



Queensland

# **Local Government (Community Government Areas) Act 2004**

**Act No. 37 of 2004**





Queensland

# Local Government (Community Government Areas) Act 2004

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>Introduction</b>	
1	Short title . . . . .	8
2	Commencement . . . . .	8
<b>Division 2</b>	<b>Interpretation</b>	
3	Definitions . . . . .	8
4	Terms defined in Local Government Act 1993 . . . . .	8
5	Notes in text . . . . .	8
<b>Part 2</b>	<b>New local government areas and local governments</b>	
<b>Division 1</b>	<b>Declaration of new local government areas and establishment of new local governments</b>	
6	Definition for div 1 . . . . .	9
7	Declarations . . . . .	9
8	Establishment of new local governments . . . . .	10
9	Maps must be available for inspection . . . . .	10
<b>Division 2</b>	<b>Community government name</b>	
10	Name . . . . .	11
<b>Division 3</b>	<b>Application of Local Government Act 1993</b>	
11	Provisions of Local Government Act 1993 that apply . . . . .	12
<b>Part 3</b>	<b>Reviewable community government matters</b>	
<b>Division 1</b>	<b>Preliminary</b>	
12	Definition for pt 3 . . . . .	13
13	Application of Local Government Act 1993, ch 3, pt 1 . . . . .	13
14	Meaning of reviewable community government matter . . . . .	13

<b>Division 2</b>	<b>Examining and determining reviewable community government matters</b>	
15	Application of Local Government Act 1993, ch 3, pt 1 . . . . .	14
16	Minor reference . . . . .	15
17	Notice of proposed determination to implement matter and recommendations. . . . .	15
18	Commissions must have regard to prescribed issues . . . . .	15
19	Implementing reviewable community government matter . . . . .	16
<b>Division 3</b>	<b>Quota requirements for divided community government areas</b>	
20	Application of Local Government Act 1993, ss 285 and 286 . . . . .	16
<b>Part 4</b>	<b>Financial management</b>	
<b>Division 1</b>	<b>Financial controllers</b>	
21	Procedures before appointment of financial controller . . . . .	17
22	Appointment of financial controller . . . . .	18
23	Functions of financial controller . . . . .	18
24	Power of financial controller to revoke or suspend resolution or order . . . . .	19
25	Effect of revocation or suspension . . . . .	19
26	Countersigning cheques and authorising electronic funds transfers . . . . .	20
27	Community government to cooperate with financial controller . . . . .	20
28	Financial controller's employment conditions . . . . .	21
29	Recovery of amounts from community governments . . . . .	21
<b>Division 2</b>	<b>Finance standards</b>	
30	Making of standards . . . . .	21
31	Standards must be complied with . . . . .	23
32	References in Local Government Act 1993 to Local Government Finance Standards . . . . .	24
<b>Division 3</b>	<b>Inspection of accounting records</b>	
33	Definitions for div 3 . . . . .	24
34	Authorised person . . . . .	24
35	Powers of authorised person . . . . .	24
36	Restriction on exercise of powers . . . . .	25
<b>Division 4</b>	<b>Other financial provisions</b>	
37	Approved forms for financial statements . . . . .	25
38	Power of a community government to lend an amount to an adult resident. . . . .	25

39	Power of community government to make and levy charge on resident .....	26
40	Special accounting provision for particular payments .....	27
<b>Part 5                    Local services committees</b>		
41	Establishment of local services committee .....	27
42	Function of local services committee .....	28
43	Delegation of Local Government Act powers .....	28
44	Revocation of delegation .....	28
45	Application of Local Government Act 1993, s 237 .....	29
46	Application of Local Government Act 1993, ss 244–250 .....	30
47	Non-application of Local Government Act 1993, ss 454–457 ...	30
48	References in Local Government Act 1993 to committee .....	31
<b>Part 6                    Superannuation</b>		
49	Superannuation liability for permanent employees .....	31
50	Permanent employees' liability for superannuation contribution ..	32
<b>Part 7                    Miscellaneous</b>		
51	Approval of forms .....	32
52	Review of Act .....	32
53	Regulation-making power .....	32
<b>Part 8                    Transitional provisions</b>		
<b>Division 1              Transitional provisions delaying application of certain provisions of Local Government Act 1993</b>		
54	Keeping registers of interests—councillor and councillor's relatives .....	33
55	Keeping register of community government delegations .....	33
56	Keeping register of enterprises .....	34
57	Preparation and adoption of corporate plan .....	34
58	Preparation and adoption of operational plan .....	34
59	Preparation and adoption of revenue policy .....	34
60	Adoption of revenue statement .....	34
61	Budget for financial year ending 30 June 2006 .....	35
62	Content of annual report .....	35
63	Keeping register of regulatory fees .....	35
64	Having corporate structure .....	35
65	Deciding resources for staff .....	35
66	Keeping register of chief executive officer delegations .....	36
67	Keeping registers of interests—employees .....	36

68	Superannuation . . . . .	36
<b>Division 2      Other transitional provisions</b>		
69	Definitions for div 2 . . . . .	37
70	Aboriginal council is continued in existence . . . . .	37
71	References to Aboriginal council, council area, by-law or subordinate by-law . . . . .	37
72	Assets and liabilities etc. . . . .	38
73	Proceedings . . . . .	38
74	Membership of new local government . . . . .	39
75	Mayor and deputy mayor of new local government . . . . .	39
76	Chief executive officer of new local government . . . . .	39
77	Local laws and subordinate local laws of new local government .	39
78	Budget . . . . .	40
79	Adopted lending policy . . . . .	40
80	Decision, order or action with ongoing operation or effect . . . . .	41
81	Resolution with ongoing operation or effect . . . . .	41
82	Financial controller for Aboriginal council . . . . .	41
83	Administrator for Aboriginal council etc. . . . .	42
84	Transitional regulation-making power . . . . .	42
<b>Part 9            Amendment of Acts</b>		
85	Amendment of Community Services (Aborigines) Act 1984 . . . . .	43
86	Consequential and other amendments of Acts . . . . .	44
<b>Schedule 1      Consequential and other amendments of Acts . . . . .</b>		
	Aboriginal Land Act 1991 . . . . .	45
	Aborigines and Torres Strait Islanders (Land Holding) Act 1985 .	45
	Acts Interpretation Act 1954. . . . .	47
	Coastal Protection and Management Act 1995 . . . . .	48
	Community Services (Aborigines) Act 1984. . . . .	48
	Community Services (Torres Strait) Act 1984 . . . . .	64
	Criminal Code. . . . .	65
	Domestic and Family Violence Protection Act 1989. . . . .	65
	Electoral Act 1992 . . . . .	66
	Financial Administration and Audit Act 1977 . . . . .	66
	Freedom of Information Act 1992. . . . .	66
	Housing Act 2003. . . . .	66
	Indigenous Communities Liquor Licences Act 2002 . . . . .	67

*Local Government (Community Government Areas) No. 37, 2004  
Act 2004*

---

	Integrated Planning Act 1997 . . . . .	68
	Juvenile Justice Act 1992 . . . . .	68
	Liquor Act 1992 . . . . .	69
	Local Government (Aboriginal Lands) Act 1978. . . . .	70
	Local Government Act 1993. . . . .	71
	Ombudsman Act 2001 . . . . .	74
	Penalties and Sentences Act 1992. . . . .	74
	Police Powers and Responsibilities Act 2000. . . . .	75
	Public Sector Ethics Act 1994 . . . . .	77
	Residential Tenancies Act 1994 . . . . .	77
	Valuation of Land Act 1944 . . . . .	77
<b>Schedule 2</b>	<b>Declaration of new local government areas . . . . .</b>	<b>78</b>
<b>Schedule 3</b>	<b>Local governments that Aboriginal councils become . . . . .</b>	<b>80</b>
<b>Schedule 4</b>	<b>Dictionary . . . . .</b>	<b>81</b>







Queensland

## **Local Government (Community Government Areas) Act 2004**

### **Act No. 37 of 2004**

---

**An Act to declare particular parts of Queensland to be local government areas under the *Local Government Act 1993*, establish new local governments for the areas, and apply provisions of that Act to the areas and local governments, and for other purposes**

**[Assented to 27 October 2004]**

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **Division 1 Introduction**

#### **1 Short title**

This Act may be cited as the *Local Government (Community Government Areas) Act 2004*.

#### **2 Commencement**

This Act, other than section 85, commences on a day to be fixed by proclamation.

### **Division 2 Interpretation**

#### **3 Definitions**

The dictionary in schedule 4 defines particular words used in this Act.

#### **4 Terms defined in Local Government Act 1993**

A term used in this Act that is defined in the *Local Government Act 1993* has the meaning given to it by that Act.

#### **5 Notes in text**

A note in the text of this Act is part of the Act.

## **Part 2**                      **New local government areas and local governments**

### **Division 1**                **Declaration of new local government areas and establishment of new local governments**

#### **6**            **Definition for div 1**

In this division—

*column 1 area map* see section 7(1).

#### **7**            **Declarations**

- (1) Each part of the State shown on a map mentioned in schedule 2, column 1 (the *column 1 area map*) is—
  - (a) declared to be a local government area under the *Local Government Act 1993* (a *new local government area*); and
  - (b) taken to be declared to be a local government area under the *Local Government Act 1993*, section 16.<sup>1</sup>

*Note*—

A part of the State shown on a column 1 area map was a council area under the *Aboriginal Communities (Justice and Land Matters) Act 1984* immediately before the commencement of this section.

- (2) For subsection (1), the external boundaries of an old local government area affected by a declaration under subsection (1) are changed by excluding the part of that area that becomes a new local government area.
- (3) Also, for the *Local Government Act 1993*, it is declared that a new local government area—

---

<sup>1</sup> *Local Government Act 1993*, section 16 (Declaration of local government areas)

- (a) has the name mentioned in schedule 2, column 2 shown opposite the column 1 area map; and
  - (b) is of the class mentioned in schedule 2, column 3 shown opposite the column 1 area map.
- (4) The *Local Government Act 1993*, chapter 3, part 1<sup>2</sup> does not apply to the following—
- (a) creating a new local government area under subsection (1);
  - (b) changing the external boundaries of an old local government area by excluding part of the old local government area and including the part in a new local government area under subsection (2);
  - (c) naming a new local government area under subsection (3)(a);
  - (d) deciding the class of a new local government area under subsection (3)(b).
- (5) Each column 1 area map is identified by a map number marked on the map.
- (6) In this section—
- old local government area*** means a local government area under the *Local Government Act 1993* immediately before the commencement of this section.

## **8 Establishment of new local governments**

An entity mentioned in schedule 2, column 4 is a local government under the *Local Government Act 1993* for the part of the State shown on the column 1 area map shown opposite the entity.

## **9 Maps must be available for inspection**

- (1) The chief executive must—

---

<sup>2</sup> *Local Government Act 1993*, chapter 3 (Interaction with the State), part 1 (Reviewable local government matters)

- (a) ensure each local government mentioned in schedule 2, column 4 has a copy of its column 1 area map; and
  - (b) keep a copy of each column 1 area map available for inspection free of charge by anyone, during normal office hours, at the department's head office.
- (2) A local government mentioned in schedule 2, column 4 must keep a copy of its column 1 area map available for inspection free of charge by anyone, during normal office hours, at its public office.

## **Division 2                      Community government name**

### **10            Name**

- (1) A community government may be called any of the following—
- (a) 'Council of the Shire of ... (*insert* name of community government area)';
  - (b) '... (*insert* name of community government area) ... Shire Council';
  - (c) '... (*insert* name of community government area) ... Aboriginal Shire Council'.
- (2) The use of a name for a local government in schedule 2 or 3 does not limit the operation of this section.

## **Division 3                      Application of Local Government Act 1993**

### **11            Provisions of Local Government Act 1993 that apply**

- (1) The *Local Government Act 1993* applies to a community government area and the community government for the area, subject to section 32 and part 8, division 1.<sup>3</sup>
- (2) Without limiting section 20,<sup>4</sup> the following provisions of the *Local Government Act 1993* do not apply to a community government area or the community government for the area—
  - sections 33 and 34<sup>5</sup>
  - section 64(1)(d) and (g) to (k)<sup>6</sup>
  - chapter 4, part 1, division 2 and part 4<sup>7</sup>
  - chapter 5<sup>8</sup>
  - sections 502, 503 and 854.<sup>9</sup>

---

3 Section 32 (References in Local Government Act 1993 to Local Government Finance Standards) and part 8 (Transitional provisions), division 1 (Transitional provisions delaying application of certain provisions of Local Government Act 1993)

4 Section 20 (Application of Local Government Act 1993, sections 285 and 286)

5 *Local Government Act 1993*, sections 33 (Number of councillors) and 34 (Local government name)

6 *Local Government Act 1993*, section 64 (Meaning of *reviewable local government matter*)

7 *Local Government Act 1993*, chapter 4 (Local government councillors), part 1 (Membership of local governments), division 2 (Qualifications and disqualifications) and part 4 (Vacancies in membership of local governments)

8 *Local Government Act 1993*, chapter 5 (Local government elections)

9 *Local Government Act 1993*, sections 502 (Issue of standards), 503 (Standards must be complied with) and 854 (Local laws and subordinate local laws about development)

## **Part 3                      Reviewable community government matters**

### **Division 1                Preliminary**

#### **12        Definition for pt 3**

In this part—

*reviewable community government matter* see section 14.

#### **13        Application of Local Government Act 1993, ch 3, pt 1**

This part applies certain provisions of the *Local Government Act 1993*, chapter 3, part 1<sup>10</sup> in relation to reviewable community government matters.

#### **14        Meaning of *reviewable community government matter***

- (1) The following are *reviewable community government matters*—
- (a) dividing, redividing and abolishing divisions of a community government area;
  - (b) changing the boundaries of divisions of a community government area by—
    - (i) excluding part of a division of a community government area and including the part in another division of the community government area; or
    - (ii) creating a new division of the community government area;
  - (c) assigning and reassigning councillors of a community government to divisions of its community government area;

---

<sup>10</sup> *Local Government Act 1993*, chapter 3 (Interaction with the State), part 1 (Reviewable local government matters)

- (d) deciding and changing the composition of a community government;
  - (e) recognising indigenous social groupings of a community government area for elections for the community government of the area;
  - (f) changing the mode of election of the mayor of a community government;
  - (g) another matter relating to a community government declared under a regulation to be a reviewable community government matter.
- (2) A ***reviewable community government matter*** includes—
- (a) any aspect of a matter mentioned in subsection (1); and
  - (b) a particular proposal about a matter, or an aspect of a matter, mentioned in subsection (1).
- (3) In this section—
- indigenous social grouping*** means a group of indigenous persons sharing a common basis of social affiliation, including family relationship, language, traditional land ownership and historical association.

## **Division 2                      Examining and determining reviewable community government matters**

### **15            Application of Local Government Act 1993, ch 3, pt 1**

- (1) The *Local Government Act 1993*, chapter 3, part 1, other than sections 64, 84, 157 and 158<sup>11</sup> of that Act, applies to a community government area and the community government for the area, with any necessary or convenient changes, as if a

---

11 *Local Government Act 1993*, sections 64 (Meaning of *reviewable local government matter*), 84 (Commissions must have regard to prescribed issues), 157 (Implementation of *reviewable local government matter*) and 158 (Requirement before implementation)



reviewable local government matter were a reviewable community government matter.

- (2) For subsection (1), any other provision of the *Local Government Act 1993* necessary or convenient for the application of chapter 3, part 1 of that Act also applies with any necessary or convenient changes.

## **16 Minor reference**

If the Minister refers a reviewable community government matter to the commissioner under the *Local Government Act 1993*, section 77,<sup>12</sup> as applied by section 15(1), the commissioner is taken to have declared the reference to be a minor reference under that Act.

## **17 Notice of proposed determination to implement matter and recommendations**

- (1) This section applies if a commission gives a notice to a community government under the *Local Government Act 1993*, section 100(1)(a)(i),<sup>13</sup> as applied by section 15(1).
- (2) The community government must, as soon as practicable after receiving the notice, put a copy of the notice on display in a conspicuous place in the public office of the community government.

## **18 Commissions must have regard to prescribed issues**

When considering a reviewable community government matter under the *Local Government Act 1993*, chapter 3, part 1, as applied by section 15(1), a commission must have regard to the issues prescribed under a regulation.

---

12 *Local Government Act 1993*, section 77 (Minister may refer certain reviewable local government matters to commissioner)

13 *Local Government Act 1993*, section 100 (Notice of proposed determination to implement matter and recommendations)

### **19 Implementing reviewable community government matter**

- (1) Subject to subsection (2), a reviewable community government matter may be implemented by regulation.
- (2) A reviewable community government matter may be implemented only if the commissioner and the commission that determined the matter have complied with the *Local Government Act 1993*, chapter 3, part 1, as applied by section 15(1), in relation to the matter.
- (3) For subsection (2), strict compliance with the *Local Government Act 1993*, chapter 3, part 1, as applied by section 15(1), is not necessary and substantial compliance is sufficient.

## **Division 3 Quota requirements for divided community government areas**

### **20 Application of Local Government Act 1993, ss 285 and 286**

- (1) The *Local Government Act 1993*, sections 285 and 286<sup>14</sup> apply to a community government area and the community government for the area, with any necessary or convenient changes, as if a reviewable local government matter were a reviewable community government matter.
- (2) For subsection (1), any other provision of the *Local Government Act 1993* necessary or convenient for the application of sections 285 and 286 of that Act also applies with any necessary or convenient changes.

---

<sup>14</sup> *Local Government Act 1993*, sections 285 (Equitable division of local government areas) and 286 (Quota to be complied with in division of local government area and assignment of councillors)

## **Part 4                      Financial management**

### **Division 1                Financial controllers**

#### **21            Procedures before appointment of financial controller**

- (1) Before the Governor in Council or Minister exercises a power under section 22 in relation to a community government, the Minister must give notice of the proposed exercise of the power to the community government.
- (2) However, notice need not be given if—
  - (a) the community government has asked for the power to be exercised; or
  - (b) the Minister reasonably considers giving notice—
    - (i) is likely to defeat the purpose of the proposed exercise of the power; or
    - (ii) would serve no useful purpose.
- (3) The notice must state—
  - (a) the reasons for the proposed exercise of the power; and
  - (b) a period within which the community government may make submissions to the Minister about the proposed exercise of the power.
- (4) The reasons stated in the notice are the only reasons that can be relied on in support of the exercise of the power.
- (5) The Minister must have regard to all submissions made by the community government within the stated period.
- (6) The power may be exercised without further notice to the community government if—
  - (a) the proposed exercise of the power is to proceed despite the community government's submissions; or
  - (b) no submissions of the community government are received by the Minister within the stated period.

## **22 Appointment of financial controller**

- (1) The Governor in Council may, by regulation, appoint a financial controller for a community government.
- (2) The Minister must not recommend the Governor in Council act under subsection (1) unless the Minister is satisfied on reasonable grounds that the community government—
  - (a) has made a disbursement from a fund that is not provided for in the community government's budget; or
  - (b) has made a disbursement from grant moneys for a purpose other than the purpose for which the grant was given; or
  - (c) has contravened section 31<sup>15</sup> or a provision of the *Local Government Act 1993*, chapter 7<sup>16</sup> relating to its budget or another financial matter; or
  - (d) has not implemented suitable financial management strategies for the funds under its control; or
  - (e) has acted, or is about to act, in a way that—
    - (i) caused, or may cause, a significant deterioration in its financial viability; or
    - (ii) will, or may, cause it to become insolvent.

## **23 Functions of financial controller**

- (1) A financial controller appointed for a community government is responsible for ensuring the community government adheres to its budget.
- (2) Also, the financial controller—
  - (a) may give advice about financial management to the community government, including, for example, advice about the preparation of a plan to address any financial difficulties it may be experiencing; and

---

15 Section 31 (Standards must be complied with)

16 *Local Government Act 1993*, chapter 7 (Financial operation and accountability of local governments)

- (b) may undertake other administrative duties requested by the community government; and
- (c) must undertake other administrative duties directed by the Minister.

## **24 Power of financial controller to revoke or suspend resolution or order**

- (1) A financial controller appointed for a community government may, by notice to the community government's chief executive officer—
  - (a) revoke or suspend the operation of—
    - (i) a resolution of the community government; or
    - (ii) an order of the community government giving effect to a resolution of the community government; and
  - (b) end the suspension of the resolution or order.
- (2) However, the financial controller may revoke or suspend a resolution or order under subsection (1) only if the financial controller reasonably believes—
  - (a) the resolution or order will result in unlawful expenditure by the community government; or
  - (b) the resolution or order will result in expenditure from grant moneys for a purpose other than the purpose for which the grant was given; or
  - (c) the resolution or order will cause the community government to become insolvent.
- (3) The notice must state the reasons for the revocation or suspension.
- (4) The suspension may be for a stated period or indefinite.

## **25 Effect of revocation or suspension**

- (1) A resolution or order of a community government that is revoked under section 24—

- (a) stops having effect on the day stated for that purpose in the notice to the community government's chief executive officer; or
  - (b) if no day is stated for that purpose—is taken never to have had effect.
- (2) A resolution or order of a community government whose operation is suspended under section 24 does not have effect while it is suspended.
- (3) Neither the State nor the financial controller is legally liable for any loss or expense incurred by a person because of the revocation or suspension of a community government's resolution or order under section 24.

## **26 Countersigning cheques and authorising electronic funds transfers**

- (1) If a financial controller is appointed for a community government, a payment may be made from an account with a financial institution kept by the community government only by a cheque countersigned, or an electronic funds transfer authorised, by the financial controller.
- (2) However, the financial controller may refuse to countersign the cheque, or authorise the electronic funds transfer, only if the financial controller reasonably believes—
- (a) the payment will result in unlawful expenditure by the community government; or
  - (b) the payment will result in expenditure from grant moneys for a purpose other than the purpose for which the grant was given; or
  - (c) the payment will cause the community government to become insolvent.

## **27 Community government to cooperate with financial controller**

If a financial controller is appointed for a community government, the community government must cooperate with

the financial controller in relation to the performance of the financial controller's functions under section 23.

## **28 Financial controller's employment conditions**

A financial controller appointed for a community government is to be employed under the *Public Service Act 1996*.

## **29 Recovery of amounts from community governments**

- (1) The Governor in Council may direct a community government for which a financial controller is appointed to pay to the Minister a stated amount for the costs and expenses of the financial controller.
- (2) The stated amount may include salary and allowances payable to the financial controller as a public service officer.
- (3) The direction may state a time for payment.
- (4) The stated amount is a debt payable to the State.

## **Division 2 Finance standards**

### **30 Making of standards**

- (1) The Minister may make standards (*Community Government Finance Standards*) about—
  - (a) the policies and principles to be complied with by community governments in financial management, including, for example, internal audit; and
  - (b) the content of financial statements and annual reports by community governments; and
  - (c) the policies to be complied with by community governments in relation to the lending of amounts to adult residents of their community government areas; and
  - (d) each community government giving the Minister information on an annual basis about the payment of

- notional GST that may affect the distribution, under the *Local Government Act 1993*, section 200,<sup>17</sup> of financial assistance to the community government; and
- (e) requirements for full cost pricing and their application to significant business activities of community governments under the *Local Government Act 1993*, chapter 8, part 5;<sup>18</sup> and
  - (f) commercialisation and its application to community governments' commercial business units under the *Local Government Act 1993*, chapter 8, part 6;<sup>19</sup> and
  - (g) corporatisation and its application to corporatised corporations of community governments under the *Local Government Act 1993*, chapter 8, part 7;<sup>20</sup> and
  - (h) a code of competitive conduct for application of competitive neutrality principles to community governments' business activities, roads business activities and building certification business activities under the *Local Government Act 1993*, chapter 9;<sup>21</sup> and
  - (i) facilitating the implementation of the *Local Government Act 1993*, chapter 10,<sup>22</sup> including—
    - (i) charging arrangements for, and bases of operation of, relevant business activities providing water and sewerage services; and
    - (ii) providing how the following are to be applied—

---

17 *Local Government Act 1993*, section 200 (Distribution of financial assistance amount)

18 *Local Government Act 1993*, chapter 8, (National competition reform of significant business activities), part 5 (Full cost pricing for significant business activities)

19 *Local Government Act 1993*, chapter 8 (National competition reform of significant business activities), part 6 (Commercialisation of significant business activities)

20 *Local Government Act 1993*, chapter 8 (National competition reform of significant business activities), part 7 (Local government owned corporations)

21 *Local Government Act 1993*, chapter 9 (Conduct of competitive business activities)

22 *Local Government Act 1993*, chapter 10 (Reform of certain water and sewerage services)



- (A) consumption as the basis for utility charges for water services;
  - (B) full cost recovery for water and sewerage services;
  - (C) identification and disclosure of cross-subsidies between classes of consumers and community service obligations in the provision of water and sewerage services;
  - (D) disclosure of the classes of consumers who are provided with water or sewerage services at an amount below full cost and the amount; and
- (j) any other matter that is required or permitted by an Act to be prescribed by a standard made under this subsection.
- (2) Before making a standard, the Minister must—
- (a) consult with the auditor-general about the standard; and
  - (b) have regard to relevant standards made by appropriate professional bodies.
- (3) The standards may include practice statements if the Minister considers a uniform standard of practice or procedure is necessary or desirable.
- (4) A standard about the content of a policy mentioned in subsection (1)(c) may include—
- (a) a model lending policy; or
  - (b) model provisions of a lending policy.
- (5) A standard made under subsection (1) is subordinate legislation.

### **31 Standards must be complied with**

A community government must comply with the Community Government Finance Standards.

### **32 References in Local Government Act 1993 to Local Government Finance Standards**

A reference in the *Local Government Act 1993* to the Local Government Finance Standards is taken to be a reference to the Community Government Finance Standards.

## **Division 3 Inspection of accounting records**

### **33 Definitions for div 3**

In this division—

*authorised person* see section 34(1).

*authorised powers* means the powers mentioned in section 35.

### **34 Authorised person**

- (1) The chief executive may, in writing, authorise a person (an *authorised person*) to exercise the authorised powers in relation to a stated community government.
- (2) Before authorising a person under subsection (1), the chief executive must be satisfied the person has the necessary expertise or experience to exercise the authorised powers.

### **35 Powers of authorised person**

- (1) An authorised person may, in relation to the relevant community government, enter any premises of the community government open for carrying on the functions of local government.
- (2) For exercising the power mentioned in subsection (1), an authorised person may enter the community government area of the community government.
- (3) However, an authorised person may not enter premises under subsection (1) if the premises are premises where an individual resides.
- (4) After entering premises under subsection (1), the authorised person may—

- (a) search any part of the premises for accounting records of the community government; or
- (b) inspect accounting records of the community government at the premises; or
- (c) take an extract from, or copy, an accounting record of the community government at the premises.

### **36 Restriction on exercise of powers**

- (1) An authorised person may, in relation to the relevant community government, exercise the authorised powers only if the authorised person first produces to the community government's chief executive officer a copy of the written authority for the exercise of the powers.
- (2) However, an authorised person need not comply with subsection (1) if the authorised person believes on reasonable grounds that complying with subsection (1) could frustrate the authorised person's effective exercise of the authorised powers.

## **Division 4 Other financial provisions**

### **37 Approved forms for financial statements**

A community government's financial statements must be prepared—

- (a) in the approved form relevant to a cash accounting system format; or
- (b) in the approved form relevant to an accrual accounting system format.

### **38 Power of a community government to lend an amount to an adult resident**

- (1) A community government may lend an amount to an adult resident of its community government area only if—

- (a) it does so under a lending policy adopted by it by resolution (an *adopted lending policy*); and
  - (b) the adopted lending policy has been approved by the Minister under subsection (3).
- (2) The Minister must approve an adopted lending policy submitted to the Minister for approval unless the Minister is satisfied on reasonable grounds the policy does not comply with the Community Government Finance Standards.
  - (3) The Minister must decide whether or not to approve an adopted lending policy submitted to the Minister for approval as soon as practicable after receiving the policy and must give the community government that submitted the policy notice of the decision.
  - (4) If the Minister decides not to approve the policy, the notice must state how the policy does not comply with the Community Government Finance Standards.

**39 Power of community government to make and levy charge on resident**

- (1) A community government may, by resolution, make and levy a charge on residents of residential premises in its community government area.
- (2) However, the community government may exempt a resident from payment of the charge.
- (3) Despite subsection (2), the community government may give an exemption if another amount is payable to the community government in relation to the premises.

#### **40 Special accounting provision for particular payments**

- (1) A community government must keep separate accounting records for payments made to it under the *Indigenous Communities Liquor Licences Act 2002*, section 9.<sup>23</sup>
- (2) The community government must ensure the amounts paid to it are used only for—
  - (a) funding programs or services for the benefit of residents of its community government area; or
  - (b) if an implementation regulation under the *Indigenous Communities Liquor Licences Act 2002*, section 34,<sup>24</sup> states this paragraph applies—for making a payment relating to the community government's liabilities stated in the regulation.

## **Part 5 Local services committees**

#### **41 Establishment of local services committee**

- (1) A community government may, under a local law, establish a committee (a *local services committee*) of the community government.
- (2) The local law must state the powers under a local government Act of the community government that may be delegated to the committee under section 43.
- (3) Also, the local law must include provisions about the following—
  - (a) the committee's name and membership;

---

<sup>23</sup> *Indigenous Communities Liquor Licences Act 2002*, section 9 (Payments to be made to indigenous councils)

<sup>24</sup> *Indigenous Communities Liquor Licences Act 2002*, section 34 (Regulation for implementing transfer)

- (b) the appointment of a delegate member of the committee and when the delegate member may act as a member of the committee;
  - (c) a quorum of the committee;
  - (d) the appointment of the committee's chairperson;
  - (e) the conduct of committee meetings.
- (4) The committee may include persons who are not councillors of the community government.

#### **42 Function of local services committee**

The function of a community government's local services committee is to exercise any powers under a local government Act of the community government delegated to the committee under section 43.

#### **43 Delegation of Local Government Act powers**

- (1) A community government may, by resolution, delegate to a local services committee of the community government a power of the community government under a local government Act that the local law establishing the committee states may be delegated to the committee.
- (2) Subsection (1) does not limit the power of a community government to make a delegation under the *Local Government Act 1993*, section 472.
- (3) A power mentioned in the *Local Government Act 1993*, section 472(3) may not be delegated under subsection (1).
- (4) A delegation made by a community government under subsection (1) must be recorded in the community government's register of delegations mentioned in the *Local Government Act 1993*, section 472(4).

#### **44 Revocation of delegation**

- (1) This section applies if a community government proposes making a resolution revoking a resolution made under section 43(1).

- (2) The community government must publish a notice (the *revocation notice*) about the proposed resolution in a newspaper circulating in the community government area of the community government at least 2 weeks before the day of the meeting of the community government at which it is proposed to make the resolution.
- (3) Also, the community government must—
  - (a) put a copy of the revocation notice on display in a conspicuous place in its public office on the day on which the revocation notice is published under subsection (2); and
  - (b) keep the copy of the revocation notice on display, under paragraph (a), until after the meeting.
- (4) The revocation notice must state the following—
  - (a) the proposed resolution;
  - (b) the reasons for the proposed resolution;
  - (c) the day and time of the meeting;
  - (d) that anyone may make a written submission to the community government about the proposed resolution until the day before the day of the meeting.
- (5) A person may, until the day before the day of the meeting, make a written submission to the community government about the proposed resolution.
- (6) The community government must, before making the proposed resolution, take into account any submissions made under subsection (5) about the proposed resolution.

#### **45 Application of Local Government Act 1993, s 237**

- (1) The *Local Government Act 1993*, section 237<sup>25</sup> applies to a member of a local services committee as if a reference in that section to an advisory committee of a local government

---

<sup>25</sup> *Local Government Act 1993*, section 237 (Remuneration for service on local government and advisory committees)

includes a reference to a local services committee of a community government.

- (2) For subsection (1), any other provision of the *Local Government Act 1993* necessary or convenient for the application of section 237 of that Act also applies with any necessary or convenient changes.

#### **46 Application of Local Government Act 1993, ss 244–250**

- (1) The *Local Government Act 1993*, sections 244 to 250<sup>26</sup> apply to a member of a local services committee as if a reference in the sections to a councillor, councillor of a local government or local government councillor includes a reference to a member of a local services committee who is not a councillor.
- (2) For subsection (1), any other provision of the *Local Government Act 1993* necessary or convenient for the application of sections 244 to 250 of that Act also applies with any necessary or convenient changes.

#### **47 Non-application of Local Government Act 1993, ss 454–457**

The *Local Government Act 1993*, sections 454 to 457<sup>27</sup> do not apply to a local services committee.

---

<sup>26</sup> *Local Government Act 1993*, sections 244 (Exclusion from meeting of councillor with material personal interest), 245 (Removal of disability), 246 (Penalty for contravening exclusion from meeting), 247 (Registers of interests), 248 (Access to registers), 249 (Queries on contents of register) and 250 (Improper use of information by councillors)

<sup>27</sup> *Local Government Act 1993*, sections 454 (Delegate members of committees), 455 (Quorum), 456 (Chairperson of committee) and 457 (Committee meetings)



#### **48 References in Local Government Act 1993 to committee**

- (1) The *Local Government Act 1993*, sections 458 to 463, 469(3) and 473<sup>28</sup> apply to a local services committee of a community government in the same way as they apply to other committees of the community government.
- (2) For subsection (1), any other provision of the *Local Government Act 1993* necessary or convenient for the application of sections 458 to 463, 469(3) and 473 of that Act also applies with any necessary or convenient changes.

## **Part 6 Superannuation**

#### **49 Superannuation liability for permanent employees**

Despite the *Local Government Act 1993*, section 1182(2)<sup>29</sup> the yearly contributions for a permanent employee of a community government are calculated—

- (a) for the year starting 1 July 2005—at a rate of 12% of the employee's salary; or
- (b) for the year starting 1 July 2006—at a rate of 15% of the employee's salary; or
- (c) for each later year—at a rate of 18% of the employee's salary.

---

28 *Local Government Act 1993*, sections 458 (Reports), 459 (Minutes must be kept unless committee exempted), 460 (Division applies to local governments and their committees), 461 (Minutes), 462 (Meetings in public unless otherwise resolved), 463 (Closed meetings), 469 (Inspection of records by members) and 473 (Preservation of proceedings)

29 *Local Government Act 1993*, section 1182 (Local governments' liability for permanent employees)

**50 Permanent employees' liability for superannuation contribution**

Despite the *Local Government Act 1993*, section 1183(1),<sup>30</sup> the yearly contributions for a permanent employee of a community government are calculated—

- (a) for the year starting 1 July 2005—at a rate of 2% of the employee's salary; or
- (b) for the year starting 1 July 2006—at a rate of 4% of the employee's salary; or
- (c) for each later year—at a rate of 6% of the employee's salary.

## **Part 7 Miscellaneous**

**51 Approval of forms**

The chief executive may approve forms for use under this Act.

**52 Review of Act**

The Minister must review the efficacy and efficiency of this Act within 4 years of its commencement.

**53 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about the following—
  - (a) the membership of community governments;
  - (b) the qualifications, and disqualifications, for membership of community governments;

---

<sup>30</sup> *Local Government Act 1993*, section 1183 (Permanent employees' liability for contributions)

- (c) elections and by-elections for community governments, including the application of the *Local Government Act 1993*, chapter 5<sup>31</sup> to the elections and by-elections;
- (d) the appointment, powers and duties of returning officers for elections and by-elections for community governments;
- (e) imposing a penalty of not more than 20 penalty units for a contravention of a provision of a regulation.

## **Part 8 Transitional provisions**

### **Division 1 Transitional provisions delaying application of certain provisions of Local Government Act 1993**

#### **54 Keeping registers of interests—councillor and councillor’s relatives**

Despite the *Local Government Act 1993*, section 247(1),<sup>32</sup> a community government’s chief executive officer is not required to keep registers of interests until 1 July 2005.

#### **55 Keeping register of community government delegations**

Despite the *Local Government Act 1993*, section 472(4),<sup>33</sup> a community government’s chief executive officer is not required to keep a register of delegations until 1 July 2005.

---

31 *Local Government Act 1993*, chapter 5 (Local Government elections)

32 *Local Government Act 1993*, section 247 (Registers of interests)

33 *Local Government Act 1993*, section 472 (Delegation by local government)

## **56 Keeping register of enterprises**

Despite the *Local Government Act 1993*, section 501(1),<sup>34</sup> a community government is not required to keep a register relating to enterprises until 1 July 2005.

## **57 Preparation and adoption of corporate plan**

Despite the *Local Government Act 1993*, section 504,<sup>35</sup> a community government is not required to prepare and adopt a corporate plan for a period that includes a period before 1 July 2007.

## **58 Preparation and adoption of operational plan**

Despite the *Local Government Act 1993*, section 508,<sup>36</sup> a community government is not required to prepare and adopt an operational plan for a financial year ending before 1 July 2007.

## **59 Preparation and adoption of revenue policy**

Despite the *Local Government Act 1993*, section 513A,<sup>37</sup> a community government is not required to prepare and adopt a revenue policy for a financial year ending before 1 July 2006.

## **60 Adoption of revenue statement**

Despite the *Local Government Act 1993*, section 518,<sup>38</sup> a community government is not required to adopt a revenue statement for a financial year ending before 1 July 2006.

---

34 *Local Government Act 1993*, section 501 (Register of enterprises)

35 *Local Government Act 1993*, section 504 (Preparation and adoption of corporate plan)

36 *Local Government Act 1993*, section 508 (Preparation and adoption of operational plan)

37 *Local Government Act 1993*, section 513A (Preparation and adoption of revenue policy)

38 *Local Government Act 1993*, section 518 (Adoption of budget and revenue statement)

## **61 Budget for financial year ending 30 June 2006**

A community government's budget for the financial year ending 30 June 2006, or any amendment of the budget, is not required to comply with the *Local Government Act 1993*, sections 519(2) and 520.<sup>39</sup>

## **62 Content of annual report**

A community government's annual report for a financial year ending before 1 July 2007 need not contain the information mentioned in the *Local Government Act 1993*, sections 533 and 534.<sup>40</sup>

## **63 Keeping register of regulatory fees**

Despite the *Local Government Act 1993*, section 1071E(1),<sup>41</sup> a community government is not required to keep a register of its regulatory fees until 1 July 2005.

## **64 Having corporate structure**

Despite the *Local Government Act 1993*, section 1127(1),<sup>42</sup> a community government is not required to have a corporate structure appropriate for the conduct of its affairs until 1 July 2005.

## **65 Deciding resources for staff**

Despite the *Local Government Act 1993*, section 1128,<sup>43</sup> a community government is not required until 1 July 2005 to

---

39 *Local Government Act 1993*, sections 519 (Requirements of budgets) and 520 (Content of operating fund budgets)

40 *Local Government Act 1993*, sections 533 (Content of report about implementing corporate and operational plans) and 534 (Content of report about other issues of public interest)

41 *Local Government Act 1993*, section 1071E (Register of regulatory fees)

42 *Local Government Act 1993*, section 1127 (Corporate structure)

43 *Local Government Act 1993*, section 1128 (Resources for staff)

decide the resources to be allocated to the employment of staff.

## **66 Keeping register of chief executive officer delegations**

Despite the *Local Government Act 1993*, section 1132(3),<sup>44</sup> a community government's chief executive officer is not required to keep a register of delegations until 1 July 2005.

## **67 Keeping registers of interests—employees**

- (1) Despite the *Local Government Act 1993*, section 1139(1),<sup>45</sup> a community government's mayor is not required to keep registers of interests until 1 July 2005.
- (2) Despite the *Local Government Act 1993*, section 1139(2), a community government's chief executive officer is not required to keep registers of interests until 1 July 2005.

## **68 Superannuation**

- (1) Despite the *Local Government Act 1993*, section 1181(2),<sup>46</sup> an employee of a community government is not required to be a member of the scheme before 1 July 2005.
- (2) Despite the *Local Government Act 1993*, section 1182(1),<sup>47</sup> a community government is not required to pay the scheme yearly contributions for a permanent employee of the community government for a period before 1 July 2005.

---

44 *Local Government Act 1993*, section 1132 (Delegation by chief executive officer)

45 *Local Government Act 1993*, section 1139 (Registers of interests)

46 *Local Government Act 1993*, section 1181 (Membership of scheme)

47 *Local Government Act 1993*, section 1182 (Local governments' liability for permanent employees)

## **Division 2                      Other transitional provisions**

### **69            Definitions for div 2**

In this division—

*Aboriginal council* means an Aboriginal council under the *Aboriginal Communities (Justice and Land Matters) Act 1984* in existence immediately before the commencement.

*commencement* means commencement of this section.

### **70            Aboriginal council is continued in existence**

- (1) An Aboriginal council mentioned in schedule 3, column 1 is continued in existence as the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) Sections 72 and 73 do not limit subsection (1).

### **71            References to Aboriginal council, council area, by-law or subordinate by-law**

- (1) A reference in an Act or document to an Aboriginal council mentioned in schedule 3, column 1 may, if the context permits, be taken as a reference to the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) A reference in an Act or document to the council area of an Aboriginal council mentioned in schedule 3, column 1 may, if the context permits, be taken as a reference to the local government area of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (3) A reference in an Act or document to a by-law of an Aboriginal council mentioned in schedule 3, column 1 may, if the context permits, be taken as a reference to a local law of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (4) A reference in an Act or document to a subordinate by-law of an Aboriginal council mentioned in schedule 3, column 1 may, if the context permits, be taken as a reference to a

subordinate local law of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

## **72 Assets and liabilities etc.**

On the commencement—

- (a) the assets and liabilities of an Aboriginal council mentioned in schedule 3, column 1 become assets and liabilities of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council; and
- (b) any contracts entered into by or on behalf of an Aboriginal council mentioned in schedule 3, column 1 and all guarantees, undertakings and securities given by or on behalf of or to the Aboriginal council, in force immediately before the commencement, are taken to have been entered into or given by or to the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council and may be enforced against or by the local government; and
- (c) any property that, immediately before the commencement, was held on trust, or subject to a condition, by an Aboriginal council mentioned in schedule 3, column 1 continues to be held by the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council on the same trust or subject to the same condition.

## **73 Proceedings**

A proceeding that could have been started or continued by or against an Aboriginal council mentioned in schedule 3, column 1 before the commencement may be started or continued by or against the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.



#### **74 Membership of new local government**

From the commencement, a member of an Aboriginal council mentioned in schedule 3, column 1 is taken to be a councillor of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

#### **75 Mayor and deputy mayor of new local government**

- (1) From the commencement, the chairperson of an Aboriginal council mentioned in schedule 3, column 1 is taken to be the mayor of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) From the commencement, the deputy chairperson of an Aboriginal council mentioned in schedule 3, column 1 is taken to be the deputy mayor of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

#### **76 Chief executive officer of new local government**

From the commencement, the clerk of an Aboriginal council mentioned in schedule 3, column 1 is taken to be the chief executive officer of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

#### **77 Local laws and subordinate local laws of new local government**

- (1) A by-law of an Aboriginal council mentioned in schedule 3, column 1, other than a by-law mentioned in repealed section 166, is taken to be a local law of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) A subordinate by-law of an Aboriginal council mentioned in schedule 3, column 1 is taken to be a subordinate local law of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

(3) A by-law made under repealed section 166, effective immediately before the commencement, stops being effective on the commencement.

(4) In this section—

***repealed section 166*** means the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 166 as in force before its repeal by this Act.

## 78 Budget

The budget of an Aboriginal council mentioned in schedule 3, column 1 for the financial year ending 30 June 2005 is taken to be the budget of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council for that financial year.

## 79 Adopted lending policy

(1) An adopted lending policy of an Aboriginal council mentioned in schedule 3, column 1 is taken to be an adopted lending policy under section 38<sup>48</sup> of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

(2) An adopted lending policy of an Aboriginal council mentioned in schedule 3, column 1, that is approved under repealed section 48 is taken to be approved under section 38 for the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

(3) In this section—

***adopted lending policy***, of an Aboriginal council, means a lending policy adopted by the Aboriginal council under repealed section 48.

***repealed section 48*** means the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 48 as in force before its repeal by this Act.

---

48 Section 38 (Power of a community government to lend an amount to an adult resident)

### **80 Decision, order or action with ongoing operation or effect**

- (1) A decision or order made, or other action taken, by or in relation to an Aboriginal council mentioned in schedule 3, column 1 that immediately before the commencement had an ongoing operation or effect is taken to be a decision or order made, or action taken, by or in relation to the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) A person who immediately before the commencement was an Aboriginal police officer under the *Aboriginal Communities (Justice and Land Matters) Act 1984* for a council area of an Aboriginal council mentioned in schedule 3, column 1 is taken to be an Aboriginal police officer under that Act for the local government area of the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

### **81 Resolution with ongoing operation or effect**

- (1) A resolution made by an Aboriginal council mentioned in schedule 3, column 1 that immediately before the commencement had an ongoing operation or effect is taken to be a resolution properly made under the *Local Government Act 1993*, or this Act, by the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) However, a resolution mentioned in subsection (1) authorising the payment or provision of remuneration to a councillor of an Aboriginal council stops having effect at the end of 30 June 2005.

### **82 Financial controller for Aboriginal council**

- (1) An appointment under repealed section 19 of a financial controller for an Aboriginal council mentioned in schedule 3, column 1, effective immediately before the commencement, is taken to be an appointment under section 22 of a financial controller for the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.
- (2) In this section—

**repealed section 19** means the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 19 as in force before its repeal by this Act.

### 83 Administrator for Aboriginal council etc.

(1) An appointment under repealed section 22 of an administrator for an Aboriginal council mentioned in schedule 3, column 1, effective immediately before the commencement, is taken to be an appointment under the *Local Government Act 1993*, section 178<sup>49</sup> of an administrator for the local government mentioned in schedule 3, column 2 shown opposite the Aboriginal council.

(2) A committee appointed under repealed section 25, in existence immediately before the commencement, is taken to be a committee appointed under the *Local Government Act 1993*, section 181.<sup>50</sup>

(3) In this section—

**repealed section 22** means the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 22 as in force before its repeal by this Act.

**repealed section 25** means the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 25 as in force before its repeal by this Act.

### 84 Transitional regulation-making power

(1) A regulation (a **transitional regulation**) may make provision of a saving or transitional nature for which—

(a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition, under this Act, of an Aboriginal council to the status of a local government; and

(b) this Act does not make provision or sufficient provision.

---

<sup>49</sup> *Local Government Act 1993*, section 178 (When administrator may be appointed)

<sup>50</sup> *Local Government Act 1993*, section 181 (Committee to help administrator)

- (2) A transitional regulation may have retrospective operation to a day not earlier than the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the commencement.

## Part 9 Amendment of Acts

### 85 **Amendment of Community Services (Aborigines) Act 1984**

- (1) This section amends the *Community Services (Aborigines) Act 1984*.
- (2) After section 187—  
*insert—*

### ‘188 **Validation of declaration of council areas**

- ‘(1) It is declared that the *Community Services (Aborigines) Regulation 1998*, section 64A and schedule 1A<sup>51</sup> as in force from time to time before the commencement of this section are, and always were, under their terms effective as a valid declaration of the parts of the State mentioned in column 1 of that schedule to be the council areas mentioned in column 2 of that schedule.
- ‘(2) Without limiting subsection (1), it is immaterial that a part of the State concerned was or is included in a local government area under the *Local Government Act 1993*.
- (3) A reference in that schedule to a deed of grant is, and always was, a reference to the deed as originally issued.
- ‘(4) This section applies for all purposes.’.

---

51 *Community Services (Aborigines) Regulation 1998*, section 64A (Declaration of council areas—Act, s 39) and schedule 1A (Declaration of council areas)

**86 Consequential and other amendments of Acts**

Schedule 1 amends the Acts mentioned in it.

## **Schedule 1      Consequential and other amendments of Acts**

section 86

### **Aboriginal Land Act 1991**

- 1      Section 3, definition *Aboriginal council*—**  
*omit.*
  
- 2      Section 35(1)(a), ‘an Aboriginal council’—**  
*omit, insert—*  
‘a community government under the *Local Government (Community Government Areas) Act 2004*’.
  
- 3      Section 35(4), ‘Aboriginal council’—**  
*omit, insert—*  
‘community government’.

### **Aborigines and Torres Strait Islanders (Land Holding) Act 1985**

- 1      Section 4(1), definition *Aboriginal council*—**  
*omit.*
  
- 2      Section 4(1)—**  
*insert—*

Schedule 1 (continued)

*'Aboriginal council* means a community government under the *Local Government (Community Government Areas) Act 2004*.

*council area* see the *Community Services (Torres Strait) Act 1984*, section 4.'

**3 Section 4(1), definition *qualified person*, paragraph (a), 'Community Services (Aborigines) Act 1984'—**

*omit, insert—*

*'Aboriginal Communities (Justice and Land Matters) Act 1984'.*

**4 Section 10(4), after 'Upon land'—**

*insert—*

*'within a council area'.*

**5 Section 10(4)(c), from 'application' to 'be,'—**

*omit, insert—*

*'application of'.*

**6 Section 10(4), 'the Aboriginal council or'—**

*omit.*

**7 Section 29(1), 'Community Services (Aborigines) Act 1984'—**

*omit, insert—*

*'Aboriginal Communities (Justice and Land Matters) Act 1984'.*

**8 Section 32(1), 'land or land and improvements'—**

*omit, insert—*

*'land, or land and improvements, within a council area'.*



Schedule 1 (continued)

- 9 Section 32(1)(c), from ‘application’ to ‘be,’—**  
*omit, insert—*  
‘application of’.
- 10 Section 32(1), ‘the Aboriginal council or’—**  
*omit.*

**Acts Interpretation Act 1954**

- 1 Section 36, definition *Aboriginal local government*—**  
*omit.*
- 2 Section 36, definition *additional territorial unit*, ‘an Aboriginal,’—**  
*omit, insert—*  
‘a’.
- 3 Section 36, definition *area*, paragraph (a), ‘an Aboriginal,’—**  
*omit, insert—*  
‘a’.
- 4 Section 36, definition *basic territorial unit*, ‘an Aboriginal,’—**  
*omit, insert—*  
‘a’.

Schedule 1 (continued)

- 5 Section 36, definition *local government*, paragraph (c)—**  
*omit, insert—*

‘(c) a Torres Strait Islander local government.’.

- 6 Section 36, definition *territorial unit*, paragraph (a), ‘an Aboriginal or’—**

*omit, insert—*

‘a’.

## **Coastal Protection and Management Act 1995**

- 1 Schedule, definition *local government area*, paragraph (b), ‘the Community Services (Aborigines) Act 1984 or’—**

*omit.*

## **Community Services (Aborigines) Act 1984**

- 1 Long title, from ‘support’—**

*omit, insert—*

‘law and order in, the establishment of community justice groups for, and the regulation of alcohol possession and consumption in, community government areas, and entry on trust areas, and for other purposes’.

- 2 Section 1—**

*omit, insert—*

Schedule 1 (continued)

**‘1 Short title**

‘This Act may be cited as the *Aboriginal Communities (Justice and Land Matters) Act 1984*.’.

**3 Section 3(1) to (4)—**

*omit.*

**4 Section 3(5) to (11)—**

*renumber* as section 3(1) to (7).

**5 Section 3(4), as renumbered, ‘(7)’—**

*omit, insert—*

‘(3)’.

**6 Section 4, definitions *Aboriginal Council Accounting Standards, advertised proposed by-law, amended proposed by-law, by-laws, certified copy, consultation period, council area, drafting certificate, model by-law, notional GST, proposed authorising law, proposed by-law, required number, State interest and subordinate by-law—***

*omit.*

**7 Section 4—**

*insert—*

‘*ACC*, for part 13, division 3, see section 185.

*commencement*, for part 13, see section 183.

*community government* see the *Local Government (Community Government Areas) Act 2004*, schedule 4.

*community government area* see the *Local Government (Community Government Areas) Act 2004*, schedule 4.

Schedule 1 (continued)

*local law* see the *Local Government Act 1993*, schedule.

*native title holder*, for part 7, see section 114.

*native title rights and interests*, for part 7, see section 114.

*repealed part 8*, for part 13, division 3, see section 185.

*trust area*, for part 7, see section 114.’.

**8 Section 4, definitions *Aboriginal police officer*,  
*community area* and *police officer in charge*, ‘council’—**

*omit, insert—*

‘community government’.

**9 Section 4, definition *community council*, ‘an Aboriginal  
council’—**

*omit, insert—*

‘a community government’.

**10 Sections 5 and 6—**

*omit.*

**11 Sections 10 to 14—**

*omit, insert—*

**‘11 Delegation by Minister or chief executive**

‘(1) The Minister or chief executive may delegate his or her powers under this Act to an appropriately qualified officer of the department.

‘(2) In this section—

*appropriately qualified*, in relation to a power, includes having the qualifications, experience or standing appropriate to exercise the power.

Schedule 1 (continued)

*Example of standing—*

a person's classification level in the public service'.

**12 Part 3—**

*omit.*

**13 Part 4 heading—**

*omit, insert—*

**'Part 4 Law and order in community  
government areas'.**

**14 Part 4, divisions 1, 2 and 4—**

*omit.*

**15 Part 4, division 3 heading, before 'areas'—**

*insert—*

'community government'.

**16 Sections 73(3) and 77(1), 'the Aboriginal council'—**

*omit, insert—*

'the community government'.

**17 Sections 73(3) and 78, 'by-laws'—**

*omit, insert—*

'local laws'.

Schedule 1 (continued)

- 18 Sections 73 to 78, ‘council area’—**  
*omit, insert—*  
‘community government area’.
- 19 Sections 74(b), ‘an Aboriginal council’—**  
*omit, insert—*  
‘a community government’.
- 20 Sections 74(b) and 77(1), ‘by-law’—**  
*omit, insert—*  
‘local law’.
- 21 Section 74 heading and section 75, ‘council areas’—**  
*omit, insert—*  
‘community government areas’.
- 22 Sections 76(2) and 78, ‘An Aboriginal council’—**  
*omit, insert—*  
‘A community government’.
- 23 Section 76(2), ‘, with the Minister’s approval,’—**  
*omit.*
- 24 Section 76(2), ‘the council’—**  
*omit, insert—*  
‘the community government’.

Schedule 1 (continued)

**25 Section 76—**

*insert—*

‘(3) A person appointed under subsection (2) must have the qualifications prescribed under a regulation.

‘(4) Subsection (3) does not limit the issues the community government may consider when deciding whether to appoint someone under subsection (2).

‘(5) In this section—

*qualifications* includes knowledge, skills and experience.’.

**26 Section 77(4), ‘they shall’—**

*omit, insert—*

‘, the Aboriginal police officers must’.

**27 Section 84(1), ‘An Aboriginal council’—**

*omit, insert—*

‘A community government’.

**28 Section 84(1), ‘the council’—**

*omit, insert—*

‘the community government’.

**29 Sections 84(2) and 85, ‘by-laws’—**

*omit, insert—*

‘local laws’.

**30 Section 84(3), ‘Aboriginal council’—**

*omit, insert—*

‘community government’.

Schedule 1 (continued)

**31 Sections 84 and 85, ‘council area’—**

*omit, insert—*

‘community government area’.

**32 Section 90(3)(d), ‘97’—**

*omit, insert—*

‘93’.

**33 Parts 7 to 10—**

*omit, insert—*

**‘Part 7 Entry on trust areas**

**‘114 Definitions for pt 7**

‘In this part—

*native title holder* see the *Native Title Act 1993* (Cwlth), section 224.

*native title rights and interests* see the *Native Title Act 1993* (Cwlth), section 223.

*trust area* means land within a community government area that is—

- (a) granted in trust under the *Land Act 1994* for the benefit of Aboriginal inhabitants or for Aboriginal purposes; or
- (b) a reserve for Aboriginal purposes under the *Land Act 1994*; or
- (c) land mentioned in paragraph (a) or (b) that has become Aboriginal land.



Schedule 1 (continued)

**‘115 Entry on trust area only in certain circumstances**

‘A person must not enter, or be in, a trust area other than as permitted under this part.

Maximum penalty—35 penalty units.

**‘116 Entry on trust area etc. by non-residents**

- ‘(1) A person may, for a lawful purpose, enter and be in a place within a trust area if—
- (a) the place is an accessible place; or
  - (b) the place is another place that the community government for the trust area has decided, by resolution, is a place to which persons who are not residents of the trust area may have access.
- ‘(2) Without limiting subsection (1), a person may enter and be in a place within a trust area that a resident of the trust area may enter and be in if the person enters or is in the place as a guest, or at the request of, a resident of the trust area.
- ‘(3) Despite subsection (1)(a), if immediately before the commencement of this section, a native title holder could have entered and been in a place within a trust area in the exercise of the holder’s native title rights and interests in relation to the place, the holder may continue to enter and be in the place in the exercise of the rights and interests.
- ‘(4) A resolution may be made under subsection (1)(b) for a place that is Aboriginal land only with the written consent of the grantee of the land.
- ‘(4A) Subsection (4B) applies to a person if—
- (a) the person—
    - (i) is not a resident of a trust area; and
    - (ii) is permitted under the *Aboriginal Land Act 1991* to enter and be on Aboriginal land (the ***Aboriginal land area***); and
  - (b) the Aboriginal land area is situated within the trust area.

### Schedule 1 (continued)

‘(4B) The person may enter and be in another part of the trust area for the purpose of entering the Aboriginal land area.

‘(5) In this section—

**accessible place** means—

- (a) a road; or
- (b) a park; or
- (c) a boat ramp or landing; or
- (d) an airport; or
- (e) a building open to the public, whether or not on payment of money.

**airport** includes—

- (a) an aerodrome, airfield and landing strip; and
- (b) another place used for the landing or parking of aircraft; and
- (c) a tarmac.

**landing** includes jetty, pontoon and wharf.

**road** includes a State-controlled road under the *Transport Infrastructure Act 1994*.

### ‘117 Notice about resolution

‘(1) A community government must, as soon as practicable after passing a resolution under section 116(1)(b), display written notice of the resolution in at least 1 prominent place in its trust area for as long as the resolution is in force.

‘(2) The notice must—

- (a) sufficiently identify the place the subject of the resolution; and
- (b) state the provisions of section 116.

Schedule 1 (continued)

**‘118 Community government may impose restrictions on entry etc.**

- ‘(1) Subject to subsection (2), a community government for a trust area may, by resolution—
- (a) restrict the number of persons who may enter and be in a place within the trust area under section 116(1)(b) or (2); or
  - (b) restrict the time for which a person may live at a place within the trust area under section 116(1)(b) or (2).
- ‘(2) A community government may make a resolution under subsection (1) only if the presence of the persons has resulted, or is likely to result, in an unsustainable use of resources or services in the area including, for example, the water supply or garbage service.

**‘119 General authority to enter etc. trust area**

- ‘(1) The following persons are authorised to enter, be in and live in a trust area—
- (a) an Aboriginal person, or another person, who is a member of the community residing in the trust area;
  - (b) a person who is performing a function, or exercising a power, under this Act or another Act that requires the person to be in the trust area;
  - (c) a person authorised, for the purpose of this paragraph, under a local law by the community government for the trust area.
- ‘(2) A local law may be made under subsection (1)(c) for a part of the trust area that is Aboriginal land only with the written consent of the grantee of the land.
- ‘(3) A local law made under subsection (1)(c) must state the parts of the trust area to which the local law applies.

### Schedule 1 (continued)

#### **‘120 Entry on and temporary stay in trust area**

‘Without limiting section 119, the following persons are authorised to enter, be in and live in a trust area until the purpose of their entry to the area is fulfilled—

- (a) the Governor-General and the Governor for Queensland;
- (b) a person whose purpose in the trust area is to bring to residents of the trust area medical aid;
- (c) a person whose purpose in the trust area is to instruct himself or herself on affairs within the trust area as a member of the Legislative Assembly of Queensland or of either House of the Parliament of the Commonwealth;
- (d) a person whose purpose in the trust area is to campaign as a candidate for election to the Legislative Assembly of Queensland or either House of the Parliament of the Commonwealth at an election for which a writ that requires its holding has been issued;
- (e) a person who is assisting, or is acting under the direction or control of, a person mentioned in paragraphs (a) to (d), while the person mentioned in the paragraph is in the trust area.

#### **‘121 Removal from trust area**

- ‘(1) A police officer or Aboriginal police officer may remove from a trust area a person who is not permitted under this part to be in the trust area.
- ‘(2) It is lawful for an Aboriginal police officer exercising or attempting to exercise a power under subsection (1) against a person, and anyone helping the Aboriginal police officer, to use reasonably necessary force to exercise the power.<sup>52</sup>

---

<sup>52</sup> See also the *Police Powers and Responsibilities Act 2000*, section 376 (Power to use force against individuals).

Schedule 1 (continued)

‘(3) The force an Aboriginal police officer may use under this section does not include force likely to cause grievous bodily harm to a person or the person’s death.’.

**34 Section 170(1), ‘both the chief executive and the Aboriginal Industries Board are’—**

*omit, insert—*

‘the chief executive is’.

**35 Section 170(3)—**

*omit, insert—*

‘(3) The banker must deposit money received by the banker under subsection (1) in—

(a) the trust fund established as at the commencement of this Act with the Commonwealth Savings Bank of Australia; or

(b) another trust fund established by the banker for depositing the money.’.

**36 Sections 174, 175 and 180, ‘council area’—**

*omit, insert—*

‘community government area’.

**37 Section 175(2), ‘An Aboriginal council’—**

*omit, insert—*

‘A community government’.

**38 Section 175, ‘the Aboriginal council’—**

*omit, insert—*

‘the community government’.

Schedule 1 (continued)

**39 Section 176(1), ‘an Aboriginal council’s council area’—**

*omit, insert—*

‘a community government area of a community government’.

**40 Section 176(3), ‘an Aboriginal council’—**

*omit, insert—*

‘a community government’.

**41 Section 176, ‘council’s area’—**

*omit, insert—*

‘community government area of the community government’.

**42 Section 176, ‘the council’—**

*omit, insert—*

‘the community government’.

**43 Section 179—**

*omit, insert—*

**‘179 Making of local laws about particular matters**

‘Without limiting the functions and powers of a community government, a community government may make local laws—

- (a) not inconsistent with part 6,<sup>53</sup> for the purpose of regulating and controlling the possession or consumption of alcohol in its community government area; or
- (b) conferring functions on the community justice group for its community government area.’.

---

53 Part 6 (Control of possession and consumption of alcohol in community areas)

Schedule 1 (continued)

- 44 Section 182(b) to (m), (r), (s), (za) to (zf), (zj) and (zk)—**  
*omit.*
- 45 Section 182(t), ‘Aboriginal councils or’—**  
*omit.*
- 46 Section 182(v), from ‘council area’ to ‘established’—**  
*omit, insert—*  
‘community government area of a community government’.
- 47 Section 182(w), ‘or the Aboriginal Industries Board’—**  
*omit.*
- 48 Section 182, from ‘The Governor’ to ‘respect to—’—**  
*omit, insert—*  
‘(1) The Governor in Council may make regulations under this Act.  
‘(2) Without limiting subsection (1), a regulation may be made about the following—’.
- 49 Parts 13 and 14—**  
*omit, insert—*

Schedule 1 (continued)

**‘Part 13**                      **Transitional provisions for  
Local Government (Community  
Government Areas) Act 2004**

**‘Division 1**                      **Preliminary**

**‘183**    **Definition for pt 13**

‘In this part—

*commencement* means commencement of this section.

**‘Division 2**                      **Transitional provision for process  
for making by-laws or subordinate  
by-laws**

**‘184**    **Making by-law or subordinate by-law**

‘(1) This section applies if—

- (a) before the commencement, an Aboriginal council had under repealed part 7 started the process of making a by-law or subordinate by-law under that part; and
- (b) immediately before the commencement, the process for making the by-law or subordinate by-law had not finished.

‘(2) Despite the repeal of repealed part 7, that part and any other provisions necessary for the operation of that part continue to apply to the making of the by-law or subordinate by-law as if that part had not been repealed.

‘(3) In this section—

*Aboriginal council* means an Aboriginal council under this Act in existence immediately before the commencement.



### Schedule 1 (continued)

*repealed part 7* means part 7 of this Act as in force before its repeal by the *Local Government (Community Government Areas) Act 2004*.

## **‘Division 3                      Transitional provisions for Aboriginal Coordinating Council**

### **‘185    Definitions for div 3**

‘In this division—

*ACC* means the Aboriginal Coordinating Council established under repealed part 8.

*repealed part 8* means part 8 of this Act as in force before its repeal by the *Local Government (Community Government Areas) Act 2004*.

### **‘186    ACC dissolved**

‘ACC is dissolved and its members go out of office.

### **‘186A   References to ACC**

‘A reference in an Act or document to ACC may, if the context permits, be taken as a reference to the State.

### **‘186B   Agreements and proceedings**

- ‘(1) An agreement, in force immediately before the commencement, between ACC and another entity is taken to be an agreement between the State and the entity.
- ‘(2) A proceeding that could have been started or continued by or against ACC before the commencement may be started or continued by or against the State.

Schedule 1 (continued)

**‘186C Assets and liabilities**

‘On the commencement, an asset or liability of ACC immediately before the commencement becomes an asset or liability of the State.’.

**50 Section 187—**

*omit.*

**51 At the end—**

*insert—*

**‘Part 16 Provision for reprinting Act**

**‘189 Numbering and renumbering of Act**

‘In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.’.

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

**1 Section 4, definition *corporation*, ‘Community Services (Aborigines) Act 1984’—**

*omit, insert—*

*‘Aboriginal Communities (Justice and Land Matters) Act 1984’.*

**2 Section 7, ‘Community Services (Aborigines) Act 1984’—**

*omit, insert—*

*‘Aboriginal Communities (Justice and Land Matters) Act 1984’.*

Schedule 1 (continued)

- 3 Section 37(2)(b)(i)—**  
*omit.*
- 4 Section 37(2)(b)(ii) and (iii)—**  
*renumber* as section 37(2)(b)(i) and (ii).

## **Criminal Code**

- 1 Section 552C(5)(a), ‘trust area under the Community Services (Aborigines) Act 1984 and’—**  
*omit, insert—*  
‘community government area under the *Local Government (Community Government Areas) Act 2004* or council area under the’.

## **Domestic and Family Violence Protection Act 1989**

- 1 Section 50(3), example 4, ‘an Aboriginal local government’—**  
*omit, insert—*  
‘a community government under the *Local Government (Community Government Areas) Act 2004*’.

Schedule 1 (continued)

## **Electoral Act 1992**

**1 Section 152(2)(a)(iv)—**

*omit, insert—*

‘(iv) the *Local Government (Community Government Areas) Act 2004*; or’.

## **Financial Administration and Audit Act 1977**

**1 Schedule 3, definition *appropriate Minister*, paragraph (c), ‘, the Community Services (Aborigines) Act 1984’—**

*omit.*

## **Freedom of Information Act 1992**

**1 Section 7, definition *responsible Minister*, paragraph (c), ‘, the Community Services (Aborigines) Act 1984’—**

*omit.*

## **Housing Act 2003**

**1 Section 21(c) and (d)—**

*omit.*

Schedule 1 (continued)

- 2 Section 21(e) to (g)—**  
*renumber* as section 21(c) to (e).
- 3 Section 38, ‘21(b) to (f)’—**  
*omit, insert—*  
‘21(b) to (d)’.
- 4 Schedule 3, definitions *Aboriginal Coordinating Council* and *Aboriginal council*—**  
*omit.*

## Indigenous Communities Liquor Licences Act 2002

- 1 Schedule, definition *community justice group*—**  
*omit, insert—*  
‘*community justice group* means a community justice group established under the *Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5 or the *Community Services (Torres Strait) Act 1984*, part 5.’
- 2 Schedule, definition *indigenous council*, paragraph (a)—**  
*omit, insert—*  
‘(a) a community government under the *Local Government (Community Government Areas) Act 2004*; or’.

Schedule 1 (continued)

**Integrated Planning Act 1997**

- 1 **Schedule 10, definition *local government area*, paragraph (b), ‘the Community Services (Aborigines) Act 1984 or’—**

*omit.*

**Juvenile Justice Act 1992**

- 1 **Section 49(2)(b), ‘part 1, division 4’—**

*omit, insert—*

‘part 4’.

- 2 **Section 150(5), definition *community justice group*, paragraph (a), ‘Community Services (Aborigines) Act 1984’—**

*omit, insert—*

‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’.

- 3 **Part 11, division 3, subdivision 9 heading—**

*omit.*

Schedule 1 (continued)

**Liquor Act 1992**

**1 Section 4, definition *Aboriginal police officer*, paragraph (a), ‘Community Services (Aborigines) Act 1984’—**

*omit, insert—*

*‘Aboriginal Communities (Justice and Land Matters) Act 1984’.*

**2 Section 4, definition *community justice group*—**

*omit, insert—*

*‘community justice group* means a community justice group established under the *Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5 or the *Community Services (Torres Strait) Act 1984*, part 5.’

**3 Section 4, definition *Council*—**

*omit, insert—*

*‘Council* means—

- (a) a community government under the *Local Government (Community Government Areas) Act 2004*; or
- (b) an Island council under the *Community Services (Torres Strait) Act 1984*; or
- (c) the Council of the Shire of Aurukun; or
- (d) the Council of the Shire of Mornington.’

**4 Section 4, definition *prescribed provision*, paragraph (a)—**

*omit, insert—*

- (a) the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103; or’.

Schedule 1 (continued)

**5 Section 176(2)(e)—**

*omit, insert—*

‘(e) the place is a public place under the *Aboriginal Communities (Justice and Land Matters) Act 1984*, part 6,<sup>54</sup> or the *Community Services (Torres Strait) Act 1984*, part 6,<sup>55</sup> that has been declared under that part as a dry place.’.

**Local Government (Aboriginal Lands) Act 1978**

**1 Section 2, definition *Aboriginal council*—**

*omit.*

**2 Section 2, definition *liquor provisions*, paragraph (a)—**

*omit, insert—*

‘(a) the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103;<sup>56</sup> and’.

**3 Part 2 heading ‘Incorporation of Aboriginal councils and’—**

*omit.*

---

54 *Aboriginal Communities (Justice and Land Matters) Act 1984*, part 6 (Control of possession and consumption of alcohol in community areas)

55 *Community Services (Torres Strait) Act 1984*, part 6 (Control of possession and consumption of alcohol in council areas)

56 *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103 (Possession or consumption of alcohol in or on dry place)



Schedule 1 (continued)

- 4 Sections 14(1)(b) and 17(e), ‘Community Services (Aborigines) Act 1984’—**  
*omit, insert—*  
*‘Aboriginal Communities (Justice and Land Matters) Act 1984’.*

**Local Government Act 1993**

- 1 Chapter 1, part 6 heading, ‘Aboriginal and’—**  
*omit.*
- 2 Sections 13 and 14, ‘an Aboriginal or Torres’—**  
*omit, insert—*  
*‘a Torres’.*
- 3 Section 13(4), ‘the Aboriginal or’—**  
*omit, insert—*  
*‘the’.*
- 4 Section 14 heading and sections 40, 56, 190 and 1193C, ‘Aboriginal and’—**  
*omit.*
- 5 Section 14(a)(iii), ‘Aboriginal Council or’—**  
*omit.*
- 6 Section 60ZB(1)—**  
*omit, insert—*  
*‘(1) This section applies if—*

Schedule 1 (continued)

- (a) the Legislative Assembly ratifies the dissolution of Townsville or Thuringowa City Council under section 164(1); and
- (b) an administrator of the council is appointed.’.

**7 Section 164(3)—**

*omit, insert—*

- ‘(3) If the Legislative Assembly ratifies the dissolution of the local government under subsection (1)—
  - (a) the local government’s councillors go out of office; and
  - (b) the local government continues in existence as a body corporate and continues to be constituted by the local government’s administrator.’.

**8 Section 178—**

*omit, insert—*

**‘178 When administrator must be appointed**

- ‘(1) If a regulation is made under section 164(1) dissolving a local government, the Governor in Council must appoint a person as administrator of the local government.
- ‘(2) Notification of the appointment must be given by gazette notice.
- ‘(3) On the appointment, the local government is constituted by the administrator.’.

**9 Section 187(2), from ‘appointment’—**

*omit, insert—*

‘Legislative Assembly ratifies the dissolution of the local government under section 164(1).’.

Schedule 1 (continued)

**10 Section 191(3)(b)—**

*omit, insert—*

‘(b) 1 person with knowledge of—

- (i) local government in relation to community government areas; and
- (ii) Torres Strait Islander local government; and’.

**11 Section 227(5)(b)—**

*omit, insert—*

‘(b) the Legislative Assembly ratifies the dissolution of the applicable local government under section 164(1); or’.

**12 Section 408(1), ‘local government is dissolved under section 164’—**

*omit, insert—*

‘Legislative Assembly ratifies the dissolution of the local government under section 164(1)’.

**13 Section 408(4)—**

*omit, insert—*

- ‘(4) A direction under subsection (1) may be given only after the ratification of the dissolution.
- ‘(5) A direction under subsection (2) may be given at the time the action mentioned in that subsection is taken or at a later time.’.

**14 Section 1171(3) and (4)—**

*renumber* as section 1171(4) and (5).

Schedule 1 (continued)

**15 Section 1171—**

*insert—*

- ‘(3) Also, a person employed by a local government under a Commonwealth funded community development project for Aborigines or Torres Strait Islanders is not a permanent employee.’.

**16 Schedule, definition *Aboriginal local government*—**

*omit.*

## **Ombudsman Act 2001**

**1 Schedule 3, definition *responsible Minister*, paragraph (c)—**

*omit.*

**2 Schedule 3, definition *responsible Minister*, paragraphs (d) to (g)—**

*renumber* as paragraphs (c) to (f).

## **Penalties and Sentences Act 1992**

**1 Section 6(1)—**

*omit, insert—*

- ‘(1) Subject to the *Community Services (Torres Strait) Act 1984*, this Act does not apply to an Island Court constituted under that Act.’.

Schedule 1 (continued)

**2 Section 9(8), definition *community justice group*, paragraph (a)—**

*omit, insert—*

- ‘(a) a community justice group established under the *Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5, division 1, or the *Community Services (Torres Strait) Act 1984*, part 5, division 1, for the offender’s community; or’.

## **Police Powers and Responsibilities Act 2000**

**1 Section 44A(1)(a)(ii)—**

*omit, insert—*

- ‘(ii) the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103 or 112A(c) or (d);<sup>57</sup>’.

**2 Section 51(6), definition *liquor provision*, paragraphs (b) and (c)—**

*omit, insert—*

---

<sup>57</sup> *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103 (Possession or consumption of alcohol in or on dry place) or 112A (Offences relating to homemade alcohol)

Schedule 1 (continued)

- ‘(b) the *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103 or 112A;<sup>58</sup>
- (c) the *Community Services (Torres Strait) Act 1984*, section 101 or 110A.<sup>59</sup>’.

**3 Section 366, from ‘in the’ to ‘or’—**

*omit, insert—*

‘in the community government area or’.

**4 Schedule 1, ‘Community Services (Aborigines) Act 1984’—**

*omit, insert—*

‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’.

**5 Schedule 4—**

*insert—*

‘**community government area** see the *Local Government (Community Government Areas) Act 2004*, schedule 4.’.

**6 Schedule 4, definition *aboriginal police officer*, ‘Community Services (Aborigines) Act 1984’—**

*omit, insert—*

‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’.

---

58 *Aboriginal Communities (Justice and Land Matters) Act 1984*, section 103 (Possession or consumption of alcohol in or on dry place) or 112A (Offences relating to homemade alcohol)

59 *Community Services (Torres Strait) Act 1984*, section 101 (Possession or consumption of alcohol in or on dry place) or 110A (Offences relating to homemade alcohol)

Schedule 1 (continued)

**Public Sector Ethics Act 1994**

- 1 **Schedule, definition *local government legislation*, paragraph (a), ‘• Community Services (Aborigines) Act 1984’—**

*omit.*

**Residential Tenancies Act 1994**

- 1 **Section 251(1)(a)(i)—**

*omit, insert—*

‘(i) a community government under the *Local Government (Community Government Areas) Act 2004*; or’.

**Valuation of Land Act 1944**

- 1 **Section 2, definition *area*, ‘an Aboriginal’—**

*omit, insert—*

‘a community government under the *Local Government (Community Government Areas) Act 2004*’.

## **Schedule 2      Declaration of new local government areas**

sections 7 and 8

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Map</b>	<b>New local government area</b>	<b>Class</b>	<b>Local government</b>
LGB151 edition 1	Cherbourg	Shire	Cherbourg Shire Council
LGB152 edition 1	Doomadgee	Shire	Doomadgee Shire Council
LGB153 edition 1	Hope Vale	Shire	Hope Vale Shire Council
LGB154 edition 1	Injinoo	Shire	Injinoo Shire Council
LGB155 edition 1	Kowanyama	Shire	Kowanyama Shire Council
LGB156 edition 1	Lockhart River	Shire	Lockhart River Shire Council
LGB157 edition 1	Mapoon	Shire	Mapoon Shire Council
LGB158 edition 1	Napranum	Shire	Napranum Shire Council
LGB159 edition 1	New Mapoon	Shire	New Mapoon Shire Council
LGB160 edition 1	Palm Island	Shire	Palm Island Shire Council
LGB161 edition 1	Pormpuraaw	Shire	Pormpuraaw Shire Council
LGB162 edition 1	Umagico	Shire	Umagico Shire Council



Schedule 2 (continued)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Map</b>	<b>New local government area</b>	<b>Class</b>	<b>Local government</b>
LGB163 edition 1	Woorabinda	Shire	Woorabinda Shire Council
LGB164 edition 1	Wujal Wujal	Shire	Wujal Wujal Shire Council
LGB165 edition 1	Yarrabah	Shire	Yarrabah Shire Council

---

## **Schedule 3      Local governments that Aboriginal councils become**

sections 70 to 83

### **Column 1**

#### **Aboriginal council**

Cherbourg Aboriginal Council  
 Doomadgee Aboriginal Council  
 Hope Vale Aboriginal Council  
 Injinoo Aboriginal Council  
 Kowanyama Aboriginal Council  
 Lockhart River Aboriginal Council  
 Mapoon Aboriginal Council  
 Napranum Aboriginal Council  
 New Mapoon Aboriginal Council  
 Palm Island Aboriginal Council  
 Pormpuraaw Aboriginal Council  
 Umagico Aboriginal Council  
 Woorabinda Aboriginal Council  
 Wujal Wujal Aboriginal Council  
 Yarrabah Aboriginal Council

### **Column 2**

#### **Local government**

Cherbourg Shire Council  
 Doomadgee Shire Council  
 Hope Vale Shire Council  
 Injinoo Shire Council  
 Kowanyama Shire Council  
 Lockhart River Shire Council  
 Mapoon Shire Council  
 Napranum Shire Council  
 New Mapoon Shire Council  
 Palm Island Shire Council  
 Pormpuraaw Shire Council  
 Umagico Shire Council  
 Woorabinda Shire Council  
 Wujal Wujal Shire Council  
 Yarrabah Shire Council

## Schedule 4      Dictionary

### section 3

***Aboriginal council***, for part 8, division 2, see section 69.

***approved form*** means a form approved by the chief executive under section 51.

***authorised person***, for part 4, division 3, see section 33.

***authorised powers***, for part 4, division 3, see section 33.

***column 1 area map***, for part 2, division 1, see section 6.

***commencement***, for part 8, division 2, see section 69.

***community government*** means the local government for a community government area.

***community government area*** means—

- (a) a part of the State declared under section 7 to be a local government area under the *Local Government Act 1993*; or
- (b) if the external boundaries of the local government area are, after the commencement of section 7, changed under the *Local Government Act 1993*—the local government area, as changed.

***Community Government Finance Standards*** see section 30(1).

***local government*** means a local government under the *Local Government Act 1993*.

***local services committee*** see section 41(1).

***notice*** means written notice.

***reviewable community government matter***, for part 3, see section 12.