



MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

MAY 2021

TRUSTEE MEETING

Monday 24th May 2021

Cairns

TRUSTEE MEETING
Monday 24th May 2021
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 held on 21st April 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">• TRUSTEE – Undocumented commercial land occupation project• DOGIT Lease Verbal Update |
| 7. | <u>9:30am – 9:40am</u> | <u>LEGAL – Boiqu – LHA Entitlements – Lot 90 – Lot 15</u> |
| 8. | <u>9:40am – 9:50am</u> | <u>LEGAL – Dauan Kiosk divestment</u> |
| 9. | <u>9:50am – 10:00am</u> | <u>LEGAL – LHA Transfer – Lot 12 – Pele Mooka</u> |
| 10. | <u>10:00am – 10:10am</u> | <u>LEGAL – Mabuiag – LHA Transfer – Lot 14 Kame Paipai</u> |
| 11. | <u>10:10am – 10:20am</u> | <u>LEGAL – St Pauls – LHA Transfer – Lot 22 – Rose Alau</u> |
| 12. | <u>10:20am – 10:23am</u> | <u>Next meeting – 29th June 2021</u> |
| 13. | <u>10:23am – 10:25am</u> | <u>Closing Remarks and Prayer</u> |

TRUSTEE Meeting – 24th May 2021

PRESENT:

Cr Phillemon Mosby, Mayor (Poruma) -
Cr Dimas Toby, Division 1 – Boigu -
Cr Torengo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuig -
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 -

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

APOLOGY:

Cr Aven Noah, Division 15 – Mer

TRUSTEE MEETING
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Agenda Items

1. **9:05am - 9:07am** **Opening Prayer and Welcome**

Mayor Mosby welcomed all Councillors, Executives and staff and invited Cr Lui to open the meeting in prayer.

2. **9:07am - 9:10am** **Apologies**

- Cr Aven Noah – Division 15 – Mer (sorry business)

RESOLUTION:

Moved: Cr Fell; Second: Cr Elisala

That council accepts the apology from Cr Noah for his absence at this meeting.

MOTION CARRIED

Cr Pearson through the Mayor advised Council he will be leaving the meeting at 11:15am to attend a dentist appointment.

Cr Nona not present. No formal apology received from Cr Nona.

3. **9:10am - 9:14am** **Declaration of Conflict of Interest (COI) Declarable and Prescribed**

Mayor Mosby encouraged Councillors and staff to update their Register of Interest and to make a declaration at any time throughout the meeting.

- Cr Elisala – COI (declarable) – 8. LEGAL - Dauan Kiosk divestment

Mr Peter Krebs, Legal Council advised Cr Elisala's conflict is a declarable conflict and if Council agrees he can remain in the room and be part of the discussion and vote.

- Cr Levi – COI (declarable) – 11. LEGAL – St Pauls LHA Transfer - Lot 22 – Rose Alau

Mr Peter Krebs, Legal Counsel advised Cr Elisala's conflict is a declarable conflict and if Council agrees he can remain in the room and be part of the discussion and vote.

Mayor Mosby put it to Council if they agree to have Cr Elisala and Cr Levi to remain in the room. All Councillors agreed.

5. **9:14am – 9:18am**

Confirmation of Trustee Meeting held on 21st April 2021

Amendment

Item 16 – Include Cr Elisala, Divisional Councillor for Dauan into the paragraph with Cr Stephen and Cr Tabuai for offline consultation.

RESOLUTION

Moved: Cr Toby Second: Cr Pearson

That the minutes of the Council Meeting held in August 2020, be adopted as a true and accurate record of that meeting taking into account the above amendments.

MOTION CARRIED

6. **9:18am – 9:32am**

Outstanding Action Items

Acting Chief Executive Officer provided Council with an update on all the action items.

ACTION: Manager Legal Services to prepare an Information Report to June OM on Lease rent for all commercial property, whether they have a current lease, in the process of a getting a lease and or no lease.

7. **9:32am – 9:34am**

Standing Agenda Item: (verbal update)

- TRUSTEE – Undocumented commercial land occupation project

Senior Legal Counsel provided Council with an update on the status of commercial land occupation project for the whole Region.

- DOGIT Lease Verbal Update

Senior Legal Counsel provided Council with an update on DOGIT leases across the Region.

Cr Stephen raised engagement with DATSIP for DOGIT transfer.

ACTION: Senior Legal Counsel to invite Peter Lawrence to speak at Council workshop. To note in the Policy the issue of the ownership of the asset.

Chief Financial Officer informed Council the Policy was on the agenda of the Standing Committee for the meeting in February 2021 however the meeting was cancelled at the last minute. The Policy is on the agenda for the June Policy

8. **9:30am – 9:40am** **LEGAL – Dauan Kiosk Divestment**

Senior Legal Counsel, Mr Peter Krebs spoke to the report. Council had a robust discussion.

ACTION: Senior Legal Counsel to follow up with Manager Legal Services regarding the Divestment Policy.

ACTION: Standing Committee to review the Divestment Policy.

Concerns raised by Council that further consultation with Community be had around roles and responsibilities subject to further consultation with community on the roles and responsibilities of PBC, Council etc on taking on the investment. It poses a potential enterprise failure.

MATTER LEFT LYING ON THE TABLE

9. **9:40am – 10:02am** **LEGAL – Boigu – LHA Entitlements – Lot 90 – Lot 15**

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

RESOLUTION:

Moved: Cr Tabuai; *Second:* Cr Fell

1. That the Trustee recommend advising the Minister that the lease over Lot 90 on SP273190 (90 Airport Road, Boigu) should issue to John 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 Advise and Recommendation Report.
2. That the Trustee recommend advising the Minister that the lease over Lot 15 on SP273190 (15 Toby Street, Boigu) should issue to Wallen Ingui 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

10. **10:02am – 10:05am** **LEGAL – LHA Transfer – Lot 12 – Pele Mooka**

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

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Elisala

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 720577066 from Pele Mooka to Shania and Stephanie Mooka for 12 Map Street (Lot 12 on SP273192) on Mabuiaig.

MOTION CARRIED

11. 10:05am – 10:08am

LEGAL – Mabuiaq – LHA Transfer – Lot 14 Kame Paipai

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

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Pearson

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 719506879 from Kame Paipai to Nalam Paipai for 14 Map Street (Lot 14 on SP273192) on Mabuiaq.

MOTION CARRIED

12. 10:08am – 10:20am

LEGAL – St Pauls – LHA Transfer – Lot 22 – Rose Alau

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

RESOLUTION:

Moved: Cr Fell; *Second:* Cr Trinkoon

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 719331045 from Rose Alau to Wallington Monwell Kris for 56 Anu Namai Street (Lot 22 on SP256048) on St Pauls.

ACTION: Follow up with Manager Legal Services on the Warraber Katter leases.

ACTION: Senior Legal Counsel to look into the outstanding Katter Leases for Saibai.

Mayor encouraged Councillors to contact Mr Peter Krebs, Senior Legal Council if they had questions on Katter Leases etc.

Councillors raised the issue of flexibility around the time frame of the budget process and accessing Trustee funds. CFO to take offline.

13. 10:20am – 10:23am

Next meeting – 29th June 2021

Mayor confirmed the next Trustee meeting is scheduled for Tuesday 29th June 2021.

14. 10:23am – 10:25am

Closing Remarks and Prayer

Mayor thanked everyone and declared the Trustee meeting closed.

MEETING CLOSED – 10:18am

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David Baldwin
Acting Chief Executive Officer
Torres Strait Island Regional Council
29th June 2021

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Phillemon Mosby
Mayor
Torres Strait Island Regional Council
29th June 2021

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