

Trustee Policy

1. PURPOSE

Torres Strait Island Regional Council (Council), as Trustee for Deed of Grant in Trust (DOGIT) communities is committed to making land-related decisions for the benefit of islander inhabitants, taking into account Ailan Kastom and relevant State and Commonwealth legislation. The purpose of this Policy is to establish clear guidelines for how Council makes decision about land and includes agreed decision-making processes that apply to each DOGIT community.

2. SCOPE

This policy applies to decisions made by or on behalf of Council as trustee of Trust Land, including decisions made by a delegate of Council.

3. LINK TO CORPORATE PLAN

Strengthening our communities

Celebrate and promote our art, culture and heritage

Take a strategic approach to ensuring that Ailan Kastom (Island Custom) and cultural practices are preserved, celebrated, and passed on to future generations

A Proactive and Responsible Council

Provide good governance and leadership

Ensure compliance with legislative requirements and regulations, uphold the Council's legal obligations, and make ethical decisions in the best interest of the community.

Ensure responsible land and trustee management by upholding cultural, environmental, and legal obligations.

Support sustainable land use, protect traditional ownership rights, and enhance community-driven decision-making to preserve and maximize land benefits for future generations.

Advocate on behalf of our communities

Plan and implement with a strong focus on community consultation and engagement.

Strengthen regional governance by engaging with State and Federal leaders, advocating for a legal framework that respects both State law and Traditional Lore.

4. POLICY STATEMENT

- (a) Council is the Trustee of land for the following communities, which, at the time of adopting this Policy, is held by Council as Deed of Grant in Trust (DOGIT) land:
- Boigu (Talbot Island)
 - Dauan (Mount Cornwallis Island)
 - Saibai Island
 - Mabuiag (Jervis Island)
 - Kubin Community, Moa Island
 - Wug (St Pauls Community), Moa Island
 - Kiririri (Hammond Island)
 - Iama (Yam Island)
 - Warraber (Sue Island)
 - Poruma (Coconut Island)
 - Masig (Yorke Island)
 - Ugar (Stephens Island)
 - Erub (Darnley Island)
- (b) Torres Strait Islander freehold land at Mer (Murray Island) is held in trust by Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC.
- (c) Torres Strait Islander freehold land at Badu Island is held in trust by Mura Badulgal (Torres Strait Islanders) Corporation RNTBC.
- (d) As Trustee, Council is committed to making land-related decisions for the benefit of islander inhabitants, taking into account Ailan Kastom.
- (e) As a local government, Council is committed to providing a legal framework for Torres Strait communities within the Torres Strait Island Regional Council local government area which addresses the requirements of both local, State and Commonwealth laws and traditional lore.

5. REPORTING

Reporting on Trustee decisions will be undertaken as per Trustee meetings.

6. DEFINITIONS

Aboriginal Cultural Heritage has the same meaning as in the *Aboriginal Cultural Heritage Act 2003* (Qld);

Aboriginal Freehold means Aboriginal Land, transferred under Part 4 of the ALA;

Ailan Kastom and Ailan Lore means, as defined in section 6 of the TSILA, the body of customs, traditions, observances and beliefs of Torres Strait Islanders generally or of a particular group of Torres Strait Islanders, and includes any such customs, traditions, observances and beliefs relating to particular persons, areas, objects or relationships. A reference to **Island custom** has the same meaning;

ALA means the *Aboriginal Land Act 1991* (Qld);

Applicant means a person who has made an EOI to the Trustee for a Lease;

Divisional Councillor means an elected member of an electoral division of the Torres Strait Island Regional Council local government area;

DOGIT means Deed of Grant in Trust and has the same meaning as in the *Land Act 1994* (Qld);

EOI means expressions of interest received by Applicants seeking the grant of a Lease over Land;

Formal Documentation means a Conditional Agreement to Lease, Lease or any other documents the Trustee considers to be appropriate to record the arrangement between the Trustee and an Applicant in respect of an accepted EOI;

Future Act has the same meaning as in the *Native Title Act 1993* (Cth);

Home Ownership Lease means a 99-year home ownership lease, granted under the ALA or the TSILA (as the case may be);

ILUA means Indigenous Land Use Agreement and has the same meaning as in the *Native Title Act 1993* (Cth);

Land means any land held by the Trustee;

Lease means any lease of Land, and includes a Home Ownership Lease;

Leasing Decisions means any decision of the Trustee about leasing land under the ALA or the TSILA;

LHA Lease means a perpetual lease under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld). A reference to a **Land Holding Act lease** or a **Katter lease** has the same meaning;

Ordinary Freehold means the freehold option referred to in Part 2A of the TSILA and the ALA;

Policy means this Trustee Decision-Making Policy.

RNTBC means Registered Native Title Body Corporate and has the same meaning as in the *Native Title Act 1993* (Cth). A reference to a **Prescribed Body Corporate** or **PBC** has the same meaning as RNTBC for the purposes of this Policy;

Torres Strait Islander Cultural Heritage has the same meaning as in the *Torres Strait Islander Cultural Heritage Act 2003* (Qld);

Torres Strait Islander Freehold means Torres Strait Islander Land, transferred under Part 4 of the TSILA;

Trustee means Council in its capacity as trustee of land under the ALA or the TSILA (as the case may be);

Trust Land means any land held by the Trustee on trust, including DOGIT or other types of trust land under the TSILA or the ALA;

TSILA means the *Torres Strait Islander Land Act 1991* (Qld).

7. RELATED DOCUMENTS AND REFERENCES

- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Torres Strait Islander Land Act 1991* (Qld)
- *Torres Strait Islander Cultural Heritage Act 2003* (Qld)
- *Aboriginal Land Act 1991* (Qld)
- *Aboriginal Cultural Heritage Act 2003* (Qld)
- *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* (Qld)
- *Aboriginal and Torres Strait Islander Land Holding Act 2013* (Qld)
- *Native Title Act 1993* (Cwth)
- *Land Act 1994* (Qld)

8. REVIEW

This policy is to be reviewed every five (5) years, if legislation changes, or at the direction of the Trustee or Chief Executive Officer.

Policy type:	<input checked="" type="checkbox"/> Council <input type="checkbox"/> Operational
Directorate:	Office of the CEO
Responsible Officer	Chief Executive Officer
Authorised on:	22 July 2025
Effective date:	22 July 2025
Next review date:	22 July 2030
Review history:	PO19 2019; October 2023, January 2025
Version	1.0

9. NATIVE TITLE

- (a) Council recognises and respects traditional ownership and Ailan Kastom. Native title and Deed of Grant in Trust co-exist.
- (b) Council is committed to ensuring compliance with Native Title laws.
- (c) Council is dedicated to working with RNTBCs in Native Title matters.

- (d) The grant of any Lease is a Future Act for which Native Title may need to be addressed, where Native Title continues to exist over the leased area.
- (e) Council's ordinary policy position is that Applicants for Leases will be responsible for addressing Native Title, including paying associated costs (including any costs incurred by Council to participate in any process). If Native Title validation is proposed under the terms of a new ILUA, then Council may need to be a party to that ILUA.
- (f) Where Council proposes to address Native Title and an existing ILUA applies, Council will undertake Future Acts in accordance with that ILUA process.
- (g) Council will use section 24JAA of the *Native Title Act 1993* for Future Act validation only if supported by the relevant Divisional Councillor and after reasonable efforts have been made to achieve consent-based validation.
- (h) Council will use section 24KA, 24HA, and 24NA of the *Native Title Act 1993* for Future Act validation only where supported by the Divisional Councillor.

10. CULTURAL HERITAGE

- (a) Council acknowledges the value of Torres Strait Islander Cultural Heritage, Aboriginal Cultural Heritage and culturally significant places and landscapes.
- (b) Council is committed to ensuring compliance with cultural heritage laws.
- (c) Council is dedicated to working with cultural heritage bodies in cultural heritage matters.
- (d) Council supports processes to record, recognise and protect Torres Strait Islander Cultural Heritage and Aboriginal Cultural Heritage.

11. TRUSTEE DECISION MAKING

(a) Introduction

- i. As Trustee, Council will fulfil its responsibilities in an informed and effective manner.
- ii. Each report to the Trustee Council proposing a land-related decision must include detailed information about the values of, and appropriate uses for, the Trust Land, existing interests in the Trust Land, and community opinion about any proposed leases for that Trust Land.
- iii. A proposed Trustee decision that affects a specific community will not be tabled for Council's consideration unless it has the support of the Divisional Councillor. Where the Divisional Councillor has a conflict of interest that prevents them from participating in decision-making, the matter can be referred to the Mayor or Deputy Mayor for advice. A Trustee resolution that affects a specific division may only be passed if the Divisional Councillor does not vote against the resolution. If the Divisional Councillor abstains from voting, the failure to vote is counted as a vote against the resolution. However, the Divisional Councillor's vote is not required if the Divisional Councillor has left the room due to a personal interest in the matter.

- iv. Development applications made to Council as local government may only be passed if the Trustee supports the proposed development. For Trust Land, this requires a Trustee resolution and owner's consent. For communities containing land where Council is not the Trustee, this requires owner's consent (from the relevant Trustee) to the proposed development.
- v. In developing this Policy, the Trustee has had regard to resources published by the Queensland Government for trustees, including the documents "Leasing Aboriginal Deed of Grant in Trust land – A manual for trustees" (Version 1.5 May 2020) and "Leasing Torres Strait Islander Deed of Grant in Trust land – A manual for trustees" (Version 1.5 May 2020), linked below:

[Leasing information for trustees | Aboriginal and Torres Strait Islander peoples | Queensland Government](#)

https://www.qld.gov.au/data/assets/pdf_file/0037/556957/leasing-aboriginal-deed-grant-trust-land.pdf

https://www.qld.gov.au/data/assets/pdf_file/0038/556958/leasing-torres-strait-deed-grant-trust-land.pdf

(b) Decision-Making Process for Leasing Decisions

- i. This Policy is the Trustee's decision-making process for Leasing Decisions that has been agreed to and adopted by the Trustee, pursuant to section 135 of the TSILA and section 179 of the ALA. This Policy is intended to enable the Trustee to make properly informed, merit-based Leasing decisions.
- ii. The Trustee has engaged in community consultation with communities in its local government area, and has formed the view that the processes set out in **the annexures** to this Policy represent:
 - A. agreed decision-making processes of the Torres Strait Islanders for whom the Trustee holds the land, or Ailan Kastom for Leasing Decisions, for the purposes of section 135(2)(a) of the TSILA; and
 - B. agreed decision-making processes of the Aboriginal people for whom the Trustee holds the land, or Aboriginal tradition for Leasing Decisions, for the purposes of section 179(2)(a) of the ALA.
- iii. To the extent that a process, or part of a process, for making Leasing Decisions is not set out in an annexure to this Policy and is set out elsewhere in this Policy, then that process (or part of the process) reflects an agreed and adopted process of decision-making for the purposes of section 135(2)(b) of the TSILA and section 179(2)(b) of the ALA (as the case may be), and, to that extent, section 135(2)(a) of the TSILA and section 179(2)(a) of the ALA (as the case may be) does not apply.

(c) Formal Documentation

- i. The Trustee will prepare all Formal Documentation for Applicants to review and sign prior to the grant of a Lease.
- ii. The Trustee may seek the assistance of external parties, including relevant State Government departments or entities, to give effect to any aspect of the

formal process or to implement any obligations set out in Formal Documentation.

- iii. Once Formal Documentation has been entered into, the legal provisions of that Formal Documentation apply and this Policy will no longer apply, unless expressly provided for otherwise in the Formal Documentation.
- iv. The Formal Documentation will deal with matters such as:
 - A. conditions that must be satisfied before a Lease can be executed and registered, such as survey and development approval, native title future act validation, and payment of a land price and payment of a house price;
 - B. rental;
 - C. payment of a Rates Component by the Applicant to Council, consistently with any Revenue Statement and Revenue Policy adopted by Council; and
 - D. other terms and conditions of the Lease.
- v. For the avoidance of doubt, the Trustee will not consult with the public about the contents of the Formal Documentation. Negotiation of the Formal Documentation is a commercial matter between the Trustee and the Applicant (but the parties will be bound by any requirements applying to the Formal Documentation under the ALA or TSILA, or under the terms of this Policy or any other policy of the Trustee).

(d) Delegation

- i. The Trustee may delegate any Leasing Decision to the CEO. If the Trustee delegates a Leasing Decision to the CEO, then the CEO may make the Leasing Decision consistently with:
 - A. this Policy; and
 - B. any limitations and conditions of the delegation.
- ii. Nothing in this Policy prevents the CEO from sub-delegating a Leasing Decision delegated to the CEO, pursuant to section 259 of the LG Act.

12. LEASING GENERALLY

- (a) Council will raise the awareness of potential lessees about leasing options and processes.
- (b) Trust Land lease rent revenue is to be handled in accordance with PO 18 Reserve Policy PO4-15 General Reserve Procedure.

Trustee rent methodology

Land Use	Rent	Source
Residential¹/ Community	\$4 per square metre per annum	Council resolution 15 May 2018
Commercial/ Government	\$13.20* per square metre per annum (GST inclusive) as at 1 July 2023, subject to annual CPI increase *Minimum starting rent of \$6,000p/a per lease shall apply.	Council resolution 15 May 2018
State school (Department of Education) campus	\$4.60 per square metre per annum (GST inclusive) as at 1 July 2023, subject to annual CPI increase	Council resolution June 2019

State school (Department of Education) accommodation	\$13.20* per square metre per annum (GST inclusive) as at 1 July 2023, subject to annual CPI increase *Minimum starting rent of \$6,000p/a per lease shall apply.	Council resolution June 2019
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¹ Note: under the ALA and TSILA, 99 year home ownership leases may only contain a rental amount of \$1.00 per annum. Therefore, this category excludes any residential lease that is a 99 year home ownership lease.

Private school campus and accommodation	\$4.60 per square metre per annum (GST inclusive) as at 1 July 2023, subject to annual CPI increase	Council resolution June 2019
Supermarket	\$13.20* per square metre per annum (GST inclusive) as at 1 July 2023, subject to annual CPI increase*Minimum starting rent of \$6,000p/a per lease shall apply.	Council resolution June 2019
Religious	\$1 per annum, payable on demand	CEO decision 17 October 2018, under Council delegation
Home-ownership lease	<p>\$1 per annum, payable on demand plus up-front land price as specified in Clause 14(g) of this Policy</p> <p>If the land is vacant, the lessee must ensure a dwelling for residential use is built on the land within 8 years after the lease is granted.</p>	<p>TSILA</p> <p>ALA</p>

13. COMMERCIAL LEASING

- (a) Council, as owner of most of the buildings and houses in each community and as Trustee of Trust Land, understands that long-term leases:
 - i. provide suitable tenure arrangements for the different organisations and businesses providing services within the communities in Council's local government area;
 - ii. provide a revenue stream for Council; and
 - iii. provide certainty to Council and to the lessee.
- (b) Agreement to Lease conditions must be met prior to the grant of commercial leases (including native title compliance).

- (c) Commercial leasing arrangements will typically contain provisions about the following matters, as well as other provisions that are consistent with usual commercial practice for the type of lease being entered into:
 - i. a requirement to pay rent, determined consistently with this Policy or otherwise in accordance with ordinary commercial practice;
 - ii. a requirement to pay any applicable rates, charges, outgoings and any operating expenses;
 - iii. a requirement to comply with all relevant laws, including by obtaining necessary approvals for the specified permitted use;
 - iv. obligations with regard to maintenance; and
 - v. indemnity and insurance requirements in favour of Council.
- (d) Council is committed to effective, equitable and efficient management of Council's assets and Land which ensures appropriate returns and protects Council's interests while recognising the rights of organisations and businesses occupying these assets and Land.
- (e) Commercial licensing: Council receives commercial licence revenue for the following use categories:
 - 1. Part of a TSIRC building (asset) e.g. room/office only;
 - 2. Whole of a TSIRC building (asset) e.g. BRACS building, old CDEP building;
 - 3. Land only used by an agency for IBC (airport land);
 - 4. Land only used for agency-owned donga or storage container (Trust Land).
- (f) Categories 1, 2 and 3 above are received as local government (not trustee) revenue.
- (g) Fees for category 4 above should be generating Trust Land revenue, calculated based on the land area used and Council's trustee rent methodology. From 1 July 2019, this Trust Land revenue will be deducted from the licence fees that TSIRC receives for each category 4 licence site (that is, no additional fees will be charged to the licensee).
- (h) In some cases, the Trustee may consider a lower or peppercorn rental or fee, including, for example, for particular community groups. However, any adjustment to the fee that departs from this Policy must be subject to a Trustee resolution.

14. HOME OWNERSHIP

- (a) Council is committed to facilitating private home-ownership within the Torres Strait Island Regional Council local government area.
- (b) Council will work with stakeholders to facilitate home-ownership leases.
- (c) Tenants who hold a home-ownership lease (including an LHA lease and a Home Ownership Lease) will become responsible for the following work, at the tenant's own cost:

- i. building a house within eight (8) years of the date that the Lease is granted (if one does not already exist);
- ii. repairs and maintenance of the dwelling, including capital repairs and maintenance;
- iii. obtaining insurance for the premises, including building insurance for the dwelling;
- iv. paying any fees and charges levied by Council, including water, garbage and sewerage charges and any rates that might be applied by Council.

(d) **LHA leases**

- i. Council will work with relevant State Government departments and entities to facilitate private home-ownership and the resolution of LHA lease interests in the region.
- ii. The steps required for the resolution of an LHA lease entitlement are:
 - A. Consultation with the Department of Women, Torres Strait Islander Partnerships and Multiculturalism (**DWATSIPM**) regarding home ownership responsibilities.
 - B. Entitlement holder/beneficiary signs a letter confirming understanding of home ownership. (For either vacant land or house).
 - C. If the entitlement holder/beneficiary is not the current tenant of the house, it may be necessary to wait for the tenant to be relocated to another social house.
 - D. If there are no obstacles, the Department of Natural Resources, Mines, Manufacturing and Regional and Rural Development (**DNRMMRRD**) will grant the lease to the entitlement holder, or beneficiary/beneficiaries. When the lease commences, TSIRC removes the house from its asset database and the general tenancy agreement terminates.
 - E. If the entitlement holder/beneficiary is the tenant of a house located on a LHA lease area, the Department of Housing and Public Works (**DHPW**) will inspect the house, identifying any maintenance required.
 - F. Maintenance work undertaken by DHPW.
 - G. The entitlement holder/beneficiary signs a form confirming maintenance has been completed.
 - H. Agreement to Transfer Dwelling is executed or gazette notice is published (depending on the type of entitlement).
 - I. The house now belongs to the entitlement holder/beneficiary.

- iii. Trustee decisions about LHA leases are to be made as follows:

Type of decision	How decision is to be made
Confirm the area or boundary of an LHA lease	Divisional Councillor (note paragraph 11(a)(iii) above)
Recommend the grant of an LHA lease	Chief Executive Officer (authority delegated by Council in November 2018 for the CEO to execute all documents necessary to give effect to the LHA lease interests), with advice provided to the Mayor and/or the Divisional Councillor (note paragraph 11(a)(iii) above)
Consent to a transfer or surrender of an LHA lease	Council resolution (note paragraph 11(a)(iii) above)
Consent to a sublease of an LHA lease	Council resolution (note paragraph 11(a)(iii) above)

- iv. In November 2018, the CEO under delegated authority confirmed the peppercorn divestment of social housing assets for the purpose of resolving LHA lease entitlements.

(e) **Home Ownership Leases**

- i. The steps required for a Home Ownership Lease are:
- A. Expression of Interest (Form 1) submitted to Trustee – form available via Council;
 - B. Trustee assesses EOI in accordance with the decision-making process applicable to the relevant community and as reflected in the annexures to this Policy. This assessment results in the EOI being approved, not approved or not being further considered;
 - C. Development application and survey required – **DWATSIPM** may complete this;
 - D. Applicant submits loan application, requires preapproval – TSRA;
 - E. DHPW inspects the house and provides the sale price and list of maintenance;
 - F. Trustee offers the applicant an Agreement to Lease (which includes conditions);
 - G. Applicant accepts and signs the Agreement to Lease;

- H. Agreement to Lease conditions must be met prior to the grant of the lease (includes native title compliance);
- I. DHPW delivers maintenance on the house;
- J. Lease signed and money paid to Trustee;
- K. Lease registered with Land Titles Office;
- L. Registered lessee is now a homeowner. This means the registered lessee is responsible for maintenance, insurance and other costs associated with home ownership.

ii. Ordinary freehold option

Council, as Trustee of Land may provide an opportunity for the community to consider whether it is appropriate to make Ordinary Freehold available in the community.

(f) **House sale price**

- i. In June 2019, the Trustee, by agreement with the housing Chief Executive, set the sale price for social housing on ordinary freehold land and Home Ownership Lease land for the purpose of sections 28R (5) and 91–93 of the TSILA and sections 32R (5) and 126– 128 of the ALA, in relation 2, 3-, 4-, 5- and 6-bedroom houses. The Trustee applied the agreed methodology to set a sale price for 1, 7- and 8-bedroom houses and duplexes. The sale prices are as follows:

House type	New condition	Good condition	Fair condition
1-bedroom detached	\$61,000.00	\$44,000.00	\$33,000.00
2-bedroom detached	\$65,000.00	\$50,000.00	\$35,000.00
3-bedroom detached	\$75,000.00	\$60,000.00	\$45,000.00
4-bedroom detached	\$90,000.00	\$75,000.00	\$60,000.00
5-bedroom detached	\$100,000.00	\$85,000.00	\$67,000.00
6-bedroom detached	\$110,000.00	\$95,000.00	\$75,000.00
7-bedroom detached	\$133,000.00	\$111,000.00	\$89,000.00
8-bedroom detached	\$144,000.00	\$122,000.00	\$100,000.00
2-bedroom duplex	\$55,000.00	\$44,000.00	\$27,000.00
3-bedroom duplex	\$61,000.00	\$50,000.00	\$38,000.00

- ii. The Trustee proposes to reconsider the sale prices contained in the table above at 5-year intervals, to determine the continued suitability of the pricing.
- iii. In November 2018, the CEO under delegated authority confirmed the peppercorn divestment of social housing assets for the purpose of resolving LHA lease entitlements.

(g) Land price

- i. For Home Ownership Leases, the price methodology is made up of a house price component and a (nominal) land price component. This is confirmed in section 91 of the TSILA.
- ii. There is no statutory land price payable to obtain ordinary freehold, however a sale price is set by the Trustee in accordance with section 28D(6)(c) of the TSILA.
- iii. The land price prescribed by the chief executive of DNRMMRRD for home-ownership lease land is \$4,000 per 2,000 square metres of land, plus \$100 for each additional 100 square metres of land.
- iv. The land price is not payable if the lessee is the recipient of a hardship certificate under the *Aboriginal and Torres Strait Islander Land Holding Act 2013* and the certificate has not previously been used to obtain a land price exemption, whether or not the land identified in the certificate is the same as the lease land.
- v. For applicants for a Home Ownership Lease, Lessees with a traditional connection to the land under Ailan Kastom and Ailan Lore may not be required to pay the land price. Traditional connection must be:
 - A. substantiated by way of written confirmation from the RNTBC for the relevant community, and/or the St Pauls Elders Group (for leases of St Pauls DOGIT land), and/or the Hammond Island native title claim group (for leases of Hammond DOGIT land); and
 - B. ratified by Trustee resolution.

15. LAND TRANSFERS

- (a) Council is committed to supporting the full restoration of self-management and self-determination in the Torres Strait Island Regional Council local government area.
- (b) Council envisions the transfer of land currently held by Council under Deed of Grant in Trust to Torres Strait Islander Freehold or Aboriginal Freehold (as the case may be), on a community-by-community basis, when the time is right for each community.
- (c) The transfer of land recognises the spiritual, social, historical, cultural and economic importance of land to Torres Strait Islanders.
- (d) Under the TSILA and ALA, land can be transferred to following entities:
 - i. An RNTBC;
 - ii. A qualified corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*;
 - iii. An existing Land Trust.

- (e) However, the Trustee's primary consideration in relation to any land transfer proposal is community benefit. The Trustee will only support a land transfer following adequate consultation by the State Government, and in circumstances where the Trustee can be assured that the land transfer results in the continuation of vital services to the community and must secure government interests in essential services, community infrastructure and social housing, and no reduction to the level and quality of service to the community.
- (f) The Trustee will also have regard to the impact of any land transfer on Trustee or Council infrastructure when considering whether to support a land transfer.
- (g) The land transfer process is run by DNRMMRRD. Council will participate in land transfer consultations with the State, communities, RNTBCs and other stakeholder bodies.
- (h) Section 41 of the TSILA and section 45 of the ALA confirms that existing interests, including LHA leases and Home Ownership Leases, continue in force following a land transfer.

16. FIREARMS (LANDOWNER CONSENT) APPLICATIONS

- (a) Applications for firearms landowner consent must be made in writing to Council.
- (b) The application will be presented to the Trustee.
- (c) The application may only be approved by the Trustee if the Divisional Councillor for the Trust Land in question votes in favour of the resolution.
- (d) Council shall maintain a register of all landowner consent applications approved by the Trustee.

17. HUMAN RIGHTS ACT 2019

The Trustee has had regard to the *Human Rights Act 2019* (HR Act) in developing this Policy, and in particular:

- (a) Cultural rights generally, in section 27 of the HR Act; and
- (b) Cultural rights of Aboriginal peoples and Torres Strait Islander peoples in section 28 of the HR Act.

The Trustee considers that nothing in this Policy limits human rights, and so this Policy is compatible with human rights.

The Trustee has formed this view having regard to the extensive consultation that has occurred in relation to the subject matter of this Policy.

18. PROCEDURE

This Policy shall be achieved with reference to the following:

- Queensland Government *Leasing Torres Strait Islander DOGIT Land: Manual for Trustees* and *Leasing Aboriginal DOGIT Land: Manual for Trustees*
- PO 18 Reserve Policy and PR-PO4-15 General Reserve Procedure

AUTHORISATION

This document was duly authorised by Council as the Torres Strait Island Regional Council Trustee Policy on 22 July 2025 and shall hereby supersede any previous policies of the same intent.

A handwritten signature in black ink, appearing to read 'Phillemon Mosby', is written over a horizontal line.

Cr Phillemon Mosby
Mayor

Date: **22/07/2025**

ANNEXURES TO TRUSTEE POLICY

BOIGU (TALBOT ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Boigu Deed of Grant in Trust (**DOGIT**). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (**EOI**) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Boigu community about this decision-making process in the following ways:
 - (a) During a community consultation session on 1 May 2025, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 7 May 2025; and
 - (c) A draft of this annexure was sent to the Malu Ki'ai (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Boigu, and/or is the agreed decision-making process for Torres Strait Islanders at Boigu.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the trustee for decisions of this kind.
6. The Boigu community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Boigu is set out below:
 - (a) EOI to be submitted and accepted by TSIRC **only if it has the upfront support** of both the Divisional Councillor and the PBC.
 - (b) Public notification for 4 weeks.
 - (c) TSIRC decision at the next opportunity.

Full Decision-Making Process

Receiving Expressions of Interest

8. TSIRC is prepared to receive and consider EOIs made by community members, or eligible people outside of the community, who want a home ownership lease or commercial lease anywhere in the Boigu DOGIT.
9. **The EOI will only be accepted by TSIRC if the Divisional Councillor and the PBC supports the EOI.**
10. TSIRC has an approved form that must be used to apply for EOIs.
11. If the approved form is not used for EOIs, TSIRC may reject those EOIs.
12. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, so that TSIRC can carry out consultation.
13. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.
14. The PBC will be responsible for getting the views of the Traditional Land Owners about an EOI.
15. The Boigu community has decided that the PBC should have the role of providing comments on behalf of Traditional Owners.

Inconsistent interests

16. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
17. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Community Notification

18. Upon receiving an EOI, TSIRC will publish a notice on community notice boards and the TSIRC website for a 4-week period.
19. The community notice will confirm that the applicant has the approval of the Divisional Councillor and the PBC, prior to submitting an EOI.

EOI Disputes

20. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the EOI area.
21. The Boigu community has decided not to include a separate process for resolving EOI Disputes because an EOI can only be submitted to TSIRC with the support of the Divisional Councillor and the PBC. It is at this stage that disputes, if any, will be raised and resolved by the Divisional Councillor and PBC, prior to TSIRC receiving the EOI.

Council Decision

22. Once an EOI has been submitted to TSIRC, it will be assumed that there is no dispute about that EOI, and after TSIRC has passed a resolution agreeing to grant a lease that was applied for under an EOI, no disputes about the EOI will be considered by TSIRC.
23. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent from the PBC.

DAUAN (MOUNT CORNWALLIS ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Dauan Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Dauan community about this decision-making process in the following ways:
 - (a) During the community consultation meeting on 24 September 2024, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025; and
 - (c) A draft of this annexure was sent to the Dauanalaw (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Dauan, and/or is the agreed decision-making process for Torres Strait Islanders at Dauan.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the Trustee for decisions of this kind.
6. The Dauan community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Dauan is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor and the PBC for at least 4 weeks, with conflicts of interest to be managed under the *Local Government Act 2009* (for TSIRC) and the PBC Rules (for the PBC).
 - (c) **No dispute** – TSIRC decision at the next opportunity.
 - (d) **Dispute** – TSIRC will not make a decision for 3 months (which can be extended). In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.

- (ii) The PBC will assist in resolving the dispute.
- (iii) TSIRC decision on the disputed EOI can only occur after the PBC has given advice.
- (e) If the dispute is about a traditional owner or Native Title matter, instead of following the above steps, TSIRC will refer the dispute to the PBC to resolve.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members, or eligible people outside of the community, who want a home ownership lease or commercial lease anywhere in the Dauan DOGIT.
- 9. TSIRC has an approved form that must be used to apply for EOIs.
- 10. If the approved form is not used for EOIs, TSIRC may reject those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor and PBC

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 16. The PBC will be responsible for getting the views of the Traditional Owners about an EOI.
- 17. The Dauan community has specifically decided not to refer EOIs to broader public notification to protect confidentiality in EOIs. The Dauan community has decided that the PBC should have the role of providing comments on behalf of Traditional Owners.
- 18. The PBC must give comments to TSIRC about the EOI within 4 weeks.

Steps after consultation

- 19. The next steps after public notification depend on whether an EOI Dispute has been raised.
- 20. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the EOI area.

21. If an EOI Dispute is not raised by the PBC within the 4-week consultation period, then TSIRC can make a decision about the EOI at a TSIRC meeting after the 4-week consultation period has ended.
22. Any dispute about an EOI that is made after the 4-week consultation period has ended will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
23. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for at least 3 months.
24. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
25. TSIRC will also advise the PBC of the dispute.
26. The PBC will be responsible for resolving the dispute.
27. If the dispute is not resolved after 3 months, TSIRC can extend the period for resolving the dispute in certain circumstances (for example, sad news).
28. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting Traditional Owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to TSIRC to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

29. TSIRC can only make a decision on the disputed EOIs after the PBC has given advice to TSIRC.
30. After TSIRC has passed a resolution agreeing to grant a lease that was applied for under an EOI, no further disputes about the EOI will be considered by TSIRC.
31. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

SAIBAI ISLAND DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Saibai Deed of Grant on Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Saibai community about this decision-making process in the following ways:
 - (a) During a community consultation session on 3 December 2024, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 8 May 2025;
 - (c) A draft of this annexure was sent to the Saibai Mura Buway (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025;
 - (d) Feedback was provided by the PBC on 23 May 2025; and
 - (e) A second draft of this annexure including feedback from the PBC was published on TSIRC's website on 23 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Saibai, and/or is the agreed decision-making process for Torres Strait Islanders at Saibai.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the trustee for decisions of this kind.
6. The Saibai community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Saibai is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor and the PBC **in collaboration with the 7 respective Clan Elders.**

- (c) After Divisional Councillor and PBC consultation, the EOI will be presented to a TSIRC meeting for noting.
- (d) Public notification of EOI (for at least 4 weeks).
- (e) No dispute – TSIRC decision at the next opportunity.
- (f) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.
 - (ii) TSIRC will invite the people involved in the dispute to provide their heritage information to the PBC.
 - (iii) TSIRC will not make a decision until the PBC has provided direction to TSIRC. The PBC must provide direction within 3 months (which can be extended by another 3 months if necessary).

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members who want a home ownership or commercial lease anywhere in Saibai.
- 9. TSIRC has an approved form that must be used to make EOIs.
- 10. If the approved form is not used, for EOIs, TSIRC may reject any those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, including so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor and PBC in collaboration with the 7 respective Clan Elders.

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 16. If the Divisional Councillor has a conflict of interest in the EOI, and the Divisional Councillor thinks that because of the conflict, they cannot make decisions about the EOI, then the Divisional Councillor may choose another Councillor or a member of TSIRC staff to take on the Divisional Councillor's role for all or part of this Policy.

17. The PBC will be required to carry out its own process for reviewing and commenting on EOIs which will include collaboration with the 7 respective Clan Elders and managing conflicts of interest in accordance with its PBC Rules. Comments from the PBC must be received within 4 weeks.
18. The PBC's response at this stage is an "in principle" response only. Separately to this Policy, the PBC is required to make a Native Title decision about the grant of the lease. The Native Title Decision must be made before a lease can be granted.

First TSIRC Meeting

19. Once comments have been provided by the Divisional Councillor and the PBC, the EOI will be considered at a TSIRC (as Trustee) meeting for noting. This is not a final decision.

Public Notification

20. After the first TSIRC meeting, TSIRC will carry out public notification of the EOI. Public notification will go ahead even if the Divisional Councillor and the PBC have no issues with the EOI. The public notification is for the community to comment on the EOI.
21. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite comments from the community about the EOI (**Consultation Notice**).
22. The Consultation Notice will be published on TSIRC's physical and digital community noticeboard and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
23. The community will have 4 weeks to comment.
24. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
25. The public notification process will close after the end of the 4 weeks and no further comments will be accepted after that.

Steps after Public Notification

26. The next steps after public notification depend on whether an EOI Dispute has been raised.
27. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the EOI area.
28. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting after the public notification period has ended.
29. Any dispute about an EOI that is made after a public notification process has ended will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
30. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for 3 months.

31. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute. TSIRC will invite those people to give detailed heritage information to the PBC to assist the PBC in resolving the dispute.
32. The Saibai people think that the PBC is the best party to be involved in resolving EOI disputes. TSIRC will not make a decision about an EOI dispute until it has the direction of the PBC. The PBC must respond to TSIRC within 3 months (which can be extended by another 3 months if circumstances require, for example sad news).

Council Decision

33. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
34. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

MABUIAG (JERVIS ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Mabuiag Deed of Grant in Trust (**DOGIT**). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (**EOI**) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Mabuiag community about this decision-making process in the following ways:
 - (a) During a community consultation session on 28 August 2024, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025; and
 - (c) A draft of this annexure was sent to the Goemulgaw (Torres Strait Islanders) RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Mabuiag, and/or is the agreed decision-making process for Torres Strait Islanders at Mabuiag.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the Trustee for decisions of this kind.
6. The Mabuiag community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Mabuiag is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor and public notification of EOI (for at least 4 weeks).
 - (c) No dispute – TSIRC decision at the next opportunity.
 - (d) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.

- (ii) The parties will try to resolve their dispute or decide on a dispute resolution process.
- (iii) If there is no resolution after 3 months, the Divisional Councillor will put together a community group of representatives who the Divisional Councillor thinks can help resolve the dispute. The community group must meet to provide recommendations within 4 weeks.
- (iv) TSIRC decision can occur after the community group has met (or earlier if the parties have agreed on a resolution).

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members, or people outside of the community, who want a home ownership lease or commercial lease anywhere in the Mabuiag DOGIT.
- 9. TSIRC has an approved form that must be used to make EOIs.
- 10. If the approved form is not used, for EOIs, TSIRC may reject any those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, including so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor

- 15. TSIRC will send the EOI to the Divisional Councillor for review and comment.
- 16. Public notification will also go ahead so that the community generally has an opportunity to comment.
- 17. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite comments from the community about the EOI (**Consultation Notice**).
- 18. The Consultation Notice will be published on TSIRC's physical and digital community noticeboard and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
- 19. The community will have 4 weeks to comment.
- 20. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.

21. The public notification process will close after the end of the 4 weeks and no further comments will be accepted after that.

Steps after Public Notification

22. The next steps after public notification depend on whether an EOI Dispute has been raised.
23. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
24. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting once the public notification period has ended.
25. Any dispute about an EOI that is made after a public notification process has ended will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
26. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for at least 3 months.
27. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute. The people involved in the dispute are responsible for trying to resolve it.
28. If the dispute is not resolved after 3 months, the Divisional Councillor will form a community group with suitable people on the group to help Council make a decision. The Divisional Councillor will form that group as soon as possible after the 3-month period has ended.
29. Within 4 weeks of the date the community group is formed, the community group must meet to consider the dispute. The community group will form its own process for considering the dispute and providing recommendations to Council.
30. A specific dispute resolution process may not be able to be developed without knowing exactly what the dispute is about. The establishment of the community group is for the purpose of working out the best way to resolve the dispute.
31. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting traditional owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to TSIRC to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

32. If the EOI Dispute has not been resolved, but if more than 4 weeks have passed since the community group was formed, then TSIRC can:
 - (a) decide to proceed to consider an EOI affected by an EOI Dispute, if TSIRC thinks that it can make a decision about the EOI Dispute; or
 - (b) decide not to consider any EOIs affected by an EOI Dispute.

33. TSIRC can make a decision about an EOI Dispute even if the community group has not yet given advice, provided that 4 weeks has passed since the community group was formed.
34. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
35. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

KUBIN COMMUNITY (MOA ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Moa/Kubin Deed of Grant in Trust (**DOGIT**). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (**EOI**) for a lease.
2. The St Pauls DOGIT is excluded from this decision-making process because a separate decision-making process applies to the St Pauls DOGIT.
3. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

4. TSIRC engaged with the Kubin community about this decision-making process in the following ways:
 - (a) During community consultation sessions on 26 August 2024 and 27 August 2024, which were publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025;
 - (c) A draft of this annexure was sent to the Mualgal (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
5. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Kubin, and/or is the agreed decision-making process for Torres Strait Islander people at Kubin.
6. This Policy is TSIRC's process of decision-making agreed to and adopted by the Trustee for decisions of this kind.
7. The Kubin community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

8. A summary of the decision-making process for Kubin is set out below:
 - (a) EOI made.
 - (b) Consultation with Divisional Councillor and the PBC, with conflicts to be managed under the *Local Government Act 2009* (for TSIRC) and the PBC Rules (for the PBC).
 - (c) After Divisional Councillor and PBC consultation, the EOI will be presented to a TSIRC (Trustee) meeting for noting.

- (d) Public notification of EOI (for at least 4 weeks).
- (e) No dispute – TSIRC decision at the next opportunity.
- (f) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.
 - (ii) TSIRC will consult again with the Divisional Councillor and the PBC.
 - (iii) TSIRC will make a decision after 3 months, after consultation.

Full Decision-Making Process

Receiving Expressions of Interest

- 9. TSIRC is prepared to receive and consider EOIs made by community members who want a home ownership or commercial lease anywhere on Moa Island including Kubin.
- 10. TSIRC has an approved form that must be used to make EOIs.
- 11. If the approved form is not used for EOIs, TSIRC may reject any of those EOIs.
- 12. After receiving an EOI, TSIRC can release applicants' names and other information from EOIs to the public, including for the purpose of TSIRC carrying out consultation.
- 13. At any point when considering an EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 14. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 15. However, an Applicant can make an EOI over Land that contains a 40-year social housing lease with the State Government, or a TSIRC social house.

Consultation with Divisional Councillor and PBC

- 16. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 17. If the Divisional Councillor has a conflict of interest in the EOI, and the Divisional Councillor thinks that because of the conflict, they cannot perform duties under this Policy, then the Divisional Councillor may choose another Councillor or a member of TSIRC staff to take on the Divisional Councillor's role for all or part of this Policy.
- 18. The PBC will be required to carry out its own process for reviewing and commenting on EOIs and managing conflicts of interest in accordance with its PBC Rules.
- 19. The PBC's response will be an "in principle" response at this stage. The PBC can still say no to any EOI proposal as part of making a Native Title Decision. The Native Title Decision must be made before a lease can be granted.

First TSIRC Meeting

20. Once comments have been provided by the Divisional Councillor and the PBC, the EOI will be considered at a TSIRC meeting for noting. This is not a final decision.

Public Notification

21. After the first TSIRC meeting, TSIRC will carry out public notification of the EOI. Public notification will go ahead even if the Divisional Councillor and the PBC have no issues with the EOI, so that the community generally has a chance to comment.
22. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite submissions from the community about the EOI (**Consultation Notice**).
23. The Consultation Notice will be published on TSIRC's physical community noticeboard at TSIRC's office, on social media, and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
24. The community will have 4 weeks to comment.
25. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
26. The public notification process will close after the end of the 4 weeks and no further comments will be accepted after that.

Steps after Public Notification

27. The next steps after public notification depend on whether an EOI Dispute has been raised.
28. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
29. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting once the public notification period has closed.
30. Any dispute about an EOI that is made after a public notification process has closed will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
31. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the disputed EOIs for 3 months.
32. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
33. During that 3-month period, TSIRC will consult again with the Divisional Councillor and the PBC.
34. A specific dispute resolution process may not be able to be developed upfront without knowing exactly what the dispute is about. The additional consultation with the Divisional Councillor and the PBC (under step 32) is for the purpose of working out the best way to resolve the dispute.

35. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting traditional owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

36. If the EOI Dispute has not been resolved, but more than 3 months have passed since any affected Applicants were notified of the EOI Dispute, then TSIRC can:
- (a) decide to consider an EOI affected by an EOI Dispute, if TSIRC thinks that it can make a decision about the EOI Dispute; or
 - (b) decide not to consider any EOIs affected by an EOI Dispute.
37. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
38. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

WUG (ST PAULS COMMUNITY) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Wug (St Pauls) Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the St Pauls community about this decision-making process in the following ways:
 - (a) During community consultation sessions on 27 August 2024 and 28 August 2024, which were publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025;
 - (c) A draft of this annexure was sent to the Senpolau Kai Kazil Elders Group (St Pauls Elders' Group) for feedback on 21 May 2025; and
 - (d) A draft of this annexure was sent to the Mualgal (Torres Strait Islanders) Corporation RNTBC (the PBC) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on St Pauls, and/or is the agreed decision-making process for the St Pauls community.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the Trustee for decisions of this kind.
6. The St Pauls community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for St Pauls is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor, the PBC and the St Pauls Elders' Group, with conflicts of interest to be managed under the *Local Government Act 2009* (for TSIRC) and the PBC Rules (for the PBC).
 - (c) After Divisional Councillor, PBC and St Pauls Elders' Group consultation, the EOI will be presented to a TSIRC meeting for noting.

- (d) Public notification of EOI (for at least 4 weeks).
- (e) No dispute – TSIRC decision at the next opportunity.
- (f) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.
 - (ii) TSIRC will consult again with the Divisional Councillor, the PBC and the Elders’ Group.
 - (iii) TSIRC will make a decision about the EOI after 3 months and after consultation. The decision will be whether or not to approve the EOI.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members who want a home ownership or commercial lease anywhere in St Pauls.
- 9. TSIRC has an approved form that must be used to make EOIs.
- 10. If the approved form is not used, for EOIs, TSIRC may reject those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant’s name and other information from the EOI to the public, including so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor, PBC and the Elders’ Group

- 15. TSIRC will send the EOI to the Divisional Councillor, the PBC and the St Pauls Elders’ Group for review and comment.
- 16. If the Divisional Councillor has a conflict of interest in the EOI, and the Divisional Councillor thinks that because of the conflict, they cannot make decisions about the EOI, then the Divisional Councillor may choose another Councillor or a member of TSIRC staff to take on the Divisional Councillor’s role for all or part of this Policy.
- 17. The PBC and the St Pauls Elders’ Group will be required to carry out their own processes for reviewing and commenting on EOIs and managing conflicts of interest (and, in the PBC’s case, in accordance with its PBC Rules). Comments from the PBC and the St Pauls Elders’ Group must be received within 4 weeks.

18. The PBC's response at this stage is an "in principle" response only. Separately to this Policy, the PBC is required to make a Native Title decision about the grant of a lease. The Native Title Decision must be made before a lease can be granted.

First TSIRC Meeting

19. Once comments have been provided by the Divisional Councillor, the St Pauls Elders' Group and the PBC, the EOI will be considered at a TSIRC meeting for noting. This is not a final decision.

Public Notification

20. After the first TSIRC meeting, TSIRC will carry out public notification of the EOI. Public notification will go ahead even if the Divisional Councillor, the St Pauls Elders' Group and the PBC have no issues with the EOI. The public notification is for the community to comment on the EOI.
21. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite comments from the community about the EOI (**Consultation Notice**).
22. The Consultation Notice will be published on TSIRC's physical and digital community noticeboard and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
23. The community will have 4 weeks to comment.
24. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
25. The public notification process will close after the end of the 4 weeks and no further comments will be accepted after that.

Steps after Public Notification

26. The next steps after public notification depend on whether an EOI Dispute has been raised.
27. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the EOI area.
28. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting after the public notification period has ended.
29. Any dispute about an EOI that is made after a public notification process has ended will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
30. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for 3 months.
31. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute. The people involved in the dispute are responsible for trying to resolve it.

32. During that 3-month period, TSIRC will consult again with the Divisional Councillor, the St Pauls Elders' Group and the PBC.
33. A specific dispute resolution process may not be able to be developed without knowing exactly what the dispute is about. The further consultation with the Divisional Councillor, the St Pauls Elders' Group and the PBC is to work out the best way to resolve the dispute.
34. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting traditional owners, the PBC, the St Pauls Elders' Group, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

35. If the EOI Dispute has not been resolved within the 3 months, then TSIRC can decide whether or not to make a decision about the disputed EOI. TSIRC may decide to extend the resolution period by another 3 months depending on the circumstances (for example, sad news).
36. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
37. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

KIRRIRI (HAMMOND ISLAND) DECISION-MAKING PROCESS

1. The following process applies when TSIRC (as Trustee) makes decisions to lease land in the Kirriri (Hammond Island) Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy is intended to be read alongside the other parts of the Policy. However, if there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Hammond Island community about this decision-making process in the following ways:
 - (a) During community consultation sessions on 6 August 2024 and 7 August 2024, which were publicly notified; and
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Aboriginal tradition and Ailan Kastom applying to decisions to be made on Hammond Island and/or is the agreed decision-making process for the Hammond community.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the trustee for decisions of this kind.
6. The Hammond community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Hammond Island is set out below:
 - (a) EOI made.
 - (b) Consultation with the Divisional Councillor and the first community meeting, aimed to be held within 4 weeks of EOI being made (if possible).
 - (c) Public notification of EOI (for at least 3 weeks) after the first community meeting.
 - (d) No dispute – Divisional Councillor opinion and TSIRC decision at next available opportunity.
 - (e) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) Second community meeting held.

- (ii) If dispute not resolved at the second community meeting– community panel established and decided by the members of the second community meeting.
- (iii) TSIRC decision after 3 months, informed by first community meeting, public notification, second community meeting, community panel recommendation (if any) and opinion of Divisional Councillor.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by Applicants who are interested in obtaining a lease of trust land on Hammond Island.
- 9. TSIRC has an approved form that must be used to make EOIs.
- 10. If the approved form is not used for EOIs, TSIRC may reject any of those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, including so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

First Community Meeting

- 15. All EOIs will be considered at a community meeting. The purpose of the community meeting is to provide feedback to TSIRC, and the Divisional Councillor, before any formal consideration is given to the EOI.
- 16. It is a matter for the Divisional Councillor to then form a view about how to proceed based on the outcome of the community meeting. The purpose of the meeting is not to vote on the EOI.
- 17. If there are no known inconsistent interests, the Divisional Councillor will be consulted so that a community meeting can be held as soon as possible.
- 18. All efforts will be made to hold the community meeting within 4 weeks of receiving an EOI. A community meeting may be held to discuss more than one EOI.
- 19. The community meeting will be open to all Hammond Island residents and must be notified to residents as the Divisional Councillor directs.
- 20. The EOI applicant/s and the Divisional Councillor must attend the community meeting.
- 21. The Divisional Councillor will chair the community meeting.

22. The EOI applicant/s will be allotted 10 minutes to address the meeting about their EOI if they choose to.
23. If the community meeting indicates support or non-support, then that is not necessarily binding on the Divisional Councillor or TSIRC generally. However, it is expected that the TSIRC and the Divisional Councillor will have regard to the outcome of the community meeting when making decisions.
24. If the Divisional Councillor has a conflict of interest in a matter to be discussed at a community meeting, and the Divisional Councillor considers that because of the conflict, they cannot carry out a particular role under this Policy, then the Divisional Councillor may nominate another Councillor or a member of Council staff to assume their role for all or part of this Policy.

Public Notification

25. After the first community meeting, TSIRC will carry out public notification of the EOI. Public notification will proceed even if the first community meeting identifies no issues with the EOI, so that any people who did not attend the community meeting have an opportunity to comment.
26. The public notification process must contain the following features:
 - (a) TSIRC will prepare a notice disclosing the name of the Applicant and the address of the land proposed to be leased, and will invite submissions from the community about the EOI (**Consultation Notice**);
 - (b) The Consultation Notice will be published on TSIRC's physical community noticeboard at the Council office, on social media, and on Council's website. TSIRC may also decide to publish the notice more widely.
27. The community will have 3 weeks to comment.
28. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
29. The public notification process will close after the end of the 3 weeks and no further comments will be accepted after that.

Steps after Public Notification

30. The next steps after public notification depend on whether an EOI Dispute has been raised.
31. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
32. If an EOI Dispute is not raised either at the first community meeting or before public notification closes, then TSIRC may make a decision about the EOI after the public notification period has closed.
33. Any dispute about an EOI that is made after a public notification process has closed will not be considered by TSIRC, unless TSIRC resolves that it considers there is a reasonable basis for the dispute being raised at a late stage.

34. However, if the first community meeting or the public notification process identifies an EOI Dispute, then TSIRC will not make any decisions on the affected EOIs for 3 months.
35. During that 3-month period, the following processes will be carried out.
36. A second community meeting will be arranged by the Divisional Councillor as soon as possible after the public notification period closes.
37. The second community meeting will proceed in the same way as the first community meeting.
38. If the dispute cannot be resolved during the second community meeting, then, at the same meeting, the community meeting will appoint a community panel.
39. The community meeting will adopt its own process for selecting the community panel. However, the community panel must be made up of 6 community members plus the Divisional Councillor (for a total of 7 panel members).
40. The community panel must then meet separately for the purpose of making a recommendation to TSIRC about the EOI dispute. A recommendation may be made by a decision of a majority of the community panel. A quorum for a meeting of the community panel is 4 (one of whom must be the Divisional Councillor).
41. The community panel may meet immediately after the second community meeting.
42. The Divisional Councillor must report the outcome of the second community meeting, and the community panel (if required), to the next available TSIRC meeting.
43. At any point in time, if TSIRC considers it appropriate to do so in order to make a properly informed, merit-based decision, TSIRC may make its own enquiries to inform itself about the EOI Dispute, including by contacting traditional owners, the Native Title Service Provider or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to TSIRC to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

44. If the EOI Dispute has not been resolved, but if more than 3 months has passed since any affected Applicants were notified of the EOI Dispute, then TSIRC may:
 - (a) decide to proceed to consider an EOI affected by an EOI Dispute, if a decision can be made about the EOI Dispute; or
 - (b) decide not to consider any EOIs affected by an EOI Dispute.
45. TSIRC may make a decision about an EOI Dispute even if the second community meeting and/or the community panel has not met, provided that 3 months has passed since public notification closes.
46. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
47. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

48. At the time of consulting about and publishing this decision-making process for Hammond Island, there is no Prescribed Body Corporate in place. Following the determination by the Federal Court for the Kaurareg # 3 Native Title claim for Hammond Island, this annexure will be amended to reflect the outcome of the claim.

IAMA (YAM ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Iama Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Iama community about this decision-making process in the following ways:
 - (a) During a community consultation session on 30 April 2025, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 7 May 2025; and
 - (c) A draft of this annexure was sent to the Magani Lagaugal (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Iama, and/or is the agreed decision-making process for Torres Strait Islanders at Iama.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the trustee for decisions of this kind.
6. The Iama community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Iama is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor and the PBC.
 - (c) Public notification of EOI (for at least 28 days).
 - (d) No dispute – TSIRC decision at the next opportunity.
 - (e) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.

- (ii) If the parties cannot resolve dispute after 3 months, the PBC will be requested to assist in resolving the dispute, including between families and Traditional Land Owners.
- (iii) TSIRC will not make a decision until the PBC has provided direction to TSIRC on the outcome of the dispute. The PBC must provide direction within 3 months.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members, or eligible people outside of the community, who want a home ownership lease or commercial lease anywhere in the Iama DOGIT.
- 9. TSIRC has an approved form that must be used to apply for EOIs.
- 10. If the approved form is not used for EOIs, TSIRC may reject those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor and PBC

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 16. The PBC will be responsible for getting the views of the Traditional Land Owners about an EOI.
- 17. The PBC must give comments to TSIRC about the EOI within 28 days. At this stage, the PBC's response will be an "in principle" response. A formal Native Title Decision must be made before a lease can be granted.

Public Consultation

- 18. TSIRC will carry out public consultation of the EOI. Public consultation will go ahead even if the Divisional Councillor and the PBC have no issues with the EOI. The public consultation is for the community to comment on the EOI.
- 19. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite comments from the community about the EOI (**Consultation Notice**).

20. The Consultation Notice will be published on TSIRC's physical and digital community noticeboard, Facebook and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
21. The community will have 28 days to comment.
22. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
23. The public consultation process will close after the end of the 28 days and no further comments will be accepted after that.

EOI Disputes

24. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the EOI area.
25. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for at least 3 months. This period can be extended in certain circumstances (for example, sad news).
26. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
27. TSIRC will also advise the PBC of the dispute.
28. If the parties have not resolved the dispute within 3 months, then the dispute will be referred to the PBC to resolve the dispute.
29. The PBC will be requested to assist applicants with discussions with appropriate Traditional Land Owners and families.
30. The PBC will be asked to try to resolve the dispute within 3 months.
31. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting Traditional Owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to TSIRC to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

32. TSIRC can only make a decision on the disputed EOIs after the PBC has given advice to TSIRC.
33. After TSIRC has passed a resolution agreeing to grant a lease that was applied for under an EOI, no further disputes about the EOI will be considered by TSIRC.
34. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

WARRABER (SUE ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Warraber Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Warraber community about this decision-making process in the following ways:
 - (a) During a community consultation session on 22 October 2024, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025; and
 - (c) A draft of this annexure was sent to the Warraberalgal (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Warraber, and/or is the agreed decision-making process for the Torres Strait Islander people at Warraber.
5. This Policy is TSIRC's process of decision-making agreed to and adopted by the trustee for decisions of this kind.
6. The Warraber community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Warraber is set out below:
 - (a) EOI made.
 - (b) Consultation with Divisional Councillor and the PBC. PBC to comment within 4 weeks.
 - (c) After Divisional Councillor and PBC consultation, the EOI will be presented to a TSIRC meeting for noting.
 - (d) Public notification of EOI to occur for at least 6 weeks. Public notification should be on the Warraber Facebook page, TSIRC website and community noticeboard.

- (e) No dispute – TSIRC decision at the next opportunity.
- (f) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.
 - (ii) All disputes are to be referred to the PBC to resolve within 3 months. There is an option to extend for another 3 months, if required, due to exceptional circumstances (for example, sad news).
 - (iii) TSIRC will make a decision after 3 months, after consultation.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members who want a home ownership or commercial lease anywhere in the Warraber DOGIT.
- 9. TSIRC has an approved form that must be used to make EOIs.
- 10. If the approved form is not used, for EOIs, TSIRC may reject those EOIs.
- 11. When submitting an EOI, TSIRC can release the applicant’s name and other information from EOIs to the public, including so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a 40-year housing lease with the State Government, or a social house.

Consultation with Divisional Councillor and PBC

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 16. If the Divisional Councillor has a conflict of interest in the EOI, and the Divisional Councillor thinks that because of the conflict, they cannot do something under this Policy, then the Divisional Councillor may choose another Councillor or a member of TSIRC staff to take on the Divisional Councillor’s role for all or part of this Policy.
- 17. The PBC will be required to carry out its own process for reviewing and commenting on EOIs and managing conflicts of interest in accordance with its PBC Rules.
- 18. The PBC’s response will be an “in principle” response at this stage. The PBC can still say no to any EOI as part of making a Native Title Decision. The Native Title Decision must be made before a lease can be granted.

First TSIRC Meeting

19. Once comments have been provided by the Divisional Councillor and the PBC, the EOI will be considered at a TSIRC (as Trustee) meeting for noting. This is not a final decision.

Public Notification

20. After the first TSIRC meeting, TSIRC will carry out public notification of the EOI. Public notification will go ahead even if the Divisional Councillor and the PBC have no issues with the EOI, so that the community generally has a chance to comment.
21. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite submissions from the community about the EOI (**Consultation Notice**).
22. The Consultation Notice will be published on TSIRC's physical community noticeboard at TSIRC's office, on social media, and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
23. TSIRC will allow a notice period of not less than 6 weeks for the community to comment.
24. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
25. The public notification process will close after the end of the notice period advertised for comments in the public consultation notices.

Steps after Public Notification

26. The next steps after public notification depend on whether an EOI Dispute has been raised.
27. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
28. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting after the public notification period has closed.
29. Any dispute about an EOI that is made after a public notification process has closed will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
30. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for at least 3 months.
31. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
32. TSIRC will then refer the dispute to the PBC.
33. The PBC will have 3 months to work out the best way to resolve the dispute. This 3-month period can be extended by another 3 months if there is sad news at any time during the initial 3 months.

34. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting traditional owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

35. If the EOI Dispute has not been resolved, but more than 3 months have passed since any affected Applicants were notified of the EOI Dispute, then TSIRC can:
- (a) decide to consider an EOI affected by an EOI Dispute, if TSIRC thinks that it can make a decision about the EOI Dispute; or
 - (b) decide not to consider any EOIs affected by an EOI Dispute.
36. After TSIRC has passed a resolution granting an EOI, no further disputes about the EOI will be considered by TSIRC.
37. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

PORUMA (COCONUT ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Poruma Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Poruma community about this decision-making process in the following ways:
 - (a) During a community consultation session on 23 October 2024, which was publicly notified;
 - (b) During a community consultation session on 25 March 2025, which was publicly notified;
 - (c) A draft of this annexure was published on TSIRC's website on 8 May 2025; and
 - (d) A draft of this annexure was sent to the Porumalgai (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Poruma, and/or is the agreed decision-making process for Torres Strait Islander people at Poruma.
5. This Policy is TSIRC's process of decision-making agreed to and adopted by the Trustee for decisions of this kind.
6. The Poruma community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Poruma is set out below:
 - (a) EOI made.
 - (b) Consultation with the Divisional Councillor and the PBC for 4 weeks.
 - (c) After Divisional Councillor and PBC consultation, the EOI will be presented to a TSIRC (Trustee) meeting for noting.
 - (d) Public notification of EOI (for 21 days). Public notification should be on the Poruma Facebook page, TSIRC website and community noticeboard.

(e) No dispute – TSIRC decision at the next opportunity

(f) Dispute – TSIRC will not make a decision for 3 months. In the meantime:

- (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.
- (ii) All disputes are to be dealt with, within 3 months in the following order:
 - 1. Families to resolve the dispute in 4 weeks with assistance from clan groups if families seek that assistance - if there is no resolution, then
 - 2. PBC to resolve the dispute in 4 weeks by establishing a Council of Elders to resolve the dispute - if no resolution, then
 - 3. Community meeting within 4 weeks.

Note: there is an option to extend the above process for another 3 months, if required, due to exceptional circumstances (for example, sad news).

- (iii) TSIRC will make a decision after 3 months and after the above process is finalised.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC, as Trustee, is prepared to receive and consider EOIs made by community members who want a home ownership lease or commercial lease anywhere in the Poruma DOGIT.
- 9. TSIRC has an approved form that must be used to apply for EOIs.
- 10. If the approved form is not used for EOIs, TSIRC may reject those EOIs.
- 11. After receiving an EOI, TSIRC can release applicants' names and other information from EOIs to the public, so that TSIRC can carry out consultation.
- 12. At any point when considering an EOI, TSIRC may ask the Applicant to give further information about an EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor and PBC

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment within 4 weeks.

16. If the Divisional Councillor has a conflict of interest in the EOI, and the Divisional Councillor thinks that because of the conflict, they cannot perform duties under this Policy, then the Divisional Councillor may choose another Councillor or a member of TSIRC staff to take on the Divisional Councillor's role for all or part of this Policy.
17. The PBC will be required to carry out its own process for reviewing and commenting on EOIs and managing conflicts of interest in accordance with its PBC Rules.
18. The PBC's response will be an "in principle" response at this stage. The PBC can still say no to any EOI as part of making a Native Title Decision. The Native Title Decision must be made before a lease can be granted.

First TSIRC Meeting

19. Once comments have been provided by the Divisional Councillor and the PBC, the EOI will be considered at a TSIRC meeting for noting. This is not a final decision.

Public Notification

20. After the first TSIRC meeting, TSIRC will carry out public notification of the EOI. Public notification will go ahead even if the Divisional Councillor and the PBC have no issues with the EOI, so that the community generally has a chance to comment.
21. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite submissions from the community (**Consultation Notice**).
22. The Consultation Notice will be published on TSIRC's physical community noticeboard at TSIRC's office, on social media, and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
23. The community will have 21 days to comment.
24. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
25. The public notification process will close after the end of the 21 days and no further comments will be accepted after that.

Steps after Public Notification

26. The next steps after public notification depend on whether an EOI Dispute has been raised.
27. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
28. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting once the public notification period has closed.

29. Any dispute about an EOI that is made after a public notification process has closed will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
30. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the disputed EOIs for 3 months.
31. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
32. The dispute will then be managed in the following order:
 - (a) Families involved in the dispute have 4 weeks to resolve the dispute. Families can ask for assistance from clan groups if they want to, but they do not have to.
 - (b) If the dispute cannot be resolved, then the PBC will be asked to help resolve the dispute in 4 weeks. The PBC can establish a Council of Elders to help resolve the dispute. The members of the Council of Elders and how the Council of Elders will assist to resolve the dispute will be a matter for the PBC.
 - (c) If there is no solution, then a community meeting will be held within 4 weeks to ask the community to help resolve the dispute.
33. If required, there may be an additional 3 months for the dispute to be managed, due to special circumstances that prevented the dispute being resolved (for example, sad news).
34. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting traditional owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

35. If the EOI Dispute has not been resolved, but more than 3 months have passed since any affected Applicants were notified of the EOI Dispute, then TSIRC can:
 - (a) decide to consider an EOI affected by an EOI Dispute, if TSIRC thinks that it can make a decision about the EOI Dispute; or
 - (b) decide not to consider any EOIs affected by an EOI Dispute.
36. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
37. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

MASIG (YORKE ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Masig Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Masig community about this decision-making process in the following ways:
 - (a) During a community consultation meeting on 25 September 2024, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 10 March 2025; and
 - (c) A draft of this annexure was sent to the Masigalgal (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Masig, and/or is the agreed decision-making process for Torres Strait Islanders at Masig.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the Trustee for decisions of this kind.
6. The Masig community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Masig is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor, the PBC and public notification of EOI (for at least 4 weeks), including a community meeting.
 - (c) **No dispute** – TSIRC decision at the next opportunity.
 - (d) **Dispute** – TSIRC will not make a decision for 3 months (which can be extended by another 4 weeks if there is sad news). In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.

- (ii) The parties will try to resolve their dispute or decide on a dispute resolution process.
 - (iii) If there is no resolution after 4 weeks, the Divisional Councillor will refer the parties to the Masig Community Justice Group to see if the Justice Group can help resolve the dispute.
 - (iv) If there is no resolution after 4 weeks, the Divisional Councillor will put together a Mediation Committee who the Divisional Councillor thinks can help resolve the dispute.
 - (v) TSIRC decision on the disputed EOI can occur after the Mediation Committee has provided advice (or earlier if the parties have agreed on a resolution).
- (e) If the dispute is about a traditional owner or Native Title matter, instead of following the above steps, TSIRC will refer the dispute to the PBC to resolve.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members, or other eligible people under the *Torres Strait Islander Land Act 1991* outside of the community, who want a home ownership lease or commercial lease anywhere in the Masig DOGIT.
- 9. TSIRC has an approved form that must be used to apply for EOIs.
- 10. If the approved form is not used for EOIs, TSIRC may reject those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation and public notification

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 16. Public notification will also go ahead so that the community generally has an opportunity to comment.
- 17. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite comments from the community about the EOI (**Consultation Notice**).

18. The Consultation Notice will be published on TSIRC's physical and digital community noticeboard and on TSIRC's website. There will also be a letterbox drop of the Consultation Notice. TSIRC may also decide to publish the notice in other places.
19. The community will have 4 weeks to comment.
20. Approximately 2 weeks into the 4-week public notification period, TSIRC will hold a community meeting to discuss the EOI. The Applicant can attend the community meeting. The community meeting can discuss more than just one EOI.
21. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
22. The public notification process will close after the end of the 4-week period and no further comments will be accepted after that.

Steps after Public Notification

23. The next steps after public notification depend on whether an EOI Dispute has been raised.
24. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
25. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting after the public notification period has ended.
26. Any dispute about an EOI that is made after a public notification process has ended will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
27. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for at least 3 months. This 3-month period can be extended by 4 weeks if there is sad news at any time during the initial 3 months.
28. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
29. If the EOI Dispute relates to traditional owner or Native Title matters, the EOI Dispute will be referred to the PBC to resolve within the 3-month period.
30. For all other types of EOI Dispute, the people involved in the dispute are responsible for trying to resolve it.
31. If the dispute is not resolved after 4 weeks, the Divisional Councillor will refer the EOI Dispute to the Masig Community Justice Group.
32. If there is no resolution 4 weeks after the dispute is referred to the Community Justice Group, the Divisional Councillor will put together a Mediation Committee, of people who the Divisional Councillor thinks can help resolve the dispute. The Divisional Councillor is responsible for working out how many people should be on the Mediation Committee and who should be on the Mediation Committee.

33. If the Divisional Councillor has a conflict of interest in the EOI Dispute, the Mayor (or another Councillor) can put the Mediation Committee together.
34. TSIRC can make a decision on the disputed EOI after the Mediation Committee has provided advice (or at any time during the process, if the parties have agreed on a resolution).
35. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting traditional owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

36. If the EOI Dispute has not been resolved, and more than 4 weeks have passed since the Mediation Committee was formed, then TSIRC can:
 - (a) decide to make a decision about a disputed EOI, if TSIRC thinks it has enough information to make the decision; or
 - (b) decide not to consider any EOIs affected by an EOI Dispute.
37. TSIRC can make a decision about an EOI Dispute even if the Mediation Committee has not given advice, once the 4 weeks have passed since the Mediation Committee was formed.
38. After TSIRC has passed a resolution agreeing to grant a lease that was applied for under an EOI, no further disputes about the EOI will be considered by TSIRC.
39. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

UGAR (STEPHENS ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Ugar Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Ugar community about this decision-making process in the following ways:
 - (a) During a community consultation session on 25 March 2025, which was publicly notified;
 - (b) During an Ugar Ged Kem Le Zeuber Er Kep Le (Torres Strait Islanders) Corporation RNTBC (**the PBC**) board meeting on 2 May 2025;
 - (c) A draft of this annexure was published on TSIRC's website on 7 May 2025; and
 - (d) A draft of this annexure was sent to the PBC on 13 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Ugar, and/or is the agreed decision-making process for Torres Strait Islanders at Ugar.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the trustee for decisions of this kind.
6. The Ugar community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Ugar is set out below:
 - (a) EOI submitted.
 - (b) Consultation with Divisional Councillor and the PBC.
 - (c) No dispute – TSIRC decision at the next opportunity.
 - (d) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.

- (ii) The PBC will be involved in working out how to resolve disputes, including between families and Traditional Land Owners.
- (iii) TSIRC will not make a decision until the PBC has provided direction to TSIRC. The PBC must provide direction within 3 months.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members, or other eligible people under the *Torres Strait Islander Land Act 1991* outside of the community, who want a home ownership lease or commercial lease anywhere in the Ugar DOGIT.
- 9. TSIRC has an approved form that must be used to apply for EOIs.
- 10. If the approved form is not used for EOIs, TSIRC may reject those EOIs.
- 11. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, so that TSIRC can carry out consultation.
- 12. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 13. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be an approved EOI in place for the land; or land that has TSIRC or other essential infrastructure on it.
- 14. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor and PBC

- 15. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 16. The PBC will be responsible for getting the views of the Traditional Land Owners about an EOI.
- 17. The Ugar community has specifically decided not to refer EOIs to broader public notification to protect confidentiality in EOIs. The Ugar community has decided that the PBC should have the role of providing comments on behalf of Traditional Land Owners.
- 18. The PBC must give comments to TSIRC about the EOI within 4 weeks.

EOI Disputes

- 19. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the area.
- 20. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs for at least 3 months.

21. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute.
22. TSIRC will also advise the PBC of the dispute.
23. The PBC will be responsible for resolving the dispute. The PBC will assist applicants with discussions with appropriate Traditional Land Owners and families.
24. If the dispute is not resolved after 3 months, TSIRC can extend the period for resolving the dispute by another 3 months, if TSIRC thinks it is appropriate to extend (for example, if there is sad news).
25. At any time, TSIRC can make its own enquiries about the EOI Dispute, including by contacting Traditional Owners, the PBC, the Native Title Service Provider, or any other people or organisations that TSIRC thinks might be able to provide information or other assistance to TSIRC to help resolve the EOI Dispute. TSIRC can ask for this information to help it make a properly informed, merit-based decision about the EOI.

Council Decision

26. TSIRC can only make a decision on the disputed EOIs after the PBC has given advice to TSIRC.
27. After TSIRC has passed a resolution agreeing to grant a lease that was applied for under an EOI, no further disputes about the EOI will be considered by TSIRC.
28. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

ERUB (DARNLEY ISLAND) DECISION-MAKING PROCESS

1. This process applies when TSIRC (as Trustee) makes decisions to lease land in the Erub (Darnley) Deed of Grant in Trust (DOGIT). This includes decisions to give a person a 99-year home ownership lease or a lease for a business after a person has submitted an Expression of Interest (EOI) for a lease.
2. This part of the Policy must be read along with the other parts of the Policy. If there is any inconsistency between other parts of the Policy and this part of the Policy, this part of the Policy takes priority.

Community Engagement

3. TSIRC engaged with the Erub community about this decision-making process in the following ways:
 - (a) During a community consultation session on 7 March 2025, which was publicly notified;
 - (b) A draft of this annexure was published on TSIRC's website on 15 May 2025; and
 - (c) A draft of this annexure was sent to the Erubam Le (Torres Strait Islanders) Corporation RNTBC (**the PBC**) for feedback on 21 May 2025.
4. TSIRC:
 - (a) considers that the process set out in this Policy provides all community members with a fair and reasonable opportunity to have their say about EOIs;
 - (b) is satisfied that the decision-making process in this Policy reflects the Ailan Kastom applying to decisions to be made on Erub, and/or is the agreed decision-making process for Torres Strait Islanders at Erub.
5. This Policy is TSIRC's process of decision-making agreed to by the community and adopted by the trustee for decisions of this kind.
6. The Erub community thinks that this process provides a reasonable balance between airing public opinion and disputes about EOIs and allows interested applicants to progress their EOIs in an efficient way.

Summary of Decision-Making Process

7. A summary of the decision-making process for Erub is set out below:
 - (a) EOI submitted by a **Darnley Islander**.
 - (b) Consultation with Divisional Councillor and the PBC.
 - (c) Public notification of EOI (for at least 28 days).
 - (d) No dispute – TSIRC decision at the next opportunity.
 - (e) Dispute – TSIRC will not make a decision for 3 months. In the meantime:
 - (i) All people involved in the dispute will be given details of the dispute, including details of other people involved in the dispute.

- (ii) The PBC will be involved in working out how to resolve disputes, including between families and Traditional Land Owners.
- (iii) TSIRC will not make a decision until the PBC has provided direction to TSIRC. The PBC must provide direction within 3 months.

Full Decision-Making Process

Receiving Expressions of Interest

- 8. TSIRC is prepared to receive and consider EOIs made by community members who want a lease anywhere in Erub.
- 9. **The Erub people consider that only a person who is a Darnley Islander can apply for a 99-year home ownership lease. TSIRC may ask an applicant for evidence that they are a Darnley Islander person. TSIRC may reject any EOI that is made by a person who TSIRC does not believe is a Darnley Islander person.**
- 10. TSIRC has an approved form that must be used to make EOIs.
- 11. If the approved form is not used, for EOIs, TSIRC may reject any those EOIs.
- 12. After receiving an EOI, TSIRC can release the applicant's name and other information from the EOI to the public, including so that TSIRC can carry out consultation.
- 13. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

Inconsistent interests

- 14. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. For example, an interest that is not compatible could be any other EOI that has already been approved on the land or land that has TSIRC or other essential infrastructure on it.
- 15. However, an Applicant can make an EOI over Land that contains a TSIRC social house or a social house that has a 40-year social housing lease with the State Government.

Consultation with Divisional Councillor and PBC

- 16. TSIRC will send the EOI to the Divisional Councillor and the PBC for review and comment.
- 17. If the Divisional Councillor has a conflict of interest in the EOI, and the Divisional Councillor thinks that because of the conflict, they cannot make decisions about the EOI, then the Divisional Councillor may choose another Councillor or a member of TSIRC staff to take on the Divisional Councillor's role for all or part of this Policy.

Public Notification

- 18. TSIRC will carry out public notification of the EOI. Public notification will go ahead even if the Divisional Councillor and the PBC have no issues with the EOI. The public notification is for the community to comment on the EOI.

19. TSIRC will prepare a notice releasing the name of the Applicant and the address of the land proposed to be leased and will invite comments from the community about the EOI (**Consultation Notice**).
20. The Consultation Notice will be published on TSIRC's physical and digital community noticeboard, Facebook and on TSIRC's website. TSIRC may also decide to publish the notice in other places.
21. The community will have 28 days to comment.
22. TSIRC will not accept any comments that are frivolous, vexatious or directed towards preventing an EOI from proceeding without a proper reason. This means that if a submission against an EOI is not a genuine and proper submission, TSIRC can ignore it.
23. The public notification process will close after the end of the 28 days and no further comments will be accepted after that.

Steps after Public Notification

24. The next steps after public notification depend on whether an EOI Dispute has been raised.
25. An EOI Dispute is any disagreement about whether the EOI should be approved by TSIRC. That disagreement might be raised by another person who submitted or wants an EOI over the same land, or a person who thinks the Applicant is not the right person to have a Lease over the EOI area.
26. If an EOI Dispute is not raised before public notification closes, then TSIRC can make a decision about the EOI at a TSIRC meeting after the public notification period has ended.
27. Any dispute about an EOI that is made after a public notification process has ended will not be considered by TSIRC, unless TSIRC decides that there is a reasonable basis for the dispute being raised at a late stage.
28. However, if an EOI Dispute is identified, then TSIRC will not make any decisions on the affected EOIs.
29. TSIRC will give all people involved in the dispute details of the dispute, including details of other people involved in the dispute. TSIRC will invite those people to give detailed information to the PBC to assist the PBC in resolving the dispute.
30. The Erub people think that the PBC is the best party to be involved in resolving EOI disputes. Council will not make a decision about an EOI dispute until it has the direction of the PBC. The PBC will work to resolve the dispute with the families and relevant Traditional Land Owner within 3 months.

Council Decision

31. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
32. A TSIRC resolution agreeing to grant a lease that was applied for under an EOI will usually have conditions, one of which is that the grant of the lease can only occur with Native Title consent.

SCHEDULE A

STATEMENT OF PRINCIPLES FOR PRIVATE STRUCTURES

(HOUSES, SHEDS AND ZAR-ZARS)

Note: these principles do not apply to social housing lots.

1. Council recognises and respects traditional ownership and Ailan Kastom. Native title and Deed of Grant in Trust co-exist.
2. Council has a duty to ensure the safety of all community members on local government– controlled areas. Local government–controlled areas include roads, foreshores, beaches, cemeteries, jetties and parks (but do not include residential lots, private commercial premises or government premises such as school reserves).
3. Beaches and foreshores are for everyone’s use. They cannot be privatised or owned exclusively. Nevertheless, where Ailan Kastom is observed, anyone accessing the beach or foreshore should acknowledge the traditional owner of the area.
4. It is up to the whole community to decide on where future development will happen. Council, as trustee for Trust land (except at Badu and Mer), is responsible for making decisions for the benefit of the community.
5. Where native title rights exist, Council recognises the rights of native title holders to build houses, sheds and zar-zars on the land. Other community members can also seek permission to build houses, sheds and zar-zars. However, before building anything, native title holders and community members should:
 - a. Submit an EOI to Council to apply for a lease; and
 - b. Obtain all approvals, including native title consent from the PBC agreeing to the lease.

Council will then advise whether there are any legal restrictions on leasing or building in the particular area (for example because of coastal management, flood areas or road reserves).
6. Native title holders and community members who have an approved lease to build houses, sheds and zar-zars are responsible for looking after them to make sure they do not create a safety risk to the community.
7. Following these principles will allow respect for traditional interests and provide a clear process for future development and private ownership.