



AGENDA

TORRES STRAIT ISLAND REGIONAL COUNCIL

June 2022

TRUSTEE MEETING

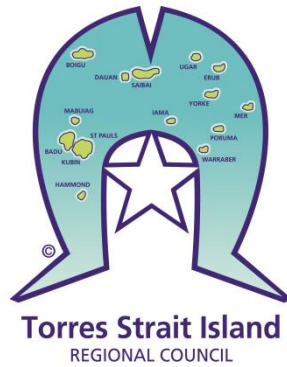
Tuesday, 28th June 2022

Video Conference

TRUSTEE MEETING
Tuesday, 28th June 2022
Agenda Items

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|----|-------------------------|--|
| 1. | <u>9:00am - 9:05am</u> | <u>Opening Prayer and Welcome</u> |
| 2. | <u>9:05am – 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 – 16th May 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 transfer: Hammond Lot 43 on SP248418</u> |
| 8. | <u>9:50am – 9:50am</u> | <u>Next meeting – Tuesday 19th July 2022</u> |
| 9. | <u>9:50am – 10:00am</u> | <u>Closing Remarks and Prayer</u> |

MORNING TEA 10:00AM – 10:30AM



Draft Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

May 2022

TRUSTEE MEETING

Monday, 16th May 2022

Cairns

TRUSTEE MEETING
Monday, 16th May 2022

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuia
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)

STAFF:

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

APOLOGIES:

Cr Aven Noah, Division 15 – Mer (Murray) – personal leave

Note: Cr Torenzo Elisala, Division 2 – Dauan dialling in via telephone

TRUSTEE MEETING
Monday, 16th May 2022

1. **9:12am - 9:16am** **Opening Prayer and Welcome**

Mayor Mosby opened the Trustee meeting with a welcome to:

- Councillors, Executive and Administration Staff
- Our Heavenly Father for his awesome, wisdom, knowledge and understanding
- All Elders, past, present and emerging
- Traditional owners throughout the length and breadth of Zenadth Kes and the lands on which we are meeting

Mayor Mosby asked everyone to be upstanding and invited Cr John Levi to open the meeting in a word of prayer.

2. **9:16am – 9:17am** **Apology**

- Cr Aven Noah, Division 15 – Mer – personal leave

RESOLUTION:

Moved: Cr John Levi; Second: Cr Francis Pearson

That Council accepts the apology of Cr Aven Noah for the May 2022 Trustee Meeting.

MOTION CARRIED UNANIMOUS

9:17am – For Minute taking purposes, Staff were asked to leave the meeting for a closed business session.

9:20am – Cr Dimas Toby joined the meeting.

9:20am – Cr Fell joined the meeting.

9:38am – Staff re-joined the meeting.

3. **9:39am - 9:40am** **Declaration of Conflict of Interest (COI) Declarable and Prescribed**

Cr. Kabay Tamu, Cr. Francis Pearson and Cr. Jimmy Gela sought legal advice from Manager Legal Services as they have close family members employed by CEQ. Manager Legal Services advised that this was not a conflict of interest. No further Declarations were made. Mayor Mosby encouraged Councillors to make a declaration at any time during the meeting.

4. **9:40am – 9:45am** **Confirmation of Trustee Meeting Minutes**

- Trustee Meeting – 20th April 2022

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Jimmy Gela

That the Trustee accepts the minutes of the Trustee meeting held on 20th April 2022 as a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

5. **9:45am – 9:50am** **Outstanding Trustee Action Items**

Mr Peter Krebs, Manager Legal Services provided the Trustee with an update of the Action Items from April's Trustee Meeting.

6. **9:50am – 10:20am** **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 the above topics.

Further discussions were had around the undocumented commercial land occupation project and the DOGIT transfers.

ACTION: Manager Legal Services to write to the Minister office reinforcing Councils' position on the DOGIT transfer.

7. **10:20am – 10:21am** **TRUSTEE MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Lama Trinkoon; Second: Cr Rocky Stephen

That the Trustee resolve to close the meeting to the public pursuant to section 84 of the *Local Government Act 2009* to allow the Trustee Council to discuss contracts proposed to be made by the Trustee Council (CEQ leases), for which public discussion would be likely to prejudice the interests of the Trustee Council.

MOTION CARRIED UNANIMOUS

- LEGAL – CB – CEQ Leases

9. **10:50am – 10:50am** **TRUSTEE MOVE OUT OF CLOSED BUSINESS AND RESUME IN OPEN COUNCIL**

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Jimmy Gela

That the Trustee move out of Closed Business and resume the Trustee meeting in open business.

MOTION CARRIED UNANIMOUS

Resolution and minutes for noting following closed business:

8. **LEGAL – CB – CEQ Leases**

OPTION 2

Resolution:

Move: Cr Jimmy Gela; Second: Cr Hilda Mosby

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; and***
- ***That the Trustee, pursuant to the Torres Strait Islander Land Act 1991 (Qld), grant a standard 30-year lease to Community Enterprise Queensland for each of the following sites for the purpose of operating and maintaining a supermarket, subject to native title future act validation through an Indigenous Land Use Agreement to which Council is a party:***
 - ***Iama: Lot 8 on SP270867***
 - ***Masig: Lot 119 and Part of Lot 196 on SP277431***
 - ***Poruma: Lot 51 on SP270862***
 - ***St Pauls: Lot 152 on SP256048***
 - ***Kubin: Lot 74 on SP271019***
 - ***Boigu: Lot 8 on SP273190; and***
- ***Delegate to the Mayor and the Chief Executive Officer each the power to conclude the terms of each lease, and the power to make, amend or discharge the leases and lease amendments.***

MOTION CARRIED

AGAINST: Cr Keith Fell; Cr Kabay Tamu; Cr Dimas Toby and Cr Francis Pearson

ACTION: The CEO to review the current status of the existing CEQ leases where only a peppercorn rent is payable.

MORNING TEA 11:10am – 11:33am

10. **11:33am – 11:45am** **LEGAL – LHA lease transfer: Mabuiag Lot 34 SP273192**

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

RESOLUTION:

Move: Cr Keith Fell; Second: Cr Lama Trinkoon

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. 719578721) from the late Epesia Hankin over Lot 34 on SP273192 (title reference 51176752) to Louisa Ruth Guise; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.

MOTION CARRIED UNANIMOUS

11. **11:45am – 12:03pm** **LEGAL – Status of LHA lease resolution**

Mr Peter Krebs, Manager Legal Services spoke to the report and provided a status update.

RESOLUTION:

Move: Cr Laurie Nona; Second: Cr John Levi

The Trustee resolves to note the report

MOTION CARRIED UNANIMOUS

12. **12:03pm – 12:04pm** **Next meeting – Tuesday 28th June 2022**

Mayor Mosby confirmed the dates for the next meeting via video conference.

13. **12:04pm – 12:04pm** **Closing Remarks and Prayer**

Mayor Mosby closed the Trustee Meeting to reconvene in Day 1 of May's Council Ordinary Meeting.

MEETING CLOSED AT 12:04PM

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

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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date:

STRATEGIC 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	Plans	Lead Officer Comments	ETA
16	May	2022	Trustee	Cairns	Standing Agenda Item: Undocumented commercial land occupation project – verbal update DOGIT Transfers – Verbal Update	Manager Legal Services to write to the Minister office reinforcing Councils' position on the DOGIT transfer.	Manager Legal Services				Currently in progress	
16	May	2022	Trustee	Cairns	LEGAL – CB – CEQ Leases	CEO to review the current status of the existing CEQ leases where only a peppercorn rent is payable.	Chief Executive Officer					



TORRES STRAIT ISLAND REGIONAL COUNCIL

TRUSTEE REPORT

ORDINARY MEETING:	June 2022
DATE:	28–29 June 2022
ITEM:	Agenda Item for Resolution by Trustee
SUBJECT:	LHA lease transfer: Hammond Lot 53 on SP248418
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. 715651055) from Donald Peter Benjamin and Christine Elizabeth Benjamin over Lot 53 SP248418 (title reference 51067187) to Donald Peter Benjamin, Christine Elizabeth Benjamin, Michael Keith Benjamin and Cameron Paul Benjamin; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent form.

Executive Summary:

This report proposes that the Trustee consent to the LHA (Katter) lease transfer for the lease over for 53 Waterfront Road, Hammond Island (Lot 53 SP248418).

Background:

Council has been contacted by the Department (DSDSATSIP) on behalf of the Benjamin family.

Donald Benjamin & Christine Benjamin have requested to add Michael Keith Benjamin and Cameron Paul Benjamin to the Katter lease over 53 Waterfront Road, Hammond Island (Lot 53 SP248418). This is a lease “transfer” in that it changes the ownership of the lease by adding two lessees.

Comment:

1. A Land Holding Act lease (Lease No. 715651055) was granted under the *Aboriginal and Torres Strait Islander Land Holding Act 1985* (Qld) to Donald Benjamin and Christine Benjamin over Lot 53 SP248418. The lease commenced on 23 May 1996. TSIRC is the lessor of the lease.
2. 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.
3. 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 Dorante
- 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:

Aboriginal Land Act 1991 (Qld)

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 this Katter lease.



Recommended:

Peter Krebs
Manager Legal Services



Endorsed:

Megan Barrett
Executive Director, Corporate Services



Endorsed:

James William
Chief Executive Officer