

Queensland



Subordinate Legislation 2003 No. 97

Community Services (Aborigines) Act 1984

COMMUNITY SERVICES (ABORIGINES) AMENDMENT REGULATION (No. 1) 2003

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1 Short title

This regulation may be cited as the *Community Services (Aborigines) Amendment Regulation (No. 1) 2003*.

2 Regulation amended

This regulation amends the *Community Services (Aborigines) Regulation 1998*.

3 Amendment of s 11 (Disqualification of councillors)

Section 11(3), ‘section 27A’—

omit, insert—

‘section 49(1)¹’.

4 Amendment of s 49 (Approved forms for annual financial statements)

Section 49, ‘section 32A’—

omit, insert—

‘section 62²’.

5 Amendment of s 64A (Declaration of council areas—Act, s 14)

Section 64A, heading, ‘Act, s 14’—

omit, insert—

‘Act, s 39’.

6 Insertion of new s 68

After section 67—

insert—

1 Section 49 (Disclosure of interests at meetings) of the Act

2 Section 62 (Preparation of financial statements) of the Act

**‘68 Transitional provision for Community Services (Aborigines)
Amendment Regulation (No. 1) 2003**

‘For nominating members of a community justice group for schedules 1C and 1D, a nomination under section 4 of either schedule includes a nomination made by a nominating entity under the schedule before the commencement of this section.’.

7 Insertion of new schs 1C and 1D

After schedule 1B—

insert—

‘SCHEDULE 1C

‘DOOMADGEE COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1C

‘In this schedule—

“council” means the Doomadgee Aboriginal Council.

“main indigenous social grouping” means each of the following groups of indigenous persons—

- Gadawa
- Gangalida
- Lardill
- Mingginda
- Waanyi.

“nominating entity” means any of the following—

- (a) a main indigenous social grouping;

- (b) Doomadgee CDEP Aboriginal Corporation
ABN 91 096 896 192;
- (c) the council;
- (d) Warragudja Aboriginal Corporation ABN 38 365 831 274;
- (e) Warrgoobulginda Aboriginal Corporation ABN 17 807 264 224;
- (f) the chief executive of the department in which the
Education (General Provisions) Act 1989 is administered;
- (g) the chief executive of the department in which the
Health Services Act 1991 is administered.

“special meeting” see section 9(2).

‘PART 2—NAME OF COMMUNITY JUSTICE GROUP

‘2 Name—Act, s 86(2)

‘The name of the community justice group for the Doomadgee Aboriginal Council area is Ngooderi Mabuntha Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 5 but not more than 17 members.

‘4 Nomination, and withdrawal of nomination, of members

‘(1) Each main indigenous social grouping must nominate at least 1 person, and may nominate 2 persons, who are members of the grouping to be members of the justice group.

‘(2) Also, each of the following entities may nominate 1 person to be a member of the justice group—

-
- (a) Doomadgee CDEP Aboriginal Corporation
ABN 91 096 896 192;
 - (b) the council;
 - (c) Warragudja Aboriginal Corporation ABN 38 365 831 274;
 - (d) Warrgoobulginda Aboriginal Corporation ABN 17 807 264 224;
 - (e) the chief executive of the department in which the
Education (General Provisions) Act 1989 is administered.

‘(3) The chief executive of the department in which the *Health Services Act 1991* is administered may nominate 2 persons who are employees of the department to be members of the justice group.

‘(4) A nominating entity may, at any time, withdraw a nomination made by it.

‘(5) A nominating entity must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(6) A nomination, or withdrawal of a nomination, takes effect on the later of the following—

- (a) the day the Minister notifies the nomination, or withdrawal of the nomination, by gazette notice under section 5(1) or (2);
- (b) the day stated in the gazette notice.

‘5 Notification by Minister

‘(1) The Minister must, if satisfied a person nominated under section 4 is eligible for membership of the justice group, give notice of the nomination by gazette notice.

‘(2) Also, the Minister must, by gazette notice, give notice of a withdrawal of a nomination about which the Minister is advised.

‘(3) The gazette notice must include the following information—

- (a) the name of the person who is nominated or whose nomination is withdrawn;
- (b) the nominating entity that nominated the person or withdrew the person’s nomination.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the nominating entity that nominated each member.

‘6 Vacation of office

‘(1) The office of a member of the justice group becomes vacant if—

(a) the member—

(i) dies; or

(ii) resigns office by notice given to the coordinator for the justice group; or

(iii) is absent from 3 consecutive meetings of the justice group without the justice group’s permission and without reasonable excuse; or

(b) the member’s nomination is withdrawn under section 4.

‘(2) A notice mentioned in subsection (1)(a)(ii) may be given orally or in writing.

‘7 Coordinator to advise Minister of vacancy

‘The coordinator for the justice group must, as soon as practicable after a member’s office becomes vacant under section 6(1)(a), advise the Minister of the vacancy.

‘8 Term of membership

‘(1) Subject to subsection (2), a member of the justice group holds office for the term—

(a) starting on the day the member’s nomination takes effect under section 4(6); and

(b) ending on the earlier of the following—

(i) 3 years after the day the member’s nomination takes effect;

(ii) the day the member’s office becomes vacant under section 6(1).

‘(2) If the office of a member (the “**former member**”) becomes vacant under section 6(1), a person nominated to fill the vacancy holds office until the day the former member’s term would have ended if the former member’s office had not become vacant.

‘PART 4—BUSINESS AND MEETINGS

‘9 Conduct of business

‘(1) Subject to this part, the justice group may conduct its business, including its meetings, in the way it considers appropriate, including, for example, by following Aboriginal tradition.

‘(2) The justice group may only make decisions about business relating to its functions under section 87(1)(a), (c), (d) or (e)³ of the Act at a meeting at which the coordinator for the justice group is present (a “**special meeting**”).

‘10 Times and places of special meetings

‘(1) Special meetings must be held at the times and places the justice group decides.

3 Section 87(1)(a), (c), (d) or (e) of the Act—

87 Functions and powers

- (1) The functions of the community justice group for a community area are to—
- (a) regulate the possession and consumption of alcohol in the area under part 6, division 2; and
 - (b) . . . ; and
 - (c) make recommendations to the community liquor licence board established under the *Indigenous Communities Liquor Licences Act 2002*, part 2, division 1, for the area about the operation of the canteen in the area; and
 - (d) make recommendations to the Minister administering the *Liquor Act 1992*, part 6A, about declarations under that part; and
 - (e) carry out other functions given to it under this or another Act.

‘(2) However, the coordinator for the justice group may call a special meeting at any time, and must call a special meeting if asked by a majority of members of the justice group.

‘11 Quorum for special meeting

‘A quorum for a special meeting of the justice group is a majority of its members, at least 3 of whom must each represent a different main indigenous social grouping.

‘12 Presiding at special meeting

‘At a special meeting, the member of the justice group chosen by the members present is to preside.

‘13 Voting at special meeting

‘A question at a special meeting is to be decided by a majority of the votes of the voting members for the question and, if the votes are equal, the question is decided in the negative.

‘SCHEDULE 1D

‘NAPRANUM COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1D

‘In this schedule—

“**council**” means the Napranum Aboriginal Council.

“main indigenous social grouping” means—

(a) each of the following indigenous social groupings —

- Alingth
- Anagoon
- Andoom
- Aurdrang
- Luang
- Peppan
- Thanquith
- Thionton
- Wathayn; or

(b) the Torres Strait Islander grouping.

“nominating entity” means either of the following—

- (a) a main indigenous social grouping;
- (b) the council.

“special meeting” see section 9(2).

“Torres Strait Islander grouping” means the indigenous social grouping comprised of Torres Strait Islanders who have a historical association with the Napranum Aboriginal Council area.

‘PART 2—NAME OF COMMUNITY JUSTICE GROUP

‘2 Name—Act, s 86(2)

‘The name of the community justice group for the Napranum Aboriginal Council area is the Twal Council of Elders Napranum Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 10 but not more than 39 members.

‘4 Nomination, and withdrawal of nomination, of members

‘(1) Each main indigenous social grouping other than the Torres Strait Islander grouping must nominate at least 1 person, and may nominate up to 4 persons, who are members of the grouping to be members of the justice group.

‘(2) The Torres Strait Islander grouping must nominate 1 person, who is a member of the grouping, to be a member of the justice group.

‘(3) The council may nominate 1 or 2 councillors of the council to be members of the justice group.

‘(4) A nominating entity may, at any time, withdraw a nomination made by it.

‘(5) A nominating entity must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(6) A nomination, or withdrawal of a nomination, takes effect on the later of the following—

- (a) the day the Minister notifies the nomination, or withdrawal of the nomination, by gazette notice under section 5(1) or (2);
- (b) the day stated in the gazette notice.

‘5 Notification by Minister

‘(1) The Minister must, if satisfied a person nominated under section 4 is eligible for membership of the justice group, give notice of the nomination by gazette notice.

‘(2) Also, the Minister must, by gazette notice, give notice of a withdrawal of a nomination about which the Minister is advised.

‘(3) The gazette notice must include the following information—

- (a) the name of the person who is nominated or whose nomination is withdrawn;

- (b) the nominating entity that nominated the person or withdrew the person's nomination.

'(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the nominating entity that nominated each member.

'6 Vacation of office

'(1) The office of a member of the justice group becomes vacant if—

- (a) the member—
- (i) dies; or
 - (ii) resigns office by notice given to the coordinator for the justice group; or
- (b) the member's nomination is withdrawn under section 4.

'(2) A notice mentioned in subsection (1)(a)(ii) may be given orally or in writing.

'7 Coordinator to advise Minister of vacancy

'The coordinator for the justice group must, as soon as practicable after a member's office becomes vacant under section 6(1)(a), advise the Minister of the vacancy.

'8 Term of membership

'A member of the justice group holds office for the term—

- (a) starting on the day the member's nomination takes effect under section 4(6); and
- (b) ending on the day the member's office becomes vacant under section 6(1).

‘PART 4—BUSINESS AND MEETINGS

‘9 Conduct of business

‘(1) Subject to this part, the justice group may conduct its business, including its meetings, in the way it considers appropriate, including, for example, by following Aboriginal tradition.

‘(2) The justice group may only make decisions about business relating to its functions under section 87(1)(a), (c), (d) or (e)⁴ of the Act at a meeting at which the coordinator for the justice group is present (a “**special meeting**”).

‘10 Times and places of special meetings

‘(1) Special meetings must be held at the times and places the justice group decides.

‘(2) However, the coordinator for the justice group may call a special meeting at any time, and must call a special meeting if asked by a majority of members of the justice group.

4 Section 87(1)(a), (c), (d) or (e) of the Act—

87 Functions and powers

(1) The functions of the community justice group for a community area are to—

- (a) regulate the possession and consumption of alcohol in the area under part 6, division 2; and
- (b) . . . ; and
- (c) make recommendations to the community liquor licence board established under the *Indigenous Communities Liquor Licences Act 2002*, part 2, division 1, for the area about the operation of the canteen in the area; and
- (d) make recommendations to the Minister administering the *Liquor Act 1992*, part 6A, about declarations under that part; and
- (e) carry out other functions given to it under this or another Act.

‘11 Quorum for special meeting

‘A quorum for a special meeting of the justice group is a majority of its members, at least 5 of whom must each represent a different main indigenous social grouping.

‘12 Presiding at special meeting

‘At a special meeting, the member of the justice group chosen by the members present is to preside.

‘13 Voting at special meeting

‘(1) Only 1 member (the “**voting member**”) nominated by each nominating entity that is represented at a special meeting may vote on a question to be decided at the meeting.

‘(2) If more than 1 member of a main indigenous social grouping or more than 1 member who is a councillor of the council, is present at a special meeting, the members of the justice group who represent the grouping or the council—

- (a) may decide the grouping’s or council’s voting member for a question; and
- (b) if more than 1 question is to be decided, may decide that a different member is the grouping’s or council’s voting member for different questions.

‘(3) A question at a special meeting is to be decided by a majority of the votes of the voting members for the question and, if the votes are equal, the question is decided in the negative.’.

8 Amendment of sch 2 (Dictionary)

Schedule 2, definition “pecuniary interest disclosure”, ‘section 27A’—
omit, insert—

‘section 49(1)⁵’.

5 Section 49 (Disclosure of interests at meetings) of the Act

ENDNOTES

1. Made by the Governor in Council on 29 May 2003.
2. Notified in the gazette on 30 May 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Aboriginal and Torres Strait Islander Policy.