



# MINUTES

TORRES STRAIT ISLAND REGIONAL COUNCIL

JANUARY 2021

TRUSTEE MEETING

Wednesday 20<sup>th</sup> January 2021

9:09am – 10:31am

Video Conference

**TRUSTEE MEETING**  
**Wednesday 20<sup>th</sup> January 2021**  
**Agenda Items**

- |     |                          |  |
|-----|--------------------------|--|
| 1.  | <u>9:00am - 9:03am</u>   | <u>Opening Prayer and Welcome</u>  |
| 2.  | <u>9:03am – 9:05am</u>   | <u>Apologies</u>   |
| 3.  | <u>9:05am - 9:10am</u>   | <u>Declaration of Conflict of Interest (Prescribed / declarable)</u>   |
| 4.  | <u>9:10am – 9:15am</u>   | <u>Confirmation of Trustee Meeting held on 8<sup>th</sup> December 2020</u>  |
| 5.  | <u>9:15am – 9:20am</u>   | <u>Standing Agenda Item: (verbal update)</u> <ul style="list-style-type: none"><li>• TRUSTEE – Undocumented commercial land occupation project</li></ul> |
| 6.  | <u>9:20am – 9:35am</u>   | <u>LEGAL – LHA Leases – Mabuiaq</u>  |
| 7.  | <u>9:35am – 9:50am</u>   | <u>LEGAL – LHA Leases – Warraber</u>   |
| 8.  | <u>9:50am – 10:05am</u>  | <u>LEGAL – Transfer of LHA – Masig – Lot 20</u>  |
| 9.  | <u>10:05am – 10:30am</u> | <u>MORNING TEA</u>   |
| 10. | <u>10:30am – 10:45am</u> | <u>LEGAL – Transfer of LHA – St Pauls – Lot 32</u>   |
| 11. | <u>10:45am – 11:00am</u> | <u>LEGAL – Information Report – Home Ownership</u>   |
| 12. | <u>11:00am – 11:05am</u> | <u>Next meeting – February 2021</u>  |
| 13. | <u>11:05am – 11:10am</u> | <u>Closing Remarks and Prayer</u>  |

## **Wednesday 20<sup>th</sup> January 2021**

### **Present**

Cr Phillemon Mosby, Mayor (Cairns)  
Cr Dimas Toby, Division 1 – Boigu  
Cr Torenzo Elisala, Division 2 – Dauan  
Cr Conwell Tabuai, Division 3 – Saibai  
Cr Keith Fell, Division 4 – Mabuiag (Cairns)  
Cr Laurie Nona, Division 5 – Badu  
Cr Lama Trinkoon, Division 6 – Kubin, Mua Island  
Cr John Levi, Division 7 – St Pauls, Mua Island  
Cr Seriako Dorante, Division 8 – Kirriri  
Cr Getano Lui Jnr, Division 9 – Iama (Cairns)  
Cr Kabay Tamu, Division 10 – Warraber  
Cr Francis Pearson, Division 11 – Poruma  
Cr Hilda Mosby, Division 12 – Masig (Cairns)  
Cr Rocky Stephen, Division 13 – Ugar (Cairns)  
Cr Jimmy Gela, Division 14 – Erub (Cairns)  
Cr Aven Noah, Division 15 – Mer (Cairns)

Ms Hollie Faithfull, Acting Chief Executive Officer (ACEO)  
Mr Ilario Sabatino, Chief Operating Officer (COO) (Cairns)  
Mr David Baldwin, Chief Engineer (CE)  
Mr Peter Krebs, Senior Legal Counsel (SLC)  
Mrs Kathy Cochran – Secretariat Officer (SO)

### **Apologies**



6. **9:21am – 9:28am** **LEGAL – LHA Leases – Mabuiaq**

Senior Legal Counsel, Mr Peter Krebs spoke to the report.

**RESOLUTION:**

*Moved:* Cr Fell; *Second:* Cr Levi

1. That the Trustee recommend advising the Minister that the lease over lot 45 on SP273192 (45 Main Street, Mabuiaq) should issue to Gesa William Joseph as soon as possible under section 35 of the Aboriginal and Torres Strait Islander Land Holding Act 2013, and authorise the Chief Executive Officer to sign the Advice and Recommendation Report.
2. That the Trustee recommend advising the Minister that the lease over lot 25 on SP273192 (25 Main Street, Mabuiaq) should issue to Norma Elizabeth Whap as sole tenant as soon as possible under section 35 of the Aboriginal and Torres Strait Islander Land Holding Act 2013, and authorise the Chief Executive Officer to sign the Advice and Recommendation Report.
3. That the Trustee recommend advising the Minister that the lease over lot 12 on SP273192 (12 Map Street, Mabuiaq) should issue to Pele Mooka as soon as possible under section 35 of the Aboriginal and Torres Strait Islander Land Holding Act 2013, and authorise the Chief Executive Officer to sign the Advice and Recommendation Report.

**MOTION CARRIED**

Cr Lui asked for all matters to do with Katter Leases come to the Council not the Chief Executive Officer for decision.

**9:27am** – Cr Toby joins the meeting.

7. **9:28am – 9:44am** **LEGAL – LHA Leases – Warraber**

Senior Legal Counsel, Mr Peter Krebs spoke to the report.

- Cr Kabay Tamu declared a declarable conflict of interest as he is a close relative to the parties. Council agreed for Cr Tamu to remain in the room.

**9:44am** – Cr Nona joined the meeting.

Cr Nona asked about the splitting of the lease. Council had a brief discussion.

**RESOLUTION:**

*Moved:* Cr Tamu; *Second:* Cr Pearson

1. That the Trustee recommend advising the Minister that the lease over lot 8 on SP270859 (53 Yessie Street, Warraber) should issue to Harold Pearson, Mary Mosby, Olandi Pearson, Cessa Asai, Harry Pearson, Katherine Roberta Sailor and Dorothy Elizabeth Mari as tenants in common as soon as possible under section 35 of the Aboriginal and Torres Strait Islander Land Holding Act 2013, and authorise the Chief Executive Officer to sign the Advice and Recommendation Report.
2. That the Trustee grant owner's consent to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships in support of a development application for a reconfiguration of a lot (RAL) 1 lot into 2 lots over Lot 47 on SP270859 (33A and 33B Dabus Street, Warraber), on behalf of Ted and Helena Billy, in relation to Land Holding Act lease application WA1/86, and authorise the Chief Executive Officer to sign the owner's consent form and, subject to local government approval, the resulting survey plans.

**MOTION CARRIED**

9:50am- 9:54am – IT Manager enters room to replace microphone.

**8. 9:54am – 10:00am LEGAL – Transfer of LHA – Masig – Lot 20**

Senior Legal Counsel, Mr Peter Krebs spoke to the report.

- Cr Hilda Mosby previously declared a declarable conflict of interest and Council agreed for Cr Mosby to remain in the room.

**RESOLUTION:**

*Moved:* Cr Mosby; *Second:* Cr Fell

**That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld), the Council as Trustee consent to the transfer of the Land Holding Act (Katter) lease 715653361 from Cynthia Mabo to Ted Fraser Nai for 20 JDL Road (Lot 20 on SP277431) on Masig.**

**MOTION CARRIED**

Cr Nona raised concerns around the perception with the same surname. Senior Legal Counsel, Mr Peter Krebs provided Council with legal advice and clarified conflict of interest and material personal interest.

**9. 10:00am – 10:02am LEGAL – Transfer of LHA – St Pauls – Lot 32**

Senior Legal Counsel, Mr Peter Krebs spoke to the report.

**RESOLUTION:**

*Moved:* Cr Levi; *Second:* Cr Elisala

**That pursuant to the Aboriginal and Torres Strait Islander Land Holding Act 2013 (Qld), the Council as Trustee consent to the transfer of the Land Holding Act (Katter) lease 719331053 from Christopher Ware to Michael Ibigan Ware for 98 Ware Street (Lot 32 on SP256048) on St Pauls**

**MOTION CARRIED**

**10. 10:02am – 10:19am LEGAL – Information Report – Home Ownership**

Senior Legal Counsel, Mr Peter Krebs spoke to the report. The purpose of the report was to provide Council with an update on the home-ownership program.

**RESOLUTION:**

*Moved:* Cr Trinkoon; *Second:* Cr Nona

**That the Trustee note this report.**

**MOTION CARRIED**

**11. 10:19am – 10:30am Confirmation of Trustee Meeting Minutes – 8<sup>th</sup> December 2020**

**RESOLUTION:**

*Moved:* Cr Nona; *Second:* Cr Tamu

**That the minutes from the Trustee meeting held on the 8<sup>th</sup> December 2020 be adopted as a true and accurate record of that meeting.**

**MOTION CARRIED**

12. **10:30am – 10:31am**

**Next meeting – February 2021**

Next Trustee Meeting date – Tuesday 23<sup>rd</sup> February 2021 at Division 4 - Mabuiag

13. **10:31am – 10:31am**

**Closing Remarks and Prayer**

Mayor Mosby encouraged Councillors to speak to the legal team in relation to their respective community on the Trustee matters and declared the Trustee meeting closed.

**Meeting Closed – 10:31am**



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**Ilario Sabatino**  
**Acting Chief Executive Officer**  
**Torres Strait Island Regional Council**  
**23<sup>rd</sup> February 2021**



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**Phillemon Mosby**  
**Mayor**  
**Torres Strait Island Regional Council**  
**23<sup>rd</sup> February 2021**