



## Northern Peninsula Area Regional Council

---

### Minutes of TRUSTEE'S MEETING

Notification Date: Tuesday 1<sup>st</sup> November 2011  
Meeting Date: Friday 9<sup>th</sup> December 2011  
Meeting Location: Cairns Rydges Plaza  
Time: 1.30 pm  
Catering: Morning Tea and Lunch will be provided

#### Mayor and Councillors

Cr Joseph Elu	(Mayor)
Cr Gina Nona	(Division 1)
Cr Peter Lui	(Division 2)
Cr Reg Williams	(Division 3)
Cr Michael Bond	(Division 4)
Cr Jeffrey Aniba	(Division 5)
CEO	Stuart Duncan
Deputy CEO	Danny Sebasio
Michael Freeman	Director of Corporate Services
Secretary	Esme Newman

#### Welcome and Declare Meeting Open - Mayor

- Apologies - Mr Michael Freeman

- Declaration of Conflicts of Interest  
Nil
- Declaration of Material Interests  
Nil

## AGENDA

### **Agenda Item (1) Minutes of previous Trustee's Meeting 11<sup>th</sup> October 2011**

#### RECOMMENDATION TO TRUSTEES.

THAT the Trustees approve the minutes of the 11<sup>th</sup> October 2011 Trustees' Meeting.

Moved: Cr Williams

Seconded: Cr Bond

Vote. 6/0

Date: 09/ 12/ 2011

Resolution Number: 01-9.12.11

### **Agenda Item (2) Social Housing**

CEO informed the Trustees' need to start discussions around the D.O.G.I.T's transfer issues. CEO advised that under the TSI & ALA, the Minister for DERM has the powers to reissue the D.O.G.I.T's with or without consent of the Trustees.

CEO requested that Trustees engage Preston Law (Andrew Kerr) and RPS early in January 2012 to map out a way forward for the Council and Trustees to begin the conversation around the Land Transfer process.

Cr Elu advised that this has already been discussed at the Council meeting.

SUBJECT: Agenda item – SOCIAL HOUSING SITES post 23 Dec 1996 and future Housing – Creation of interest and S24JAA Notification process

APPLICANT: Chief Executive Officer, Northern Peninsula Area Regional Council  
C/- RPS Australia East Pty Ltd

LOCATION: Injinoo Umagico Bamaga New Mapoon and Seisia

RPD: Parts of Lot 7 on SP120089 (Injinoo), Parts of Lot 58 on SO57 (Umagico), Parts of Lot 7 on SO53 (Bamaga), Parts of Lot 30 on SO55 (New Mapoon), Parts of Lot 65 on SO69 (Seisia),

ATTACHMENTS: Attachment 1: S24JAA Notification Plans  
Attachment 2: Creation of Interest Letter

## Attachment 3: Proposed S24JAA notice

---

### 1.0 EXECUTIVE SUMMARY

*The Program Office and NPARC have agreed to create social housing leases over numerous sites within the 5 NPA communities. These sites contain existing houses assumed to have been constructed since 23 December 1996 as well as some proposed land for future social houses.*

*Council is required to -*

- 1. Resolve to a Creation of Interest for those sites within Bamaga and Seisia DOGIT's, and*
- 2. Resolve to undertake the S24JAA Native Title Act Notification process for all sites*

### 2.0 RECOMMENDATION.

- 2.1 That this meeting approves the issue of a Creation of interest Letter for those sites within Bamaga and Seisia DOGIT's as per Attachment 1.
- 2.2 That this meeting resolves to proceed with the S24JAA Notification Process for those sites as shown on the plans in Attachment 2, and the proposed S24JAA notice in Attachment 3.
- 2.3 That NPARC delegate authority to Preston Law to issue the S24JAA notices on behalf of NPARC.

### 3.0 Background

#### 3.1 Creation of Interest letter – Bamaga and Seisia DOGIT's

An improved Housing outcome for the people of Injinoo, Umagico, Bamaga, New Mapoon and Seisia is a priority of the Northern Peninsula Area Regional Council (the Council) and critical to working towards *Closing the Gap* targets of improved health, life expectancy and educational attainment.

The Remote Indigenous Housing National Partnership Agreement between the Australian Government and the State of Queensland will bring about significant reform in the provision of housing for our community. To commence investment in new housing in the Northern Peninsula Area the State requires a lease over land suitable for social housing for a minimum of 40 years.

The Council, in its capacity as trustee of the Bamaga and Seisia Deed of Grant in Trust has agreed in principle to grant a lease to the State of Queensland represented by Department of Communities for a term of 40 years for the purpose of facilitating social housing over sites nominated on the attached Schedules.

Leasing Torres Strait Islander land in the Bamaga and Seisia division of the Northern Peninsula Area Local Government Area is provided for by the *Torres Strait Islander Land Act 1991* (TSILA). S 128(1)(b) of the TSILA requires that the Minister administering the TSILA must consent to the creation of an interest in the land before the Council may grant a lease.

Accordingly, the Council needs to seek the Minister's consent to the creation of an interest in transferable land, pursuant to section 128(1) (b) of the TSILA.

Enclosed is a map showing the location of the sites in Bamaga and Seisia subject to the proposed lease.

### 3.2 S24JAA Notification Process

The proposed leases will cover either existing houses that appear to have been constructed since 23 December 1996, or vacant land for proposed future houses.

Native Title is required to be addressed for these sites and can be dealt with in a variety of ways, including

- determining whether native title has previously been extinguished, or
- reaching an Indigenous Land Use Agreement, or
- using S24JAA of the Native Title Act

The Native Title Act was amended in late 2010 to establish a new subdivision within the future acts regime of the Native Title Act. The new subdivision provides a process to assist the timely construction of public housing, staff housing and a limited class of public facilities in communities on Indigenous held land.

The new process ensures that the representative Aboriginal or Torres Strait Islander body and any registered native title claimants and registered native title bodies corporate in relation to the area of land or waters are notified and afforded an opportunity to comment on acts which could affect native title ('future acts'). In addition, a registered native title claimant or registered native title body corporate may request to be consulted regarding the doing of the proposed future act so far as it affects their registered native title rights and interests.

It is considered the most efficient and timely mechanism to address native title is to use the S24JAA process.

RPS and Preston Law have prepared S24Jaa Future Act Notices (Attached). These will need to be issued to the Native Title Representative Bodies of the Cape York land Council and the Torres Strait Regional Authority.

Note that the notices include a clause relating to Council issuing a 40 year lease to the State for housing, and that that NPARC is the proponent of the works in the notices.

To provide efficient handling of this matter it is suggested that NPARC delegate authority to issue the notices on behalf of NPARC.

Attachment 1

S24JAA Notification Plans for Injinoo Umagico Bamaga New Mapoon and Seisia

Attachment 2

Creation of Interest Letter

Attachment 3

Proposed S24JAA notice

RECOMMENDATION TO TRUSTEES.

THAT the Trustees approves the issue of a Creation of Interest Letter for those sites within Bamaga and Seisia DOGIT's as per Attachment 1.

THAT the Trustees resolves to proceed with the S24JAA Notification Process for those sites as shown on the plans in Attachment 2, and the proposed S24JAA notice in Attachment 3.

That the Trustees delegate authority to Preston Law to issue the S24JAA notices on behalf of NPARC.

Moved: Cr Aniba

Seconded. Cr Bond

Vote. 6/0

Date: 09/12/ 2011

Resolution Number: 02- 9.12.11

**Meeting Close 1.40pm**

Next Meeting: To be advised.