

Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

April 2022

TRUSTEE MEETING

Wednesday, 20th April 2022

Video Conference

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Torenzo Elisala, Division 2 – Dauan
Cr Conwell Tabuai, Division 3 – Saibai
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)
Mr Dawson Sailor, Acting Executive Director, Community and Building Services (AEDCBS)
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:

Nil

TRUSTEE MEETING
Wednesday, 20th April 2022
Agenda Items

1. 9:06am - 9:10am Opening Prayer and Welcome

Mayor Mosby opened the meeting with a welcome to Councillors, Executive and Secretariat Staff and acknowledged the following:

- Our Heavenly Father for his awesome wisdom, knowledge and understanding upon our lives; His favour and blessings upon this leadership, our organisation our families and region.
- Traditional Owners throughout the length and breadth of Zenadth Kes including where the footprints are on Thursday Island as well as Cairns.
- Proceeded to do a roll call to establish a quorum

Mayor Mosby requested everyone to be upstanding and invited Cr Keith Fell to open the meeting in a word of prayer and to observe one minute's silence.

One minute silence was observed for the loss of loved ones.

9:08am – Cr Dimas Toby joined the meeting

9:10am – Cr Kabay Tamu joined the meeting.

2. 9:10am – 9:10am Apologies

No apologies.

3. 9:10am - 9:15am Declaration of Conflict of Interest (COI) Declarable and Prescribed

No declarations were made by Councillors. Mayor Mosby encouraged Councillors to make a declaration at any time during the meeting.

4. 9:15am – 9:16am Confirmation of Trustee Meeting Minutes

- Trustee Meeting – 22nd March 2022

RESOLUTION:

Moved: Cr John Levi; Second: Cr Jimmy Gela

That the Trustee accepts the minutes of the Trustee meeting held on 22nd March 2022 as a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

9:16am – Cr Conwell Tabuai joined the meeting.

5. 9:16am – 9:27am Outstanding Action Items

Mr Peter Krebs, Manager Legal Services provided the Trustee with an update on the Action Items register from March Trustee Meeting.

9:22am – Cr Laurie Nona joined the meeting.

9:22am – Cr Hilda Mosby joined the meeting.

ACTION: Manager Legal Services to circulate the letter from Mayor Mosby to Ministers office regarding the request for financial support for DOGIT transfers both pre and post transfer.

6. **9:27am – 9:41am**

Standing Agenda Item: (verbal update)

- Undocumented commercial land occupation project – verbal update

Mr Peter Krebs, Manager Legal Services provided a verbal update on the above topic and in-depth discussions were held on the following matters:

- CEQ IBIS – sites at Yam, Masig, Poruma, St Pauls, Kubin and Boigu where IBIS does not have a current lease in place.
- Department of Home Affairs – Kubin – negotiations in place regarding a licence.
- Tagai – school campus and staff accommodation on Masig
- Telstra – site on Hammond Island
- Ergon Energy - Saibai , Kubin and Hammond Island
- Defence of Defence – Boigu
- SES – various TSIRC premises

ACTION: Manager Legal Services to circulate the letter from Mayor Mosby to Minister Crawford regarding CEQ leases.

- DOGIT Transfers – Verbal Update

Mr Peter Krebs, Manager Legal Services provided a verbal update on this topic. No further communications were received from the State or GBK regarding this process which was mentioned in the action items. Manager Legal Services to chase up and provide further update at SARG in due course.

9:31am – Cr Torenzo Elisala joined the meeting.

Cr Kabay Tamu declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 7 LEGAL – LHA lease transfers: Warraber Lot 8 and Lot 81 SP270859 as persons involved are close relatives and therefore a related party under s150EP. Cr Kabay Tamu declared an interest under s150EQ(4). Cr Kabay Tamu proposed to leave the meeting.

Cr Francis Pearson declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 7 LEGAL – LHA lease transfers: Warraber Lot 8 and Lot 81 SP270859 as persons involved are close relatives and therefore a related party under s150EP. Cr Francis Pearson declared an interest under s150EQ(4). Cr Francis Pearson proposed to leave the meeting.

Mayor Mosby declared a Declarable Conflict of Interest in Trustee Meeting Agenda Item 7 LEGAL – LHA lease transfers: Warraber Lot 8 and Lot 81 SP270859 as persons involved are close relatives and therefore a related party under s150EP. Mayor Mosby declared an interest under s150EQ(4). Mayor Mosby proposed to leave the meeting.

Manager Legal Services provided advice that since it is a Trustee Meeting of Council, the Department guidelines is that Councillors do not have to leave the meeting during the discussions so Cr Kabay Tamu, Cr Francis Pearson and Mayor Mosby continued to participate in the meeting.

7. **9:41am – 9:52am**

LEGAL – LHA lease transfers: Warraber Lot 8 and Lot 81 SP270859

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

Cr Kabay Tamu clarified the surname of Tyore on the recommendation, which is not the surname of applicant, Dorothy Elizabeth Mari. Mr Peter Krebs, Manager Legal Services amended the report accordingly.

RESOLUTION:

Move: Cr Aven Noah; Second: Cr Hilda Mosby

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 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.

MOTION CARRIED UNANIMOUS

8. **9:52am – 10:01am** **LEGAL – TCHHS lease St Pauls (Lot 36 on SP256048)**

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

RESOLUTION:

Move: Cr John Levi; Second: Cr Lama Trinkoon

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.

MOTION CARRIED UNANIMOUS

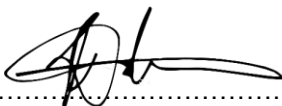
9. **10:01am – 10:04am** **Next meeting – Monday, 16th May 2022**

Mayor Mosby confirmed the next meeting date in Cairns on Monday 16th May 2022.

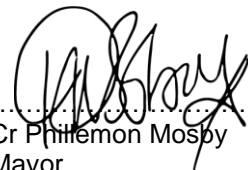
10. **10:04am – 10:04am** **Closing Remarks and Prayer**

Mayor Mosby declared the Trustee meeting closed.

MEETING CLOSED 10:04AM



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 16.05.2022



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Cr Philemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 16.05.2022