



TRUSTEE MEETING BOOKLET

Northern Peninsula Area Regional Council

Trustees Council Meeting #11

to commence at 10:00am

on

Wednesday 26th February 2025

at

BAMAGA BAORDROOM

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Agenda Item 1 to 5
TRUSTEE COUNCIL MEETING #11
26th February 2025

- 1. Welcome and Opening of Meeting**
- 2. Acknowledgement of Traditional Owners**
- 3. Present**
- 4. Apologies**
- 5. Declarations of Conflict of Interest**
- 6. Confirmation of Minutes of Previous Meeting**



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #10
Wednesday 22nd January 2025
Bamaga Boardroom

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 10:04am with a prayer by Cr Yoelu.

Agenda Item 2. Acknowledgement of Country

Mayor Poi Poi paid respects on behalf of the Trustee to the traditional owners of the land upon which the meeting was held and the traditional owners of the Northern Peninsula Area Region; and to their elders past, present and emerging.

One minute silence was held out of respect to sorry business in the communities.

Agenda Item 3. Present

Mayor & Councillors

Mayor Robert Poi Poi	Mayor	
Cr David Byrne	Division 1	
Cr Mary Yoelu	Division 2 / Deputy Mayor	
Cr Kitty Gebadi	Division 3	(via videoconference)
Cr Bradford Elu	Division 5	

Other Attendees

Kate Gallaway	CEO
Brett de Chastel	Advisor
Sabrina Mudu	Senior Executive Assistant (Minute Taker)

Cr Gebadi has requested to attend the meeting via videoconference. A resolution is required.

Resolution

That Council:

accepts for Cr Gebadi to attend the meeting via videoconference.

Moved: Cr Byrne

Vote: 4/0

CARRIED

Seconded: Cr Yoelu

Resolution: T3.1-21012025

Cr Gebadi joined the meeting at 10:08am.



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #10
Wednesday 22nd January 2025
Bamaga Boardroom

Agenda Item 4. Apologies

Resolution

That Council:

Grants a leave of absence for Cr Bond who are away on medical leave.

Moved: Cr Byrne

Vote: 5/0

Seconded: Cr Elu

Resolution: T4-22012025

CARRIED

Agenda Item 5. Declarations of Conflict of Interest

Nil

Agenda Item 6. Confirmation of Minutes of Previous Meeting

Resolution

That Council as Trustees:

Notes and confirms the minutes from the Trustee Meeting held Monday 16th December 2024.

Moved: Cr Byrne

Vote: 5/0

Seconded: Cr Yoelu

Resolution: T6.1-22012025

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #10
Wednesday 22nd January 2025
Bamaga Boardroom

Agenda Item 7. Business Arising from Previous Meeting

Resolution

That Council as Trustees:

1. Pursuant to section 84(2) of the *Local Government Act 2009* "LG Act" to close this part of the meeting to the public;
2. Pursuant to section 84(2) of the LG Act:
 - (a) The matters that is to be discussed includes legal advice obtained by the local government as trustee, including contracts proposed to be made by the trustee council for which a public discussion would be likely to prejudice the interests of the trustee (section 84(2)(a) and 84(3)(e) of the LG Act).
 - (b) An overview of what is to be discussed while the meeting is closed is the ongoing business of finalising commercial leasing arrangements as resolved at previous Trustee meetings

Moved: Cr Yoelu
Vote: 5/0

Seconded: Cr Byrne
Resolution: T7.1-22012025

CARRIED

Action items were discussed as per the Action Task List

Resolution

That Council as Trustees:

1. Resolve to open the meeting.

Moved: Cr Yoelu
Vote: 5/0

Seconded: Cr Byrne
Resolution: T7.2-22012025

CARRIED



UNCONFIRMED

Meeting Minutes
TRUSTEE COUNCIL MEETING #10
Wednesday 22nd January 2025
Bamaga Boardroom

Agenda Item 8. Reports

Agenda Item 8.1. Tenure arrangements for Lot 114 on SP273365 "New Mapoon Nursey"

Cr Byrne left the room 10:54am

Cr Byrne returns 10:56am

Resolution

That Council as Trustees:

1. Defer the matter to the January special trustee meeting.

Moved: Cr Elu

Vote: 5/0

Seconded: Cr Byrne

Resolution: T8.1-22012025

CARRIED

Agenda Item 8.2. Nai Beguta Agama Aboriginal Corporation Request for Variation

Resolution

That Council (as Trustee):

1. Defer the matter to the January special trustee meeting.

Moved: Cr Byrne

Vote: 5/0

Seconded: Cr Yoelu

Resolution: T8.2-22012025

CARRIED

Mayor left the room 11:25am

Mayor returns 11:25am

Agenda Item 9. Other Business

Nil

Agenda Item 10. Close of Meeting

Meeting closed at 11:28am with a closing prayer by Cr Yoelu.



UNCONFIRMED

Meeting Minutes
SPECIAL COUNCIL TRUSTEE MEETING
Friday 7th February 2025 2024
Bamaga Boardroom

Northern Peninsula Area Regional Council

Special Trustee Meeting

To commence at 10.30am

On

Friday 7th February 2025

Bamaga Boardroom



UNCONFIRMED

Meeting Minutes
SPECIAL COUNCIL TRUSTEE MEETING
Friday 7th February 2025 2024
Bamaga Boardroom

Agenda Item 1. Welcome and Opening of Meeting

Mayor Poi Poi welcomed attendees and opened the meeting at 10:34am with a prayer by Cr Yoelu.

Agenda Item 2. Acknowledgement of Country

Mayor Poi Poi paid respects on behalf of the Council to the traditional owners of the land upon which the meeting was held and the traditional owners of the Northern Peninsula Area; and to their elders past, present and emerging.

Agenda Item 3. Present

Mayor & Councillors

Mayor Robert Poi Poi	Mayor
Cr David Byrne	Division 1
Cr Mary Yoelu	Division 2 / Deputy Mayor
Cr Bradford Elu	Division 5

Other Attendees

Kate Gallaway	Chief Executive Officer
Brett de Chastel	Advisor (via TEAMS)
Sabrina Mudu	Senior Executive Assistant (Minute Taker)

Agenda Item 4. Apologies

Resolution

That Council:

Grants a leave of absence for Cr Gebadi and Cr Bond who is away on medical leave.

Moved: Cr Elu

Vote: 4/0

Seconded: Cr Byrne

Resolution: T4-07022025

CARRIED

Agenda Item 5. Declarations of Conflict of Interest

Nil

Agenda Item 6. Other Business

Agenda Item 6.1 Tenure arrangements for Lot 114 on SP273365 "New Mapoon Nursey"

Resolution

That Council at trustees:

1. Note the Report
2. Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee), arrangements with L&D



UNCONFIRMED

Meeting Minutes
SPECIAL COUNCIL TRUSTEE MEETING
Friday 7th February 2025 2024
Bamaga Boardroom

Maintenance & Cleaning on the basis of an Agreement to Grant Lease and Lease for 5+5+5+5 years at current market value subject to 4% annual increase to be operational within 24 months, and on such other terms as the Chief Executive Officer considers appropriate for Lot 114 on SP273365

3. Terminate the existing Agreement to Grant Lease with Laban & Dorelle Sambo for Lot 329 on SP273361

Moved: Cr Yoelu

Vote: 4/0

Seconded: Cr Elu

Resolution: T6.1-07022025

CARRIED

Agenda Item 6.2

Nai Beguta Agama Aboriginal Corporation Request for Variation

Resolution

That Council at trustees:

1. Defer the matter to a Special Trustees Meeting

Moved: Cr Byrne

Vote: 4/0

Seconded: Cr Elu

Resolution: T6.2-07022025

CARRIED / NOT CARRIED

Agenda Item 7. Close of Meeting

Meeting closed at 10.42am.



Agenda Item 7
TRUSTEE COUNCIL MEETING #11
26th February 2025

7. Business arising from Previous Meeting

This matter is considered to be confidential under section 84(2) of the *Local Government Act 2009* and the Council is satisfied that the discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government as trustee, including contracts proposed to be made by the trustee council for which a public discussion would be likely to prejudice the interests of the trustee (section 84(2)(a) and 84(3)(e) of the LG Act).

Title of Report: NPA Family and Community Services – Injinoo Clinic Lease Amendment

Agenda Item: 8.1

Classification: For Decision

Author: CEO

Attachments: Excerpt of Funding Conditions (tabled)
Lease (tabled)

Officer's Recommendation:

That the Trustee delegates to the Chief Executive Officer the power to:

1. negotiate and finalise amendments to the lease between NPA Family and Community Services Aboriginal & Torres Strait Islander Corporation ICN 1933 over Lease A in Lot 306 on SP 273363 on SP 319528 (**the Lease**) to respond to the lessee's request to amend terms of the Lease to reflect the lessee's funding arrangements;
2. execute on behalf of the Trustee any documents to give effect to the negotiated and finalised amendments.

PURPOSE OF REPORT

For the Trustee to consider a request made by a lessee under an existing lease to amend the terms of the lease to respond to requirements of the lessee's funding body.

BACKGROUND AND CONTEXT

At the October Trustee Meeting, this matter was originally considered and was deferred to the February 2025 Trustees meeting to allow the Division 1 Councillor to undertake further consultation.

For the benefit of the Trustee, the relevant background information is included.

The Trustee entered into a fifty (50) year lease with NPA Family and Community Services Aboriginal & Torres Strait Islander Corporation ICN 1933 (**the Lessee**) on 2 September 2022 over land described as Lease A in Lot 306 on SP273363 on SP 319528 (**the Premises**). The permitted use of the Premises was for:

1. the construction and operation of Injinoo Health Clinic; and
2. accommodation purposes for employees of the health clinic.

The Lessee secured funding for the above permitted use from the Commonwealth Department of Health (**Department**).

The Trustee understands that the Lessee's funding was conditional upon certain provisions being included in the lease for the Premises. An excerpt of the relevant conditions is **attached** to this report.

On 17 September 2024, the Trustee received a request from the Lessee's solicitor to seek the Trustee's agreement to amend the lease in order to ensure the relevant funding conditions are expressly set out in the lease. The conditions that the Lessee has sought to include in the lease are::

1. to allow the lease to be assigned or sublet to the Commonwealth Department of Health if required by the Department;
2. to allow the Lessee to grant a charge and mortgage over their interest in the lease, in favour of the Commonwealth;
3. to confirm that the Trustee will not terminate the lease without first giving the Department 60 days' prior notice and opportunity to remedy any default.

The Trustee has sought legal advice in relation to the requested amendments which is summarised below:

- It is expected that the Commonwealth is not in a lesser position than NPAFACS to discharge the Permitted Use under the Lease and so an assignment to the Commonwealth may not be of concern to the Trustee if that is a "forced" outcome because of NPAFACS' funding obligations.
- The proposed 60-day termination for breach provisions is probably longer than what would otherwise be reasonable, and the obligation to notify the Department adds an extra layer of obligation on Council, but again may be something Council is prepared to accommodate.
- The grant of a charge or mortgage over NPAFACS' leasehold interest, in favour of the Commonwealth, should not be of great concern, but that should be subject to whether such a charge can in fact be granted under the *Aboriginal Land Act 1991*.

The purpose of this Report is to consider the above request by the Lessee and delegate to the CEO the power to negotiate appropriate provisions with the Lessee that satisfy the funding conditions and to record such provisions through an amendment of lease.

CRITICAL DATES

Nil.

OTHER OPTIONS CONSIDERED

Nil.

LEGAL AND LEGISLATION CONSIDERATIONS

Nil.

POLICY CONSIDERATIONS

Nil.

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

Nil.



COUNCIL TRUSTEE MEETING # 11

Agenda Item 8.1

Wednesday 26th February 2025

Bamaga Boardroom

FINANCIAL AND RESOURCE CONSIDERATIONS

Nil.

CONSULTATION

The recommendation is consistent with Council's legal advice.

Title of Report: Tenure Arrangements for Seisia Fishing Club

Agenda Item: 8.2

Classification: For Decision

Author CEO

Attachments Nil

Officers Recommendation:

That Council:

1. Note the Report
2. Provide notice to Seisia Fishing Association and other interested parties that a public EOI process will be undertaken and they are invited to apply

PURPOSE OF REPORT

To provide background and context to Tenure Arrangements for Seisia Fishing Club and resolve a process moving forward.

BACKGROUND AND CONTEXT

At the December Trustee Meeting, this matter was originally considered and was deferred to the February 2025 Trustees meeting to all the Division 5 Councillor to undertake further consultation. The Seisia Fishing Association has failed to engage in discussions to finalise licence arrangements or provide information to demonstrate a business plan to re-establish services.

For the benefit of the Trustee, the relevant background information is included.

In 2014, NPARC attempted to regularise leasing arrangements with Seisia Fishing Association. These negotiations were never completed and there are no current tenure arrangements in place. An EOI was also received by Seisia Community Torres Strait Islander Corporation which was not considered by the trustee.

It is worth noting, that Seisia Fishing Association also has a large arrears with Council due to refusal to pay service fees for the premise.

In April 2023, the trustee resolved to enter into a Licence Agreement with the Seisia Fishing Association.

Resolution

That Council as Trustees:

1. Note the Report
2. Delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, power to negotiate and finalise on behalf of the Trustee (including by signing necessary documents on behalf of the Trustee), arrangements with Seisia Fishing Association on the basis of an Licence Agreement for 2 years at current market

value subject to 4% annual increase, and on such other terms as the Chief Executive Officer considers appropriate for Seisia Fishing Club

Moved: Cr Whap

Vote: 5/0

Seconded: Cr Gebadi

Resolution: T8.11-17042023

CARRIED

Multiple attempts were made to progress this agreement as well as discuss a process to resolve the issue regarding the outstanding arrears. There was no response from the Seisia Fishing Association apart from ongoing replies that they would reply shortly.

The Fishing Club has not operated in a meaningful way in recent times. There has been approaches made to Council by other entities wanting to operate the fishing club as there is good potential for community. As demonstrated by the EOI report considered earlier today, there is great community demand for infrastructure to operate commercial businesses. Advice provided by OLGR is that the licence is still current with the Fishing Association.

Moving forward options available to the trustee include

- Continue attempting to progress arrangements with Seisia Fishing Association
- Take control of the building and enter into arrangements with an alternative party
- Undertake a public EOI and invite Seisia Fishing Association to submit an EOI

CRITICAL DATES

N/A

OTHER OPTIONS CONSIDERED

N/A

LEGAL AND LEGISLATION CONSIDERATIONS

N/A

POLICY CONSIDERATIONS

N/A

CORPORATE AND OPERATIONAL PLAN CONSIDERATIONS

N/A

FINANCIAL AND RESOURCE CONSIDERATIONS

N/A

CONSULTATION

N/A



Agenda Item 8.3
TRUSTEE COUNCIL MEETING #1
26th February 2025

8.3 Seisia Community Torres Strait Islander Corporation – Divestment Matters

This matter is considered to be confidential under section 84(2) of the *Local Government Act 2009* and the Council is satisfied that the discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained by the local government as trustee, including contracts proposed to be made by the trustee council for which a public discussion would be likely to prejudice the interests of the trustee (section 84(2)(a) and 84(3)(e) of the LG Act).

The general nature of the matters to be discussed while the meeting is closed to the public are matters relating to the divestment of assets to Seisia Community Torres Strait Islander Corporation, including legal advice about the proposed divestment and existing and proposed contracts and other agreements relating to the divestment, and associated planning compliance and debt recovery matters.



Agenda Item 9-10
TRUSTEE COUNCIL MEETING #11
Wednesday 26th February 2025

- 9. Other Business**
- 10. Close of Meeting**