

# MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

JUNE 2021

TRUSTEE MEETING

Tuesday 29<sup>th</sup> June 2021

Video Conference

**TRUSTEE MEETING**  
**Tuesday 29<sup>th</sup> June 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 24<sup>th</sup> May 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 – Dauan Health Care Centre Proposed Easement</u>  |
| 8.  | <u>9:40am – 9:50am</u>   | <u>LEGAL – Kubin – Landowner’s consent to make DA - Telstra</u>  |
| 9.  | <u>9:50am – 10:00am</u>  | <u>LEGAL – Masig - LHA Entitlement – Lot 152</u>   |
| 10. | <u>10:00am – 10:10am</u> | <u>LEGAL – St Pauls - LHA Entitlement – Lot 13</u>   |
| 11. | <u>10:10am – 10:20am</u> | <u>LEGAL – Hammond - LHA Transfer – 21 Louis Road Hammond</u>  |
| 12. | <u>10:20am – 10:30am</u> | <u>LEGAL – CLOSED BUSINESS – Litigation Update - verbal</u>  |
| 13. | <u>10:30am – 10:33am</u> | <u>LEGAL – Information Report – Trustee Rent and Commercial Leasing</u>  |
| 14. | <u>10:33am – 10:34am</u> | <u>Next meeting – Tuesday 20<sup>th</sup> July 2021</u>  |
| 15. | <u>10:34am – 10:35am</u> | <u>Closing Remarks and Prayer</u>  |

## **Trustee Meeting – Tuesday 29<sup>th</sup> June 2021**

### **PRESENT**

Cr Phillemon Mosby, Mayor (Erub)  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
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 Kabay Tamu, Division 10 – Warraber  
Cr Francis Pearson, Division 11 – Poruma  
Cr Hilda Mosby, Division 12 – Masig  
Cr Rocky Stephen, Division 13 – Ugar  
Cr Jimmy Gela, Division 14 – Erub  
Cr Aven Noah, Division 15 - Mer

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

### **APOLOGY**

Cr Conwell Tabuai, Division 3 – Saibai  
Cr Laurie Nona, Division 5 – Badu

**TRUSTEE MEETING**  
**Tuesday 29<sup>th</sup> June 2021**  
**Agenda Items**

1. **9:04am - 9:12am** **Opening Prayer and Welcome**

Mayor Mosby welcomed everyone, did a roll call to established quorum, then acknowledged the traditional owners of our Zenadth Kes Region and the Cairns Region.

Mayor invited Cr Fell to open the meeting in prayer and Council observed a minute silence.

2. **9:12am – 9:19am** **Apologies**

- Cr Conwell Tabuai – Division 3, Saibai  
Cultural reasons, son's initiation.

**RESOLUTION:**

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

That Council accepts the apology from Cr Conwell Tabuai for his absence at this meeting.

**MOTION CARRIED**

**Cr Laurie Nona texted Secretariat Officer and advised he will be joining the meeting soon.**

9:13am – Cr Rocky Stephen joined the meeting.

Chief Financial Officer advised Council regarding Cr Tabuai leave, he won't be paid due to the reason not meeting any of the criteria stipulated in the legislation. Mayor Mosby raised Ailan Kastom and why it should be captured in the legislation to accommodate culturally significant events. Full Council is in support.

**ACTION:** Acting Chief Executive Officer to bring to the attention of the Ministers and the relevant Departments regarding Ailan Kastom being incorporated into legislation.

3. **9:19am - 9:21am** **Declaration of Conflict of Interest (COI) Declarable and Prescribed**

- Cr Hilda Mosby declared a declarable conflict for Agenda Item #9 – LEGAL – LHA Masig – Lot 152
  - The parties are Cr Mosby's niece and nephew.
  - Senior Legal Counsel provided legal advice on the conflict
  - The Council as Trustee all in favour of Cr Hilda Mosby to remain in the room, participate in the discussion and vote on the matter.

4. **9:21am – 9:23am** **Confirmation of Trustee Meeting held on 24<sup>th</sup> May 2021**

**RESOLUTION**

*Moved:* Cr Gela; *Second:* Cr Pearson

**That the minutes of the Trustee Meeting held on 24<sup>th</sup> May 2021, be adopted as a true and accurate record of that meeting.**

**MOTION CARRIED**

**5. 9:15am – 9:20am Outstanding Action Items**

Senior Legal Counsel provided updates on all outstanding action items as per Register.

- Cr Dimas Toby – declared a declarable conflict in the LHA transfer action items as he the Chair of the Boigu PBC.
  - Senior Legal Counsel provided advice on the conflict
  - The Council as Trustee all in favour of Cr Dimas Toby to remain in the room and participate in the discussion.

**6. 9:20am – 10:03am TRUSTEE MOVES INTO CLOSED BUSINESS**

**RESOLUTION:**

Moved: Cr Lui; Second: Cr Elisala

**That in accordance with section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:**

**(e) legal advice obtained by the local government or legal proceedings involving the local government.**

**MOTION CARRIED**

**9:21am** - All staff except Acting Chief Executive Officer leaves the room.

**10:02am** – All staff return and joined the meeting.

**7. 10:02am – 10:03am TRUSTEE MOVES OUT OF CLOSED BUSINESS**

**RESOLUTION:**

Moved: Cr Elisala; Second: Cr Lui

**That the Trustee moves out of Closed Business.**

**MOTION CARRIED**

No resolution made in closed business.

**8. 10:03am – 10:05am Standing Agenda Item: (verbal update)**

- TRUSTEE – Undocumented commercial land occupation project

Senior Legal Counsel provided an update and informed Council a report is being tabled at today's meeting for further discussion.

- DOGIT Lease Verbal Update

Senior Legal Counsel provide a brief update to Council.

**9. 10:05am – 10:11am LEGAL – Dauan Health Care Centre Proposed Easement**

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

**RESOLUTION:**

*Moved:* Cr Elisala; *Second:* Cr Noah

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

- consent to the registration of survey plan SP321502 and
- consent to the grant of proposed Easement C on SP321502 in Lot 48 on SP270872 to the Torres and Cape Hospital and Health Service (TCHHS), for the purpose of Lease 719407708 over Lot 49 on SP 270872 (Dauan Health Care Centre) and
- delegate to the Mayor and the Chief Executive Officer each the power to execute SP321502 and the Easement.

**MOTION CARRIED**

10. **10:11am – 10:15am** **LEGAL – Kubin – Landowner’s consent to make DA – Telstra**

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

**RESOLUTION:**

*Moved:* Cr Trinkoon; *Second:* Cr Levi

That Council agrees for Telstra to make a Development Application for “Material Change of Use (code)” for the upgrade of the Telecommunications Tower – Kubin and agrees for the Chief Executive Officer to sign the owner’s consent form.

**MOTION CARRIED**

11. **10:15am – 10:17am** **LEGAL – St Pauls - LHA Entitlement – Lot 13**

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

**RESOLUTION:**

*Moved:* Cr Levi; *Second:* Cr Trinkoon

That the Trustee recommend advising the Minister that the lease over Lot 13 on SP256048 (13 Main Street, St Pauls) should issue to Ned Joseph Wapau 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.

<b>Application</b>	<b>Applicant</b>	<b>Address</b>	<b>Lease to be granted to</b>
25/88	Adea Wapau	13 Main Street, St Pauls (Lot 13 on SP256048)	Ned Wapau

**MOTION CARRIED**

12. **10:17am – 10:21am**

**LEGAL – Masig - LHA Entitlement – Lot 152**

- Cr Hilda Mosby declared a declarable conflict of interest
  - The parties are Cr Mosby's niece and nephew.
  - Senior Legal Counsel provided legal advice on the conflict
  - The Council as Trustee all in favour of Cr Hilda Mosby to remain in the room, participate in the discussion and vote on the matter.
  
- Cr Jimmy Gela declared a declarable conflict of interest
  - The parties are Cr Gela's close relatives
  - Senior Legal Counsel provided legal advice on the conflict
  - The Council as Trustee all in favour of Cr Jimmy Gela to remain in the room, participate in the discussion and vote on the matter.

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

**RESOLUTION:**

*Moved:* Cr Hilda Mosby; *Second:* Cr Pearson

**That the Trustee recommend advising the Minister that the lease over Lot 152 on SP277431 (152 Koben Road, Masig) should issue to Leah Maryann Gela and Frank Yauki Gela 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.**

Application	Applicant	Address	Lease to be granted to
41/86	Daniel Mosby	152 Koben Road (Lot 152 on SP270859	Leah Gela and Frank Gela

**MOTION CARRIED**

13. **10:21am – 10:25am**

**LEGAL – Hammond - LHA Transfer – 21 Louis Road Hammond**

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

**RESOLUTION:**

*Moved:* Cr Dorante; *Second:* Cr Gela

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

- consent to the transfer of a perpetual lease (Lease No. 719137180) from the late Graham Daniel Amber over Lot 21 on SP248418 (title reference 51067155) to Nelson Richard Ambar and Zane Maynard Ambar and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.

**MOTION CARRIED**

14. **10:25am – 10:25am** **TRUSTEE MOVE INTO CLOSED BUSINESS**  
Councillors confirm there are no members in the public in the room as we move into closed business.

**RESOLUTION:**

*Moved:* Cr Noah; *Second:* Cr Elisala

**That in accordance with section 254J of the *Local Government Regulation 2012 (Qld)* it is resolved for the meeting to go into closed session to discuss matters of the following nature:**

**(e) legal advice obtained by the local government.**

**MOTION CARRIED**

- LEGAL – CB – Litigation

15. **10:26am – 10:27am** **TRUSTEE MOVE OUT OF CLOSED BUSINESS**

**RESOLUTION:**

*Moved:* Cr Gela; *Second:* Cr Levi

**That the Trustee move out of closed business.**

**MOTION CARRIED**

16. **10:27am – 10:46am** **LEGAL – Litigation Update - verbal**

**RESOLUTION:**

*Moved:* Cr Levi; *Second:* Cr Trinkoon

**That the Trustee instructs the Chief Executive Officer to lodge an appeal against the Supreme Court decision of Ahwang v TSIRC of 21 June 2021 and delegates to the Chief Executive Officer all necessary power to implement the lodging of the appeal**

**MOTION CARRIED**

17. **10:46am – 10:58am** **LEGAL – Information Report – Trustee Rent and Commercial Leasing**

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

Cr Toby asked about the QPS Lease on Boigu – Mayor advised Cr Toby and Senior Legal Counsel to take offline to discuss further.

Cr Noah asked about the Licence agreement for the guest house and the divestment to PBC.

**ACTION:** Manager Legal Service to provide a report with an update on the divestment of the Mer Guest House to the Mer PBC.

**RESOLUTION:**

*Moved:* Cr Noah; *Second:* Cr Gela

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

**MOTION CARRIED**



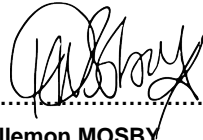
18. 10:58am – 10:59am Next meeting – Tuesday 20<sup>th</sup> July 2021  
Trustee confirms the next Trustee meeting be held on Tuesday 20<sup>th</sup> July 2021 at Division 9 – Iama.

19. 10:59am – 11:00am Closing Remarks and Prayer  
Mayor Mosby thanked everyone and declared the Trustee meeting closed.

**MEETING CLOSED 11:00am**



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**David BALDWIN**  
**Acting Chief Executive Officer**  
**Torres Strait Island Regional Council**  
**20<sup>th</sup> July 2021**



.....  
**Cr Phillemon MOSBY**  
**Mayor**  
**Torres Strait Island Regional Council**  
**20<sup>th</sup> July 2021**