



Minutes

TORRES STRAIT ISLAND REGIONAL COUNCIL

May 2022

TRUSTEE MEETING

Monday, 16th May 2022

Cairns

TRUSTEE MEETING
Monday, 16th May 2022

PRESENT:

Cr Phillemon Mosby, Mayor
Cr Dimas Toby, Division 1 – Boigu
Cr Conwell Tabuai, Division 3 – Saibai
Cr Keith Fell, Division 4 – Mabuig
Cr Laurie Nona, Division 5 – Badu
Cr Lama Trinkoon, Division 6 – Kubin (Arkai), Mua Island
Cr John Levi, Division 7 – Wug (St Pauls), Mua Island
Cr Seriako Dorante, Division 8 – Kirriri (Hammond)
Cr Getano Lui Jnr, Division 9 – Iama (Yam)
Cr Kabay Tamu, Division 10 – Warraber (Sue)
Cr Francis Pearson, Division 11 – Poruma (Coconut)
Cr Hilda Mosby, Division 12 – Masig (Yorke)
Cr Rocky Stephen, Division 13 – Ugar (Stephen)
Cr Jimmy Gela, Division 14 – Erub (Darnley)

STAFF:

Mr James William, Chief Executive Officer (CEO)
Ms Hollie Faithfull, Executive Director, Financial Services (EDFS)
Mr David Baldwin, Executive Director, Engineering Services (EDES)
Mr Dawson Sailor, Head of Community Services (HOCS)
Ms Megan Barrett, Executive Director, Corporate Services (EDCS)
Mr Peter Krebs, Manager Legal Services (MLS)
Mrs Ursula Nai, Senior Executive Assistant to the Chief Executive Officer (SEA)
Mr Jacob Matysek, Executive Assistant to the Mayor (EA)
Ms May Mosby, Acting Secretariat Officer (ASO)

APOLOGIES:

Cr Aven Noah, Division 15 – Mer (Murray) – personal leave

Note: Cr Torenzo Elisala, Division 2 – Dauan dialling in via telephone

TRUSTEE MEETING
Monday, 16th May 2022

1. **9:12am - 9:16am** **Opening Prayer and Welcome**

Mayor Mosby opened the Trustee meeting with a welcome to:

- Councillors, Executive and Administration Staff
- Our Heavenly Father for his awesome, wisdom, knowledge and understanding
- All Elders, past, present and emerging
- Traditional owners throughout the length and breadth of Zenadth Kes and the lands on which we are meeting

Mayor Mosby asked everyone to be upstanding and invited Cr John Levi to open the meeting in a word of prayer.

2. **9:16am – 9:17am** **Apology**

- Cr Aven Noah, Division 15 – Mer – personal leave

RESOLUTION:

Moved: Cr John Levi; Second: Cr Francis Pearson

That Council accepts the apology of Cr Aven Noah for the May 2022 Trustee Meeting.

MOTION CARRIED UNANIMOUS

9:17am – For Minute taking purposes, Staff were asked to leave the meeting for a closed business session.

9:20am – Cr Dimas Toby joined the meeting.

9:20am – Cr Fell joined the meeting.

9:38am – Staff re-joined the meeting.

3. **9:39am - 9:40am** **Declaration of Conflict of Interest (COI) Declarable and Prescribed**

Cr. Kabay Tamu, Cr. Francis Pearson and Cr. Jimmy Gela sought legal advice from Manager Legal Services as they have close family members employed by CEQ. Manager Legal Services advised that this was not a conflict of interest. No further Declarations were made. Mayor Mosby encouraged Councillors to make a declaration at any time during the meeting.

4. **9:40am – 9:45am** **Confirmation of Trustee Meeting Minutes**

- Trustee Meeting – 20th April 2022

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Jimmy Gela

That the Trustee accepts the minutes of the Trustee meeting held on 20th April 2022 as a true and accurate account of that meeting.

MOTION CARRIED UNANIMOUS

5. **9:45am – 9:50am** **Outstanding Trustee Action Items**

Mr Peter Krebs, Manager Legal Services provided the Trustee with an update of the Action Items from April's Trustee Meeting.

6. **9:50am – 10:20am** **Standing Agenda Item: (verbal update)**

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

Mr Peter Krebs, Manager Legal Services provided the Trustee with a verbal update on the above topics.

Further discussions were had around the undocumented commercial land occupation project and the DOGIT transfers.

ACTION: Manager Legal Services to write to the Minister office reinforcing Councils' position on the DOGIT transfer.

7. **10:20am – 10:21am** **TRUSTEE MOVE INTO CLOSED BUSINESS**

RESOLUTION:

Moved: Cr Lama Trinkoon; Second: Cr Rocky Stephen

That the Trustee resolve to close the meeting to the public pursuant to section 84 of the *Local Government Act 2009* to allow the Trustee Council to discuss contracts proposed to be made by the Trustee Council (CEQ leases), for which public discussion would be likely to prejudice the interests of the Trustee Council.

MOTION CARRIED UNANIMOUS

- LEGAL – CB – CEQ Leases

9. **10:50am – 10:50am** **TRUSTEE MOVE OUT OF CLOSED BUSINESS AND RESUME IN OPEN COUNCIL**

RESOLUTION:

Moved: Cr Hilda Mosby; Second: Cr Jimmy Gela

That the Trustee move out of Closed Business and resume the Trustee meeting in open business.

MOTION CARRIED UNANIMOUS

Resolution and minutes for noting following closed business:

8. **LEGAL – CB – CEQ Leases**

OPTION 2

Resolution:

Move: Cr Jimmy Gela; Second: Cr Hilda Mosby

That the Trustee resolves to:

- ***Confirm the previous resolution of the Trustee that CEQ must pay the required rental rate of \$10.80 per square metre under a lease as per the resolution of 25 and 26 June 2019; and***
- ***That the Trustee, pursuant to the Torres Strait Islander Land Act 1991 (Qld), grant a standard 30-year lease to Community Enterprise Queensland for each of the following sites for the purpose of operating and maintaining a supermarket, subject to native title future act validation through an Indigenous Land Use Agreement to which Council is a party:***
 - ***Iama: Lot 8 on SP270867***
 - ***Masig: Lot 119 and Part of Lot 196 on SP277431***
 - ***Poruma: Lot 51 on SP270862***
 - ***St Pauls: Lot 152 on SP256048***
 - ***Kubin: Lot 74 on SP271019***
 - ***Boigu: Lot 8 on SP273190; and***
- ***Delegate to the Mayor and the Chief Executive Officer each the power to conclude the terms of each lease, and the power to make, amend or discharge the leases and lease amendments.***

MOTION CARRIED

AGAINST: Cr Keith Fell; Cr Kabay Tamu; Cr Dimas Toby and Cr Francis Pearson

ACTION: The CEO to review the current status of the existing CEQ leases where only a peppercorn rent is payable.

MORNING TEA 11:10am – 11:33am

10. **11:33am – 11:45am** **LEGAL – LHA lease transfer: Mabuiag Lot 34 SP273192**

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

RESOLUTION:

Move: Cr Keith Fell; Second: Cr Lama Trinkoon

The Trustee resolves pursuant to the *Aboriginal and Torres Strait Islander Land Holding Act 2013* to:

- consent to the transfer of a trustee lease (Lease No. 719578721) from the late Epesia Hankin over Lot 34 on SP273192 (title reference 51176752) to Louisa Ruth Guise; and
- delegate to the Mayor and the Chief Executive Officer each the power to execute the General Consent forms.

MOTION CARRIED UNANIMOUS

11. **11:45am – 12:03pm** **LEGAL – Status of LHA lease resolution**

Mr Peter Krebs, Manager Legal Services spoke to the report and provided a status update.

RESOLUTION:

Move: Cr Laurie Nona; Second: Cr John Levi

The Trustee resolves to note the report

MOTION CARRIED UNANIMOUS

12. **12:03pm – 12:04pm** **Next meeting – Tuesday 28th June 2022**

Mayor Mosby confirmed the dates for the next meeting via video conference.

13. **12:04pm – 12:04pm** **Closing Remarks and Prayer**

Mayor Mosby closed the Trustee Meeting to reconvene in Day 1 of May's Council Ordinary Meeting.

MEETING CLOSED AT 12:04PM



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Mr James William
Chief Executive Officer
Torres Strait Island Regional Council
Date: 28.06.2022



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Cr Phillemon Mosby
Mayor
Torres Strait Island Regional Council
Date: 28.06.2022