



Time: 9.00am to 10.30am
Venue: (Microsoft TEAMS)
Meeting ID: 430 295 436 817
Passcode: XW65oF

ORDER OF BUSINESS

9.00am	<p>A. WELCOME & QUORUM CONFIRMATION ACKNOWLEDGEMENTS OPENING PRAYER OBSERVANCES</p> <p>B. NOTING OF APOLOGIES</p> <p>C. CONFLICT OF INTEREST DECLARATIONS</p> <p>D. LIVE STREAM. <i>This meeting is live streamed on Council's YouTube Channel.</i></p> <p>1. CONFIRMATION OF MINUTES (24 July 2024)</p> <p>1.1. Update on Action Items from Previous Meetings</p> <p>2. HELIPAD DEVELOPMENT – DEPARTMENT OF HOME AFFAIRS – <i>held over from previous meeting</i></p> <p>3. PORUMA – DEPARTMENT OF EDUCATION PROPOSED LEASE – EXTENSION TO CONDITIONAL AGREEMENT TO LEASE TO SATISFY NATIVE TITLE SPECIAL CONDITION</p> <p>4. RESOLUTION TO CLOSE THE MEETING TO THE PUBLIC</p> <p>5. Iama DOGIT Transfer</p> <p><i>[Reason for Closed Discussion: this matter involves discussions relating to a legal matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.]</i></p> <p>6. Native Title Consent Process for New Housing</p> <p><i>[Reason for Closed Discussion: these matters involve discussions relating to a commercial matter (State Funding Agreement and proposed future funding) involving the local government for which a public discussion would be likely to prejudice the interests of the local government]</i></p> <p>7. RESOLUTION TO RETURN THE MEETING TO OPEN DISCUSSION</p> <p>8. CONSIDERATION OF MATTERS DISCUSSED IN CLOSED SESSION</p> <p>9. ITEMS ARISING</p> <p>10. NEXT MEETING – 17 SEPTEMBER 2024 (DAUAN)</p> <p>11. CLOSE OF MEETING</p>
10.30am	



DIRECTORATE: *Corporate Services*

AUTHOR: *Executive Director Corporate Services*

CONFIRMATION OF MINUTES (24 JULY 2024)

OFFICER RECOMMENDATION:

Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 24 July 2024.

EXECUTIVE SUMMARY:

Section 254F(4) of the *Local Government Regulation 2012* requires that at each local government meeting, the minutes of the previous meeting must be confirmed by the councillors or committee members present.

Interested Parties/Consultation:

N/A

Background / Previous Council Consideration:

The previous Trustee meeting was held on 24 July 2024.

Section 254(6) of the *Local Government Regulation 2012* requires that a copy of the minutes of each local government meeting must be made publicly available by 5pm on the tenth day after the meeting is held. To meet these compliance requirements, a copy of the draft Minutes from the last meeting were circulated to the Executive Leadership Team for input prior to being posted on the Council website.


Following confirmation of the Minutes by the Council, the confirmed Minutes will replace the draft Minutes on the Council website.

COMPLIANCE / CONSIDERATIONS:

Statutory:	Section 254F(4) of the <i>Local Government Regulation 2012</i>
Budgetary:	N/A
Policy:	N/A
Legal:	N/A
Risk:	Council breach of its Statutory requirements above.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>) Delivery Pillar One – People (<i>Bisnis – Pipol</i>) Outcome 4: We are a transparent, open and engaging council. ➤ 4.2 Evolve Council’s communication channels and community’s access to information.
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	Standard Procedure at each Monthly Trustee Meeting

Other Comments:

Nil.

Recommended:

Susanne Andres
Executive Director Corporate Services

Approved:

James William
Chief Executive Officer

ATTACHMENTS:

Draft Minutes of the Trustee Meeting held on 24 July 2024.



TRUSTEE MEETING

24 JULY 2024

MINUTES

Time: 9.00am

Venue: TSRA Ranger's Facility, Erub (Torres Strait)
Meeting ID: 498 055 779 579
Passcode: 3ncVoB

PRESENT:

Mayor

Division 1 – Boigu
Division 3 – Saibai
Division 4 – Mabuiag
Division 6 – Arkai (Kubin), Mua Island
Division 7 – Wug (St. Pauls Community), Mua Island
Division 8 – Kirirri (Hammond Island)
Division 9 – Iama
Division 10 – Warraber
Division 11 – Poruma
Division 12 – Masig
Division 13 – Ugar
Division 14 – Erub
Division 15 – Mer

Cr Phillemon Mosby
Cr Dimas Toby
Cr Chelsea Aniba
Cr Keith Fell
Cr Iona Manas – *via TEAMS*
Cr John Levi
Cr Seriako Dorante
Cr Aggie Hankin – *via TEAMS*
Cr Kabay Tamu
Cr Francis Pearson
Cr Ted Mosby
Cr Rocky Stephen
Cr Nixon Mye
Cr Bob Kaigey

APOLOGIES:

Division 2 – Dauan
Division 5 – Badu / **Deputy Mayor**

Cr Torenzo Elisala
Cr Ranetta Wosomo

OFFICERS:

Chief Executive Officer

Executive Director Building Services
Executive Director Community Services
Executive Director Corporate Services
Executive Director Engineering Services
Executive Director Financial Services
Preston Law
Manager People & Wellbeing
Executive Support Coordinator
Acting Executive Assistant to the Mayor
TSIRC Secretariat

Mr James William
Mr Wayne Green
Mr Dawson Sailor
Ms Susanne Andres
Mr David Baldwin
Ms Hollie Faithfull
Mr Julian Bodenmann – *via TEAMS*
Mr Anthony King
Ms Sharon Russell
Ms Emma Williams
Mr Darryl Brooks – *via TEAMS*

A. WELCOME & QUORUM CONFIRMATION | ACKNOWLEDGEMENTS | OPENING PRAYER | OBSERVANCES

At 9.10am the Mayor formally opened the July 2024 Trustee Council meeting, noting that a quorum of members were present.

The Mayor welcomed attendees and made the following acknowledgements:

- Our Heavenly Father for his awesome wisdom, knowledge, understanding, favour and blessings throughout our lives;
- The Traditional Custodians throughout Zenadth Kes and the communities and constituents that Council serves;
- The Traditional Custodians of Erub and the Erub Community who are hosting this meeting of Council; and
- All Elders – past, present and emerging.

The Mayor thanked the community of Erub for the welcome provided to himself, the Council and staff.

The Mayor also conveyed to those members of the Torres Strait Islander community – on Erub and both throughout the homelands and on the Australian mainland – who may be observing Sorry Business at this time, the thoughts and prayers of all Councillors.

Cr John Levi delivered the opening prayer.

The Mayor then invited participants to observe a minute of silence for remembrance purposes.

The Mayor welcomed the newly elected Councillors to their first meeting on Country for this term of Council and then invited Cr Nixon Mye to say a few words of welcome.

B. NOTING OF APOLOGIES

The following apologies were noted by Council:

Division 2 – Dauan

Division 5 – Badu / Deputy Mayor

Cr Torenzo Elisala

Cr Ranetta Wosomo

C. CONFLICT OF INTEREST DECLARATIONS

Nil.

D. LIVE STREAM

The Mayor earlier advised Council at the commencement of proceedings that this meeting is being LIVE STREAMED.

1. CONFIRMATION OF MINUTES (25 June 2024)

#T24-28/2024-07/1

CR PEARSON / CR MYE

Council (as Trustee) confirms the Minutes of the Trustee Meeting held on 25 June 2024.

CARRIED UNANIMOUSLY

➤ *Cr Aniba and Cr Fell joined the meeting at 9.20am.*

1.1. UPDATE ON ACTION ITEMS FROM PREVIOUS MEETINGS

The Chief Executive Officer (Mr James William) spoke to this item and the update was noted by Council.

Cr Rocky Stephen sought advice on options for Ugar to consider in relation to any lessons learned from the recent handover of DOGIT on Iama to the Iama PBC. The Chief Executive Officer responded by advising that it is too early in the handover period to realise the implications of the handover on the community, the land owners and the Council.

2. HELIPAD DEVELOPMENT – DEPARTMENT OF HOME AFFAIRS

Mr Julian Bodenmann (Preston Law) spoke to this item.

The Mayor recommended that the matter be laid on the table in the absence of Cr Torenzo Elisala (apology) and Cr Iona Manas (internet connectivity issues) and that it be considered when both Councillors are present. The Council (as Trustee) supported the Mayor's recommendation.

3. ITEMS ARISING

Nil.

4. NEXT MEETING – 21 August 2024 (Microsoft TEAMS)

Noted by Council (as Trustee).

5. CLOSE OF MEETING

The Mayor closed the Trustee meeting at 9.40am.

MINUTES CONFIRMED – 21 August 2024

.....
Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 21 August 2024

.....
James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 21 August 2024



TRUSTEE COUNCIL MEETING ACTION ITEMS

(as at 15 August 2024)

Agenda Item

1.1

Agenda Item	Action	Action Area	Current Status
Apr 2024 Mtg AI 6 Matters Arising (DOGIT Policy)	Cr Stephen requested that a range of issues in relation to finalising Council's DOGIT policy be discussed at Council's May 2024 Workshop. <u>Action:</u> Chief Executive Officer to discuss further with Cr Stephen out of session.	Chief Executive Officer	In progress & to be maintained as an ongoing action as DOGIT remains an ongoing and significant issue.
Nov 2023 Mtg AI 6 Action Items from Previous Meetings	ACTION: 1. <u>CEQ Matters</u> - Chief Executive Officer to liaise with Cr Dimas Toby in relation to CEQ Board engagement (particularly in relation to Seaswift matters, leasing, fuel matters and general pricing). 2. <u>Saibai Island Church</u> /options to assist in the maintenance and/or restoration of heritage-listed sites and buildings to be considered at the December 2023 meeting.	Chief Executive Officer / Corporate Services (Legal Services) Community Services	1. Remains in progress. Discussions with Seaswift and CEQ CEOs have been held. 2. Ongoing work is taking place with the Department of Environment and Heritage, as this is a heritage listed building. Final survey report received in the w/b 17/6/24 and has been considered/discussed by the EDs Community Services/Building Services and the surveyor. Cr Aniba has been provided a copy of the draft report and is aware of the progress on this matter. Final report expected to be released on Friday 26 th July 2024. Final Concept Plans received only.



DIRECTORATE: Corporate Services

AUTHOR: DOGIT Transfer, Land Tenure and Native Title Advisor

HELIPAD DEVELOPMENT – DEPARTMENT OF HOME AFFAIRS

OFFICER RECOMMENDATION:

- The Trustee approves the proposed increase to the lease areas of the Department of Home Affairs' (DHA) registered lease at Dauan Island and Conditional Agreement to a new Lease at Kubin, Banks Peak, consistent with the indicative plans contained in this Report; and
 - Delegates to the Chief Executive Officer the power to progress negotiations with the DHA to formalise the Trustee's agreement in relation to the matters set out in this resolution on commercial terms and conditions, satisfactory to the Chief Executive Officer, including in relation to adjusted rental, necessary planning requirements and subject to validation of Native Title.
-

EXECUTIVE SUMMARY:

At its November 2023 Trustee Meeting, the Trustee considered a Report in response to an initial request by the Department of Home Affairs (**DHA**) to develop helipad infrastructure located at Dauan Island, Erub Island and Kubin.

Following that meeting, DHA has progressed its consideration of the proposed development, and is continuing to propose the development at Dauan Island and Kubin, but is no longer proceeding with the proposed development at Erub Island.

DHA holds an existing lease with the Trustee over land at Dauan Island. DHA is a party to a Conditional Agreement to Lease (**CATL**) for land at Kubin (previous lease expired and the site is subject to a licence agreement pending agreement on a new lease).

Both the Dauan and Kubin proposals require DHA to expand the existing agreed areas for its operations.

The purpose of this Report is for Council, as Trustee, to approve the proposed increase to the leased area at Dauan and the CATL area at Kubin. If the Trustee approves that, then DHA will need to:

- arrange for fresh survey plans depicting the entire lease area;
- validate Native Title for any areas that have not already been the subject of Native Title validation;
- enter into amended or new lease or CATL documents to reflect the expanded area; and
- obtain planning approval from Council, in its capacity as planning authority.

Interested Parties/Consultation:

Preston Law.

Department of Home Affairs.

Background / Previous Council Consideration:

DHA has requested that the Trustee approves the upgrade and improvement of helipad infrastructure located at these sites, so that Australian Border Force can meet its Border protection obligations and maintain its secure ultra-high frequency communication network.

DHA has said that the network *“is a critical enabling tool to meet its Border protection obligations with all sites contributing to the security network of the Torres Strait”*.

In the case of Dauan Island, there is existing helipad infrastructure that DHA proposes to upgrade.

In the case of Kubin, the helipad infrastructure is proposed new infrastructure, in the vicinity of existing DHA radio communications infrastructure. The previous lease expired and the site is subject to a licence agreement pending the negotiation of a new lease over the site.

Aerial images of the existing sites are shown below:

1. Dauan Island (Lot 77 on SP270872) existing lease.



2. Kubin (Lease C (expired) in Lot 5 on SP271019).

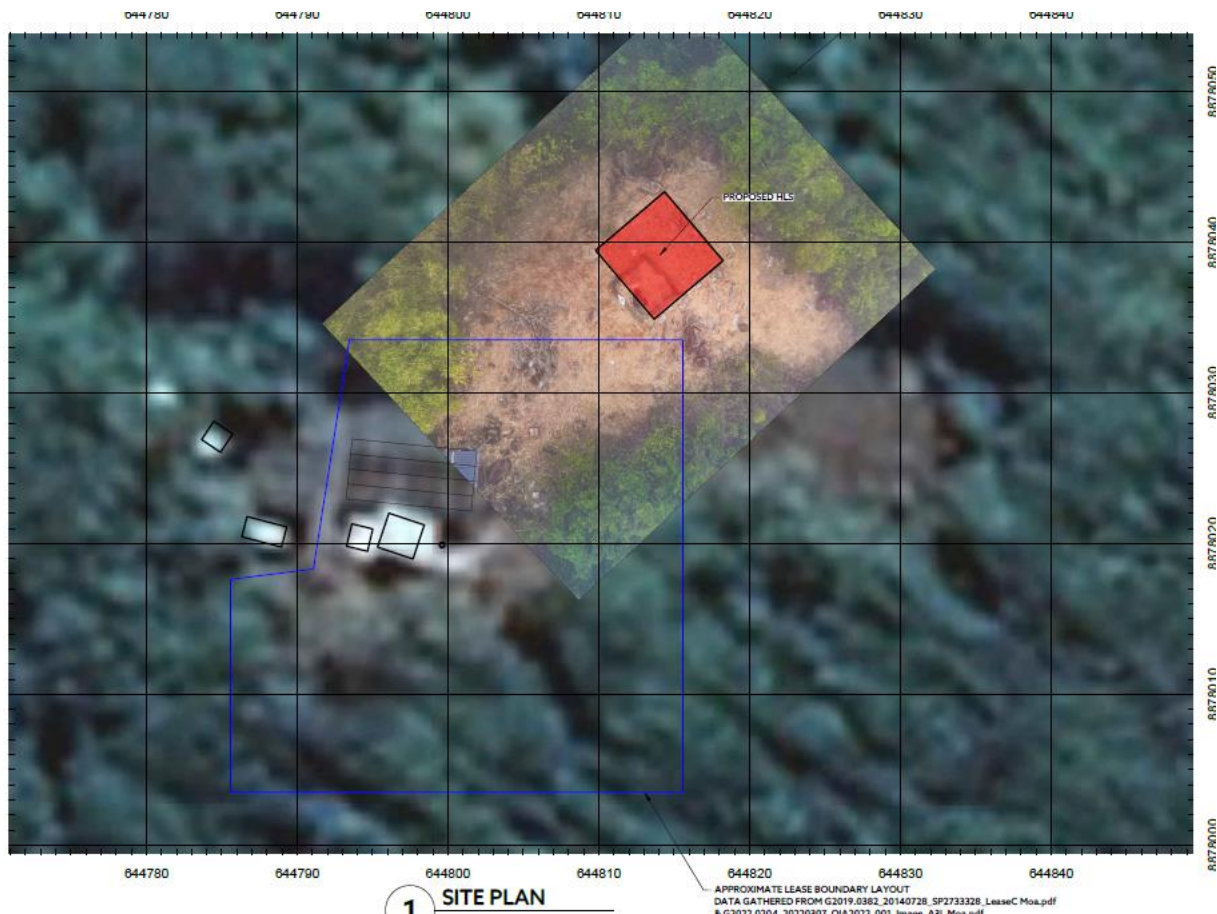


DHA has now provided detailed works plans to Council, helipads are shown below in red:

Dauan Island site.



Kubin site.



The recommendation contained in this Report is to approve the proposed increase to both areas. However, this approval is proposed to be provided by Council as Trustee, in its capacity as the Trustee of the DOGIT. This does not fetter Council's discretion as planning authority, and the grant of any interest will still be conditional upon a resolution of Native Title.

To give effect to these changes, new lease and CATL documents will need to be negotiated and entered into. A survey plan of the revised lease area will also need to be obtained.

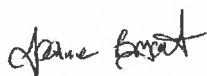
It is recommended that the requests be supported, given that, the upgrade and improvement of helipad infrastructure located at these sites will allow Australian Border Force to maintain its secure ultra-high frequency communication network and enable DHA to meet its Border protection obligations of the Torres Strait.

COMPLIANCE / CONSIDERATIONS:

Statutory:	<ul style="list-style-type: none"> • <i>Torres Strait Islander Land Act 1991 (Qld)</i> • <i>Planning Act 2016 (Qld)</i> • <i>Local Government Act 2009 (Qld)</i>
Budgetary:	N/A It is proposed that the Trustee seeks to pass on all costs associated with considering these matters on to DHA.
Policy:	N/A
Legal:	The Report has been developed in consultation with Council's Legal Services Team and Council's external solicitor, Preston Law.
Risk:	Trustee risks will be managed by ensuring any expanded area is subject to a valid lease or other legal document protects the Trustee with regard to the proposed land uses.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>) <ul style="list-style-type: none"> ➤ Delivery Pillar – Sustainability Outcome 8: We manage council affairs responsibly for the benefit of our communities <ul style="list-style-type: none"> ➤ 8.1: Effective management of DOGIT Land as a Trustee
Masig Statement:	Providing adequate land for the helipads is critical enabling tool to assist DHA to meet its Border protection obligations with all sites contributing to the security network of the Torres Strait. This is consistent with the aims of the Masig Statement, including: <ul style="list-style-type: none"> • Aim 4 –create partnerships with Key Regional Stakeholders, the Queensland and Australian Governments to better equip us to work together to achieve our regional goals and aspirations.
Standing Committee Consultation:	N/A
Timelines:	N/A

Other Comments:

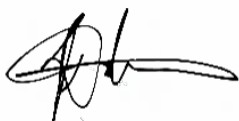
Nil.

Recommended:


Joanne Bryant
DOGIT Transfer, Land Tenure and Native Title Advisor

Endorsed:


Susanne Andres
Executive Director Corporate Services

Approved:


James William
Chief Executive Officer

ATTACHMENTS: Nil.



DIRECTORATE: Corporate Services

AUTHOR: DOGIT Transfer, Land Tenure and Native Title Advisor

PORUMA – DEPARTMENT OF EDUCATION PROPOSED LEASE – EXTENSION TO CONDITIONAL AGREEMENT TO LEASE TO SATISFY NATIVE TITLE SPECIAL CONDITION

OFFICER RECOMMENDATION:

Council (as Trustee) resolves, pursuant to the *Torres Strait Islander Land Act 1991* (Qld), to:

- (a) grant an 18-month extension of time (from 18 September 2024 to 18 March 2026) to the Conditional Agreement to Lease to the State of Queensland, represented by the Department of Education, to satisfy the Native Title special condition for the grant of a lease over Lot 50 on SP270862, Poruma; and**
- (b) Delegate to the Chief Executive Officer the power to negotiate the terms of the extension by signing the Deed of Variation and subsequent lease.**

EXECUTIVE SUMMARY:

The Department of Education (the Department) has sought an 18-month extension of time from 18 September 2024 to 18 March 2026 to allow time for the Department to address the Native Title requirements for the grant of a lease over Lot 50 on SP270862 (education staff residence) using the Poruma Infrastructure and Housing ILUA (which is yet to be registered).

Interested Parties/Consultation:

- Poruma Division 11- Councillor Pearson confirmed his support for the extension to 18 March 2026.
- Department of Education.
- Crown Law.

Background / Previous Council Consideration:

Under the *Torres Strait Islander Land Act 1991*, Council (as Trustee) has the power to grant leases of up to 99 years. In September 2014 Council entered into a Conditional Agreement to Lease (CATL) with the Department, to lease the premises for a term of 99 years at the nominal rent of \$6,000 per annum (starting rent subject to CPI). The proposed lease area is described as Lot 50 on SP270862 (previously described as “Lease Area A on SP248114 in Lot 6 on Crown Plan TS166”) and is being used by the Department as employee accommodation.

The Conditional Agreement to Lease included the requirement for the Department to seek Native Title Consent for the grant of the lease. So far, due to the delay in the registration of the Poruma Infrastructure and Housing ILUA (Poruma Regional ILUA), the Native Title condition has not been able to be satisfied, which resulted in the Trustee agreeing to the CATL being extended six times since 2014. The most recent and sixth extension of time to 18 September 2024 was approved by Council at its meeting of 30 August 2023 (as per resolution below).

9. CORPORATE SERVICES: Department of Education Lease - Poruma

RESOLUTION

Moved: Cr Francis Pearson; Second: Cr Seriako Dorante

That the Trustee resolve, pursuant to the *Torres Strait Islander Land Act 1991 (Qld)*, to grant the State of Queensland represented by the Department of Education an extension to 18 September 2024 (a further 12-month extension) of the date for the satisfaction of the native title requirements in relation to the proposed lease of Poruma Lot 50 on SP270862, 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 UNANIMOUSLY

Occupation fee:

In 2018, the Department agreed to commence paying an interim occupation fee of \$6,000 per annum for its use of the land, backdated to 19 September 2012 and to continue to the date the lease eventually starts (or the date the Department vacates the premises if a lease is not signed).

In May 2018, Council as Trustee set a rent methodology of \$10.80 per square metre per annum (starting rent subject to CPI) for commercial/government leases, with a minimum charge of \$6,000 per annum.

Subsequently, under the third extension of the CATL, the Department agreed to increase the occupation fee from \$6,000 to **\$9,514** per annum (based on the lease area of 880 square metres) to match Council's trustee rent methodology of \$10.80 per square metre. The Department is continuing to pay this fee.

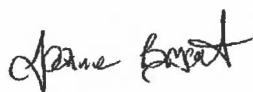
Poruma Infrastructure and Housing ILUA.

Crown Law advised that the Poruma Infrastructure and Housing ILUA has been executed by the Porumalgal PBC, however there is a required amendment to the ILUA which means, once it is amended, the Porumalgal PBC is required to re-sign it. Once the ILUA is re-signed, it is required to be signed by the other parties, namely TSRA, TSIRC and the Minister before it can be lodged with the National Native Title Tribunal for registration. This process may take some time to resolve.

It is recommended that the Trustee agree to extend the deadline to satisfy the Native Title condition from 18 September 2024 to 18 March 2026 (18-month extension). This will allow time for the ILUA execution and registration process, along with the consultation and validation process for the proposed lease from the Trustee to the Department.

COMPLIANCE / CONSIDERATIONS:

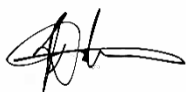
Statutory:	<ul style="list-style-type: none"> • <i>Torres Strait Islander Land Act 1991 (Qld)</i> • <i>Native Title Act 1993 (Cth)</i>
Budgetary:	The Trustee is receiving interim occupation fee for this site of \$9,514 per annum.
Policy:	Trustee Policy 2019
Legal:	<p>The Report has been developed by Council's DOGIT Transfer, Land Tenure and Native Title Advisor.</p> <p>The deed of variation was drafted by Crown Law and previous versions were approved by Council's Legal Services. The only amendment to this version reflects the new date (18 September 2023 to 18 September 2024).</p>
Risk:	NA
Links to Strategic Plans:	<p>TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>)</p> <ul style="list-style-type: none"> ➤ Delivery Pillar – Sustainability <p>Outcome 8: We manage council affairs responsibly for the benefit of our communities</p> <ul style="list-style-type: none"> ➤ 8.1: Effective management of DOGIT Land as a Trustee
Masig Statement:	<p>This is consistent with the aims of the Masig Statement, including:</p> <ul style="list-style-type: none"> • Aim 2 – facilitating the pursuit of economic, social and cultural development; and • Aim 3-the right to self-govern matters relating to internal and local affairs, as well as ways and means for financing their autonomous functions.
Standing Committee Consultation:	N/A
Timelines:	N/A

Other Comments: Nil**Recommended:**


Joanne Bryant
DOGIT Transfer, Land Tenure and Native Title Advisor

Endorsed:


Susanne Andres
Executive Director Corporate Services

Approved:


James William
Chief Executive Officer

ATTACHMENTS:

Attachment 1-Deed of Variation (document 16730551) to 18 March 2026.

DEED OF VARIATION

Between

Torres Strait Island Regional Council

and

The State of Queensland



Crown Law

**Crown Solicitor
Level 11
State Law Building
50 Ann Street
BRISBANE**

**Telephone: (07) 3031 5779
Facsimile: (07) 3239 6386
Reference: EDU020/5480/TZE**

THIS DEED is made

BETWEEN: **Torres Strait Island Regional Council**

(‘the Council’)

AND: **The State of Queensland** (represented by Department of Education)

(‘the State’)

RECITALS:

- A. The Council and the State entered into the Conditional Agreement to Lease.
- B. The Council and the State entered into the Deeds of Variation to amend the terms of the Conditional Agreement to Lease.
- C. The Council and the State wish to further amend the Conditional Agreement to Lease in accordance with the terms of this Deed.

AGREED TERMS:

1. Definitions and Interpretation

1.1 In this Deed, the following definitions will apply:

Conditional Agreement to Lease means the Conditional Agreement to Lease between the Council and the State dated 19 September 2014 providing for the grant of a lease to the State over the premises described as Lease Area A on SP248114 in Lot 6 on Crown Plan TS166, (now redescribed as Lot 50 on SP 270862) subject to satisfaction of various conditions;

Date of this Deed means the date on which this Deed is executed by the parties and if executed on different dates, the later of those dates;

Deed means this document and all schedules to this document;

Deeds of Variation means the Deed of Variation dated 12 July 2016, the Deed of Variation dated 12 October 2017, the Deed of Variation dated 13 December 2018, the Deed of Variation dated 21 April 2021, the Deed of Variation dated 17 November 2022 and the Deed of Variation dated 14 November 2023, each between the Council and the State.

1.2 In this Deed:

- (a) words importing a gender include any other gender and words in the singular include the plural and vice versa;
- (b) all monetary amounts refer to Australian currency;

- (c) a reference to legislation includes subordinate legislation made under it and any legislation amending, consolidating or replacing it;
- (d) a reference to an individual or person includes a corporation or other legal entity;
- (e) a reference to a clause or schedule means a clause or schedule to this Deed;
- (f) the headings are included for convenience of reference only and are not intended to affect the meaning of this Deed;
- (g) if an expression is defined, other grammatical forms of that expression will have corresponding meanings;
- (h) a reference to days or months means calendar days or months;
- (i) if the day on which any act or thing is to be done under this Deed is a Saturday, Sunday or public holiday in the place where the act or thing is to be done, the act or thing may be done on the next business day in that place;
- (j) if any conflict arises between the clauses in this Deed and the contents of any schedule, the clauses prevail;
- (k) an obligation on the part of two or more persons binds them jointly and each of them individually; and
- (l) words defined in the Conditional Agreement to Lease have the same meaning when used in this Deed.

1.3 If a government department, agency or statutory authority mentioned in this Deed:

- (a) ceases to exist; or
- (b) is reconstituted, renamed or replaced,

and its powers or functions are transferred to another government department, agency, or statutory authority, a reference to the government department, agency or statutory authority will include that other government department, agency, or statutory authority.

2. Amendment to Conditional Agreement to Lease

2.1 The parties agree that the Conditional Agreement to Lease is amended as follows:

- (a) the words “*18 September 2024*” in condition 5.7 in Part 2 of Schedule 2 (Native Title) are deleted and replaced with “*18 March 2026*”.

2.2 The remaining provisions of the Conditional Agreement to Lease remain in full force and effect.

3. Effective Date of Deed

3.1 This Deed takes effect from the Date of this Deed.

4. Costs

- 4.1 Each party must pay its own costs in relation to the negotiation, preparation and execution of this Deed.
- 4.2 The State must pay any stamp duty payable on this Deed.

5. General Provisions

- 5.1 This Deed constitutes the entire agreement between the parties in relation to the amendments to the Conditional Agreement to Lease and supersedes all prior negotiations, arrangements and agreements between the parties.
- 5.2 For the purposes of this Deed and the *Electronic Transactions (Queensland) Act 2001*, the parties consent to the exchange of counterparts, delivery of the signed Deed and notices by email or electronic means, including execution of documents and notices by electronic signature.
- 5.3 This Deed may be executed in any number of counterparts, all of which taken together are deemed to constitute one and the same instrument.
- 5.4 This Deed is governed by the laws of Queensland and each party submits to the jurisdiction of the courts of Queensland.
- 5.5 If any part of this Deed is determined to be invalid, unlawful or unenforceable for any reason then that part will be severed from the rest of the Deed to the extent of the invalidity, unlawfulness or unenforceability and the remaining terms and conditions will continue to be valid and enforceable to the fullest extent permitted by law.

EXECUTED as a deed by the parties on the respective dates appearing below.

SIGNED for and on behalf of the)
TORRES STRAIT ISLAND REGIONAL) (signature)
COUNCIL by)

..... (name))

..... (position))

a duly authorised person, in the presence of:) / /
(date)

.....
(signature of witness)

.....
(print name of witness)

SIGNED SEALED AND DELIVERED)
for and on behalf of **THE STATE OF**)
QUEENSLAND (represented by)
Department of Education) (signature)
by)

..... (name))

..... (position))

a duly authorised person, in the presence of:) / /
(date)

.....
(signature of witness)

.....
(print name of witness)



DIRECTORATE: *Corporate Services*

AUTHOR: *Executive Director Corporate Services*

RESOLUTION TO CLOSE THE MEETING TO THE PUBLIC

OFFICER RECOMMENDATION:

Council (as Trustee) resolves to close the meeting to the public pursuant to section 84 of the *Local Government Act 2009* to allow the Trustee to discuss items listed on the agenda for closed discussion and for the reasons outlined under those items.

EXECUTIVE SUMMARY:

Section 84 of the *Local Government Act 2009* allows the Trustee Council to close its meeting to the public to discuss business for which public discussion would be likely to:

- (a) prejudice the interests of the trustee council or someone else; or
- (b) enable a person to gain a financial advantage.

For example, a meeting may be closed to the public to allow the trustee council to discuss:

- (a) the appointment, discipline or dismissal of local government employees; or
- (b) industrial matters affecting local government employees; or
- (c) starting or defending legal proceedings; or
- (d) that part of the budget that relates to the trust land; or
- (e) contracts proposed to be made by the trustee council.

Section 84(5) of the *Local Government Act 2009* stipulates that the trustee council must not make a resolution (other than a procedural resolution) in a meeting that is closed to the public.

Interested Parties/Consultation:

N/A

Background / Previous Council Consideration:

N/A

COMPLIANCE / CONSIDERATIONS:

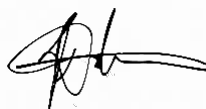
Statutory:	Section 84 of the <i>Local Government Act 2009</i>
Budgetary:	N/A
Policy:	N/A
Legal:	N/A
Risk:	Council breach of its Statutory requirements above.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>) Delivery Pillar One – People (<i>Bisnis – Pipol</i>) Outcome 4: We are a transparent, open and engaging council. ➤ 4.2 Evolve Council’s communication channels and community’s access to information.
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	Standard Procedure at each Monthly Trustee Meeting

Other Comments:

Nil.

Recommended:

Susanne Andres
Executive Director Corporate Services

Approved:

James William
Chief Executive Officer

ATTACHMENTS:

Nil.



DIRECTORATE: Corporate Services

AUTHOR: Executive Director Corporate Services

CLOSED BUSINESS

RESOLUTION TO RETURN THE MEETING TO OPEN DISCUSSION

OFFICER RECOMMENDATION:

Council (as Trustee) resolves to move out of closed discussions pursuant to Section 84 of the *Local Government Act 2009*.

EXECUTIVE SUMMARY:

Section 84(1) of the *Local Government Act 2009* requires that all meetings relating to trust land must be open to the public.

Interested Parties/Consultation:

N/A

Background / Previous Council Consideration:

N/A

COMPLIANCE / CONSIDERATIONS:

Statutory:	Section 84 of the <i>Local Government Act 2009</i>
Budgetary:	N/A
Policy:	N/A
Legal:	N/A
Risk:	Council breach of its Statutory requirements above.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>) Delivery Pillar One – People (<i>Bisnis – Pipol</i>) Outcome 4: We are a transparent, open and engaging council. ➤ 4.2 Evolve Council’s communication channels and community’s access to information.
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	Standard Procedure at each Monthly Trustee Meeting

Other Comments:

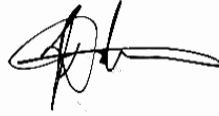
Nil.

Recommended:



Susanne Andres
Executive Director Corporate Services

Approved:



James William
Chief Executive Officer

ATTACHMENTS:

Nil.



DIRECTORATE: Corporate Services

AUTHOR: Executive Director Corporate Services

CONSIDERATION OF MATTERS DISCUSSED IN CLOSED SESSION

OFFICER RECOMMENDATION:

For Council (as Trustee) to formally resolve on the matters discussed in its Closed Session.

EXECUTIVE SUMMARY:

Section 84(5) of the *Local Government Act 2009* stipulates that the trustee council must not make a resolution (other than a procedural resolution) in a meeting that is closed to the public.

The open meeting must resume to pass a resolution if any decisions are necessary following the closed-meeting discussion.

Interested Parties/Consultation:

N/A

Background / Previous Council Consideration:

N/A

COMPLIANCE / CONSIDERATIONS:

Statutory:	Section 84 of the <i>Local Government Act 2009</i>
Budgetary:	N/A
Policy:	Council meetings State Development and Infrastructure
Legal:	N/A
Risk:	Council breach of its Statutory requirements above.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>) Delivery Pillar One – People (<i>Bisnis – Pipol</i>) Outcome 4: We are a transparent, open and engaging council. ➤ 4.2 Evolve Council’s communication channels and community’s access to information.
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	Standard Procedure at each Monthly Trustee Meeting

Other Comments:

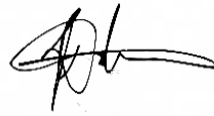
Nil.

Recommended:



Susanne Andres
Executive Director Corporate Services

Approved:



James William
Chief Executive Officer

ATTACHMENTS:

Nil.



DIRECTORATE: Corporate Services

AUTHOR: Executive Director Corporate Services

ITEMS ARISING

OFFICER RECOMMENDATION:

For Council (as Trustee) to formally resolve to consider those items arising after the agenda for the meeting has been made public.

EXECUTIVE SUMMARY:

Section 74(6) of the *Local Government (Operations) Regulation 2010* allows for a local government or a committee of local government to discuss or deal with (at any meeting) items arising after the agenda for the meeting has been made available to Councillors.

Standard practice is that business not on the published agenda, or not fairly arising from the agenda, should not be considered at any local government meeting unless permission for that purpose is given by the local government at the meeting ([Source](#): Queensland Government 'Best practice example standing orders for local government and standing committee meetings - March 2024').

Council will need to make a formal resolution to consider/discuss any items nominated for this agenda item.

Interested Parties/Consultation:

N/A

Background / Previous Council Consideration:

N/A

COMPLIANCE / CONSIDERATIONS:

Statutory:	Section 74(6) of the <i>Local Government (Operations) Regulation 2010</i>
Budgetary:	N/A
Policy:	Council meetings State Development and Infrastructure
Legal:	N/A
Risk:	Council breach of its Statutory requirements above.
Links to Strategic Plans:	TSIRC Corporate Plan 2020–2025 (<i>Bisnis Plan</i>) Delivery Pillar One – People (<i>Bisnis – Pipol</i>) Outcome 4: We are a transparent, open and engaging council. ➤ 4.2 Evolve Council’s communication channels and community’s access to information.
Masig Statement:	N/A
Standing Committee Consultation:	N/A
Timelines:	Standard Procedure at each Monthly Council Meeting

Other Comments:

Nil.

Recommended:

Susanne Andres
Executive Director Corporate Services

Approved:

James William
Chief Executive Officer

ATTACHMENTS:

Nil.