

## ANNEXURE TO POLICY

### HAMMOND ISLAND DECISION-MAKING PROCESS

1. The following process applies when TSIRC (as Trustee) makes decisions to lease land on Hammond Island (Kirriri) 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:
  - (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 date).
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.

#### Summary of Decision-Making Process

6. A summary of the decision-making process for Hammond Island is set out below:
  - (a) EOI made.
  - (b) Consultation with Divisional Councillor and first community meeting, aimed to be held within 4 weeks of EOI being made.
  - (c) Public notification of EOI (for at least 3 weeks) after 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

- 7. TSIRC is prepared to receive and consider EOIs made by Applicants who are interested in obtaining a lease of trust land on Hammond Island.
- 8. TSIRC has an approved form that must be used to make EOIs.
- 9. If the approved form is not used, for EOIs, TSIRC may reject any of those EOIs.
- 10. 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.
- 11. At any point when considering the EOI, TSIRC may ask the Applicant to give further information about the EOI.

### Inconsistent interests

- 12. TSIRC will refuse any EOI over Land that has an existing registered or unregistered interest that is not compatible with the EOI. This includes any other EOI that has already been approved.
- 13. 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.

### First Community Meeting

- 14. 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.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. The community meeting will be open to all Hammond Island residents and must be notified to residents as the Divisional Councillor directs.
- 19. The EOI applicant/s and the Divisional Councillor must attend the community meeting.

20. The Divisional Councillor will chair the community meeting.
21. The EOI applicant/s will be allotted 10 minutes to address the meeting about their EOI if they choose to.
22. 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.
23. 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

24. 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.
25. 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.
26. The community will have 3 weeks to comment.
27. 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.
28. 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

29. If an EOI Dispute – for example, more than one EOI is made over the same area, or someone disputes that the applicant should receive a lease – is not raised either at the first community meeting or before public notification closes, then TSIRC may make a decision about the EOI at a meeting after 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 resolves that it considers there is a reasonable basis for the dispute being raised at a late stage.

31. 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.
32. During that 3-month period, the following processes will be carried out.
33. A second community meeting will be arranged by the Divisional Councillor as soon as possible after the public notification period closes.
34. The second community meeting will proceed in the same way as the first community meeting.
35. If the dispute cannot be resolved during the second community meeting, then, at the same meeting, the community meeting will appoint a community panel.
36. 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).
37. 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).
38. The community panel may meet immediately after the second community meeting.
39. The Divisional Councillor must report the outcome of the second community meeting, and the community panel (if required), to the next available TSIRC meeting.
40. 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 RNTBC, the Native Title Representative Body 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.
41. 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.
42. 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.
43. After TSIRC has passed a resolution approving an EOI, no further disputes about the EOI will be considered by TSIRC.
44. 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.