

Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

September 2022

TRUSTEE MEETING

Tuesday, 20th September 2022

Division 11, Poruma (Coconut)

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 – Mabuia
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Deputy Mayor, Division 9 – Iama (Yam)
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 Wayne Green, Executive Director Building Services (EDBS)
Mr Peter Krebs, Acting Executive Director Corporate Services (A/EDCS)
Mrs Ursula Nai, Senior Executive Assistant to the CEO (SEA)
Ms May Mosby, Acting Secretariat

APOLOGIES:

Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island – Sorry Business
Cr Kabay Tamu, Division 10 – Warraber (Sue) – Family cultural preparations (tombstone unveiling)
Cr Laurie Nona, Division 5 – Badu – Personal Family Commitment (overseas)
Mr Dawson Sailor, Head of Community Services (HOCS) – Family cultural preparations (tombstone unveiling)

TRUSTEE MEETING
Tuesday, 20th September 2022

1. 9:00am - 9:05am Opening Prayer and Welcome

Mayor Phillemon Mosby welcomed Councillors and Executive Staff to the Trustee Meeting and invited Cr John Levi to open the meeting with a word of prayer.

A minute's silence was observed as a mark of respect to the Queen and the dearly departed, may they rest in peace.

2. 9:05am – 9:10am Apologies

Cr Lama Trinkoon, Division 6 – Arkai (Kubin) – sorry business

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Conwell Tabuai

That Council accepts the apology of Cr Lama Trinkoon for the September 2022 Trustee Meeting. **MOTION CARRIED UNANIMOUS**

Cr Laurie Nona, Division 5 – Badu – personal family commitment

RESOLUTION:

Moved: Cr Aven Noah; Second: Cr John Levi

That Council accepts the apology of Cr Laurie Nona for the September 2022 Trustee Meeting. **MOTION CARRIED UNANIMOUS**

Cr Kabay Tamu, Division 10 – Warraber – family cultural preparations (tombstone unveiling)

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Rocky Stephen

That Council accepts the apology of Cr Kabay Tamu for the September 2022 Trustee Meeting. **MOTION CARRIED UNANIMOUS**

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

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

4. 9:15am – 9:20am Confirmation of Trustee Meeting Minutes

- Trustee Meeting – 24th August 2022

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Jimmy Gela

That the Trustee accepts the minutes of the Trustee meeting held on 24th August 2022 as a true and accurate account of that meeting. **MOTION CARRIED UNANIMOUS**

5. 9:20am – 9:30am Trustee Outstanding Action Items

Mr Peter Krebs, Acting Executive Director Corporate Services/Manager Legal Services provided an update on the Trustee action items.

6. 9:30am – 9:39am Standing Agenda Item: (verbal update)

- Undocumented commercial land occupation project – verbal update
- DOGIT Transfers – Verbal Update

Mr Peter Krebs provided Council with a verbal update on the undocumented commercial land occupation project.

Deputy Mayor raised the subject of the IBIS leases in that it's been going on for too long with no outcome. Discussions took place on the subject.

ACTION: That Manager Legal Services follow up with CEQ the status of the outstanding leases and explore legal and other options to enforce compliance with Council's requirements.

Mr Peter Krebs also provided a verbal update on the DOGIT transfers advising that there had been no further progress to date since GBK took over the project.

ACTION: That Manager Legal Services write to the Minister to extend an invitation to attend the November workshop regarding the DOGIT transfers.

7. **9:39am – 9:53am** **LEGAL - TR – TCHHS leases St Pauls and Kubin**

Mr Peter Krebs, Manager Legal Services/Acting Executive Director Corporate Services spoke to the report.

RESOLUTION:

Moved: Cr John Levi; Second: Cr Torenzo Elisala

1. 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 28 February 2023 (a further six-month extension) 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, on the proviso that if consent-based future-act validation is not achieved by 28 February 2023 then the Trustee endorses the use of section 24JAA of the Native Title Act 1993 (Cth) to satisfy the native title condition, and 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 negotiate, sign and discharge the Deed of Variation and lease.
2. 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 March 2023 (a further six-month extension) of the date for the satisfaction of the native title requirements in relation to the proposed lease of **Kubin** lot 134 on SP271019, 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 negotiate the terms of the Deed of Variation and lease, sign and discharge the Deed of Variation and lease.

MOTION CARRIED UNANIMOUS

8. **9:53am – 10:14am** **LEGAL – TR – Telstra request to transfer lease interests to Amplitel**

Mr Peter Krebs, Manager Legal Services/Acting Executive Director Corporate Services spoke to the report with each resolution to be carried separately with the relevant Divisional Councillor as mover with the exception of the three communities not in attendance.

ACTION: Senior Legal Officer to check the legislation on the power of VETO.

RESOLUTION:

Moved: Cr Dimas Toby; Second: Cr Aven Noah

1. **Boigu:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (712162563)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Torenzo Elisala; Second: Cr Conwell Tabuai

2. **Dauan:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (715884617)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Conwell Tabuai; Second: Cr Francis Pearson

3. **Saibai:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease 719676460** (Lot 103 SP267944) from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Keith Fell; Second: Cr John Levi

4. **Mabuiaq:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (716045963)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr John Levi; Second: Cr Keith Fell

7. **Wug/St Pauls:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991(Qld), to consent to Telstra's lessee request to transfer or licence of **Lease (716688174)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTON CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Seriako Dorante; Second: Cr Francis Pearson

8. **Kirriiri/Hammond:** That the Trustee resolve, pursuant to the Aboriginal Land Act 1991 (Qld), to require the occupant of **Lot 10 on SP248418** (Francis Rd, Hammond Island), being the operator of the Hammond Island R/T (Site ref TC16965) (Telstra Corporation Limited or Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited), to enter into a standard Trustee lease, subject to native title future act validation; and delegate to the Mayor and Chief Executive Officer each the power to negotiate, sign and discharge the Deed of Agreement for Lease, Lease and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Getano Lui; Second: Cr Torenzo Elisala

9. **Iama:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (713124952)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Francis Pearson; Second: Cr Conwell Tabuai

11. **Poruma:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (715600944)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Torenzo Elisala

12. **Masig:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease 718782028** (Lot 213 SP277431) from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Rocky Stephen; Second: Cr John Levi

13. **Ugar:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (713124934)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

RESOLUTION:

Moved: Cr Jimmy Gela; Second: Cr Keith Fell

14. **Erub:** That the Trustee resolve, pursuant to the Torres Strait Islander Land Act 1991 (Qld), to consent to Telstra's lessee request to transfer or licence of **Lease T (713124893)** from Telstra Corporation Limited to Amplitel Pty Ltd as trustee for the Towers Business Operating Trust, care of Telstra Corporation Limited; and delegate to the Mayor and Chief Executive Officer each the power to sign and discharge lease transfer, Deed of Consent to Assignment and General Consent forms, as required.

MOTION CARRIED UNANIMOUS

9. **10:14am – 10:14am**

**Next meeting – Tuesday, 18th October 2022 via VMR –
changed to new meeting date 11th October 2022**

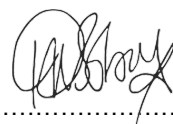
10. **10:14am – 10:25am**

Mayor Pillemon Mosby declared the Trustee meeting closed to reconvene in Council Ordinary Meeting after morning tea.

MEETING CLOSED – 10:30AM



.....
Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 11/10/2022



.....
Cr Pillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 11/10/2022