

Queensland



Subordinate Legislation 2003 No. 198

Community Services (Aborigines) Act 1984 *Community Services (Torres Strait) Act 1984*

COMMUNITY SERVICES LEGISLATION AMENDMENT REGULATION (No. 2) 2003

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Community Services Legislation Amendment Regulation (No. 2) 2003*.

PART 2—AMENDMENT OF COMMUNITY SERVICES (ABORIGINES) REGULATION 1998

2 Regulation amended in pt 2

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

3 Amendment of s 42 (Public notice of resolution authorising remuneration)

Section 42—

insert—

‘(4) In this section—

“**remuneration**”, of a councillor of an Aboriginal council, includes—

- (a) any fees or allowances, or reimbursement of expenses, paid to the councillor by the council;
- (b) any benefit or entitlement provided to the councillor by the council.’.

4 Amendment of sch 1, s 334 (Who may vote)

Schedule 1, section 334(2)—

omit.

5 Amendment of sch 1, s 352 (Declaration voting before polling day)

Schedule 1, section 352(2), from ‘when’ to ‘ballot paper’—

omit, insert—

‘when the declared place is open for the conduct of business, ask an issuing officer at the declared place for a ballot paper’.

6 Amendment of sch 1, s 369 (Counting of votes for first-past-the-post system)

Schedule 1, section 369(4) to (6)—

omit, insert—

‘(4) If 2 or more candidates receive the same number of votes so that subsection (2) or (3)(a) or (b) can not be applied, the candidate whose name is recorded under subsection (5)(g) is elected.

‘(5) The returning officer must, in the presence of 2 witnesses—

- (a) prepare a list of the candidates; and
- (b) assign a different number or colour to each candidate; and
- (c) place only the marbles, balls or other similar things (“**marbles**”), complying with subsection (6), in an opaque container large enough to allow the marbles in it to move about freely when it is rotated; and
- (d) rotate the container and permit another person present who wishes to do so to rotate it; and
- (e) raise the container so that its contents can not be seen; and
- (f) while the container is raised, take 1 of the marbles out of it or allow 1 of the marbles to come out of it; and
- (g) record the name of the candidate assigned the numbered or coloured marble that, under paragraph (f), is taken or allowed to come out of the container.

‘(6) For subsection (5)(c), the marbles must be—

- (a) the same size and weight; and
- (b) the same colours or numbers as the colours or numbers assigned under subsection (5)(b) to the candidates.

‘(7) The returning officer must allow each of the candidates, or their representative, to be present for the process mentioned in subsection (5).’.

PART 3—AMENDMENT OF COMMUNITY SERVICES (TORRES STRAIT) REGULATION 1998

7 Regulation amended in pt 3

This part amends the *Community Services (Torres Strait) Regulation 1998*.

8 Amendment of s 11 (Disqualification of councillors)

Section 11(3), ‘section 25A of the Act’—

omit, insert—

‘section 47¹ of the Act’.

9 Amendment of s 42 (Public notice of resolution authorising remuneration)

Section 42—

insert—

‘(4) In this section—

“**remuneration**”, of a councillor of an Island council, includes—

- (a) any fees or allowances, or reimbursement of expenses, paid to the councillor by the council;
- (b) any benefit or entitlement provided to the councillor by the council.’.

1 Section 47 (Disclosure of interests at meetings) of the Act

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

Section 49, ‘section 30A of the Act’—

omit, insert—

‘section 60² of the Act’.

11 Amendment of sch 1, s 334 (Who may vote)

Schedule 1, section 334(2)—

omit.

12 Amendment of sch 1, s 352 (Declaration voting before polling day)

Schedule 1, section 352(2), from ‘when’ to ‘ballot paper’—

omit, insert—

‘when the declared place is open for the conduct of business, ask an issuing officer at the declared place for a ballot paper’.

13 Amendment of sch 1, s 369 (Counting of votes for first-past-the-post system)

Schedule 1, section 369(4) to (6)—

omit, insert—

‘(4) If 2 or more candidates receive the same number of votes so that subsection (2) or (3)(a) or (b) can not be applied, the candidate whose name is recorded under subsection (5)(g) is elected.

‘(5) The returning officer must, in the presence of 2 witnesses—

- (a) prepare a list of the candidates; and
- (b) assign a different number or colour to each candidate; and
- (c) place only the marbles, balls or other similar things (“**marbles**”), complying with subsection (6), in an opaque container large

2 Section 60 (Preparation of financial statements) of the Act

enough to allow the marbles in it to move about freely when it is rotated; and

- (d) rotate the container and permit another person present who wishes to do so to rotate it; and
- (e) raise the container so that its contents can not be seen; and
- (f) while the container is raised, take 1 of the marbles out of it or allow 1 of the marbles to come out of it; and
- (g) record the name of the candidate assigned the numbered or coloured marble that, under paragraph (f), is taken or allowed to come out of the container.

‘(6) For subsection (5)(c), the marbles must be—

- (a) the same size and weight; and
- (b) the same colours or numbers as the colours or numbers assigned under subsection (5)(b) to the candidates.

‘(7) The returning officer must allow each of the candidates, or their representative, to be present for the process mentioned in subsection (5).’.

14 Amendment of sch 2 (Dictionary)

Schedule 2, definition “pecuniary interest disclosure”, ‘section 25A of the Act’—

omit, insert—

‘section 47³ of the Act’.

ENDNOTES

1. Made by the Governor in Council on 28 August 2003.
2. Notified in the gazette on 29 August 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Aboriginal and Torres Strait Islander Policy.