

Board Meeting: September 2017	Agenda Number: 10(ii)	Record No: ED17/4121
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LORD HOWE ISLAND BOARD

Business Paper

OPEN SESSION

ITEM

Transfer of Perpetual Lease – R and W O'Brien

RECOMMENDATION

It is recommended that the Board seek the Minister's approval to the transfer of perpetual lease 1958/03 by way of gift from Roseanne Margaret and Warren Keith O'Brien as joint tenants to Roseanne Margaret and Warren Keith O'Brien and Derek Edward O'Brien as joint tenants subject to concurrence of the mortgagee over the lease.

BACKGROUND

An application has been received for consent to transfer perpetual Lease 1958/03 by way of gift from Roseanne Margaret and Warren Keith O'Brien as joint tenants to Roseanne Margaret and Warren Keith O'Brien and Derek Edward O'Brien as joint tenants.

Section 23 of the Lord Howe Island Act, 1953 provides that the Minister, on recommendation of the Board, may consent to the transfer of a lease to two or more persons as joint tenants, and that where the proposed transferees are not Islanders within the meaning of the Act the Board shall not recommend consent unless satisfied that there is no Islander who desires and is in a position to take the transfer. Section 23 further provides that in the case of a transfer to a person other than an Islander, the approval of the Governor is required.

COMMENT

Derek O'Brien is Mr and Mrs O'Brien's son and all proposed transferees are Islanders within the meaning of the Act. All transferees currently reside on the lease. The lease is subject to mortgage and the concurrence of the mortgagee will be required prior to registration of the proposed transfer.

RECOMMENDATION

It is recommended that the Board seek the Minister's approval to the transfer of perpetual lease 1958/03 by way of gift from Roseanne Margaret and Warren Keith O'Brien as joint tenants to Roseanne Margaret and Warren Keith O'Brien and Derek Edward O'Brien as joint tenants subject to concurrence of the mortgagee over the lease.

Prepared: James Lonergan, Manager Environment & Community Services

Endorsed: Penny Holloway, Chief Executive Officer