senior Legal Counsel provided legal advice on the conflict and confirmed this is a Declarable Conflict of Interest
  - Cr. John Levi left the room at 10:31am

Senior Legal Counsel, Mr Peter Krebs spoke to this report and confirmed that Cr John Levi is supportive of this application. An in depth discussion was held on the reasons Ms Sailor requested the change from Sole Trader to her new company St Pauls Lodge Pty Ltd which will help reduce the tax component of her business and will allow her to focus on future development and growth of her business

**RESOLUTION:**

*Moved:* Cr Lama Trinkoon; *Second:* Cr Keith Fell

**The Trustee resolves to:**

- **Consent to Susannah Sailor (sole trader) to sub-licence the St Pauls Lodge “Licence to Operate” to allow the St Pauls Lodge to be operated by Ms Sailor’s new company, St Pauls Lodge Pty Ltd (ACN 651 283 706), from 1 July 2021; and**
  - **Grant Ms Sailor an extension of time to 13 August 2023 to satisfy the native title special condition and the requirement to register a lease over the premises (Lot 176 on SP256048).**
- and
- **Delegate to the Mayor and the Chief Executive Officer each the power to execute documentation to effect the extension of time for the native title special condition.**

**MOTION CARRIED**

Cr John Levi returns to the room at 10:52am

**10. 10:52am – 10:53am Next meeting – Tuesday 17<sup>th</sup> August 2021**

Trustee confirms the next Trustee meeting will be held via Video Conference on Tuesday 20<sup>th</sup> July 2021 commencing at 9:00am.

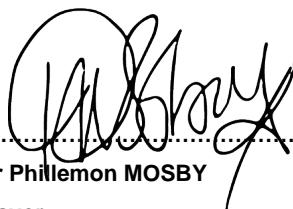
**11. 10:53am – 10:55am Closing Remarks and Prayer**

Mayor Mosby thanked Councillors, Staff and members of the public and declared the Trustee meeting closed.

**MEETING CLOSED 10:55am**



David BALDWIN  
Acting Chief Executive Officer  
Torres Strait Island Regional Council  
17<sup>th</sup> August 2021



Cr Phillemon MOSBY  
Mayor  
Torres Strait Island Regional Council  
17<sup>th</sup> August 2021