



Queensland

Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007

Act No. 59 of 2007



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Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007

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Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007

Act No. 59 of 2007

**An Act to make provision for indigenous regional councils and
for other purposes**

[Assented to 22 November 2007]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007*.

2 Commencement

The provisions of this Act, other than the following provisions, commence on a day to fixed by proclamation—

- (a) part 11, other than sections 93, 95 to 97, 108, 109, 113, 114, 120 and 122 to 125;
- (b) part 17, and the schedule to the extent it amends the *Judicial Review Act 1991* and the *Local Government (Chinatown and The Valley Malls) Act 1984*.

Part 2 Amendment of Aboriginal Communities (Justice and Land Matters) Act 1984

3 Act amended in pt 2

This part amends the *Aboriginal Communities (Justice and Land Matters) Act 1984*.

4 Amendment of long title

Long title, ‘government’—
omit.

5 Amendment of s 1 (Short title)

Section 1, from ‘may be cited as’—

omit, insert—

‘may be cited as the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.’.

6 Amendment of s 4 (Definitions)

(1) Section 4, definitions *Aboriginal land*, *Aboriginal police officer*, *Islander* and *non-Aboriginal land*—

omit.

(2) Section 4—

insert—

‘***Aboriginal land*** means Aboriginal land under the *Aboriginal Land Act 1991*.

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

Example of standing—

a person’s classification level in the public service

community police officer means a person appointed under section 12 as a community police officer for a community government area, IRC area or IRC division area.

IIB means the Island Industries Board.

indigenous regional council means TSIRC or NPARC.

IRC area means the local government area of an indigenous regional council.

IRC division area means a part of an IRC area that, under the *Local Government Act 1993*, is one of the divisions into which the IRC area is divided for electoral purposes.

NPARC means the Northern Peninsula Area Regional Council.

relevant Bamaga area means the area that, immediately before the day that, under the *Local Government Act 1993*, is

the changeover day for NPARC, was the Bamaga council area under the repealed Torres Strait Act.

relevant Seisia area means the area that, immediately before the day that, under the *Local Government Act 1993*, is the changeover day for NPARC, was the Seisia council area under the repealed Torres Strait Act.

repealed Torres Strait Act means the *Community Services (Torres Strait) Act 1984* as in force before its repeal under the *Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007*.

Torres Strait Islander land means Torres Strait Islander land under the *Torres Strait Islander Land Act 1991*.

TSC means the Torres Shire Council.

TSIRC means the Torres Strait Island Regional Council.’.

- (3) Section 4, definition *community area*, after ‘Mornington’—
insert—
‘or an IRC area, a part of an IRC area or an IRC division area’.
- (4) Section 4, definition *local law*, after ‘schedule’—
insert—
‘2’.
- (5) Section 4, definition *police officer in charge*, after ‘community government area’—
insert—
‘, IRC area or IRC division area’.

7 **Amendment of s 8 (Delegation by Minister or chief executive)**

Section 8(2)—

omit.

8 Amendment of pt 3 hdg and pt 3, div 1, hdg

Part 3, heading, and part 3, division 1, heading, after ‘government’—

insert—

‘and IRC’.

9 Insertion of new s 8A

Part 3, division 1—

insert—

‘8A Definition for div 1

‘In this division—

IRC area includes an IRC division area.’.

10 Amendment of s 9 (Jurisdiction and powers of police)

(1) Section 9(1), (2) and (4), after ‘community government’—

insert—

‘or IRC’.

(2) Section 9(3), ‘community government area’—

omit, insert—

‘community government or IRC area’.

(3) Section 9(3), ‘Aboriginal’—

omit, insert—

‘community’.

(4) Section 9(3), before ‘established’—

insert—

‘or indigenous regional council’.

(5) Section 9(3), ‘as if such local laws were part of the law of Queensland’—

omit.

11 Amendment of s 10 (Entry upon community government areas etc.)

- (1) Section 10, heading, after ‘community government’—
insert—
‘or IRC’.
- (2) Section 10, ‘community government area’—
omit, insert—
‘community government area or IRC area’.
- (3) Section 10(b), after ‘community government’—
insert—
‘or indigenous regional council’.

12 Amendment of s 11 (Application to community government areas of laws relating to public places)

- (1) Section 11, heading, after ‘community government’—
insert—
‘or IRC’.
- (2) Section 11(1) and (2), after ‘community government’—
insert—
‘or IRC’.

13 Amendment of s 12 (Aboriginal police)

- (1) Section 12, heading, ‘Aboriginal police’—
omit, insert—
‘Community police officers’.
- (2) Section 12(1), after ‘community government’—
insert—
‘or IRC’.
- (3) Section 12(1), ‘Aboriginal’—
omit, insert—

‘community’.

- (4) Section 12(2) and (4), after ‘community government’—
insert—
 ‘or indigenous regional council’.

14 Amendment of s 13 (Discharge of Aboriginal police officers’ functions etc.)

- (1) Section 13, heading, ‘Aboriginal’—
omit, insert—
 ‘**community**’.
- (2) Section 13(1), ‘Aboriginal’—
omit, insert—
 ‘Community’.
- (3) Section 13(1), (2) and (4), ‘community government area’—
omit, insert—
 ‘community government area or IRC area’.
- (4) Section 13 (1), after ‘the community government’—
insert—
 ‘or indigenous regional council’.
- (5) Section 13(2), (3) and (5), ‘an Aboriginal’—
omit, insert—
 ‘a community’.
- (6) Section 13(4), ‘Aboriginal’—
omit, insert—
 ‘community’.

15 Amendment of s 14 (Other functions of Aboriginal police officers)

- (1) Section 14, ‘Aboriginal’—

omit, insert—

‘community’.

- (2) Section 14, after ‘A community government’—

insert—

‘or indigenous regional council’.

- (3) Section 14, ‘community government area’—

omit, insert—

‘community government or IRC area’.

16 Amendment of s 15 (Indemnification of Aboriginal police officer for liability for tort)

- (1) Section 15, heading, ‘Aboriginal’—

omit, insert—

‘community’.

- (2) Section 15, ‘an Aboriginal’—

omit, insert—

‘a community’.

17 Amendment of s 16 (Authorised officers)

- (1) Section 16(1), ‘government may’—

omit, insert—

‘government or indigenous regional council may’.

- (2) Section 16(1), ‘its community’—

omit, insert—

‘its local’.

- (3) Section 16(1), ‘government specifies’—

omit, insert—

‘government or indigenous regional council specifies’.

- (4) Section 16(2), ‘community’—

omit, insert—

‘local’.

- (5) Section 16(2), ‘Aboriginal custom, tradition and belief’—

omit, insert—

‘Aboriginal tradition or Island custom’.

- (6) Section 16(3), ‘land in the community’—

omit, insert—

‘or Torres Strait Islander land in the local’.

- (7) Section 16(3), after ‘between the community government’—

insert—

‘or indigenous regional council’.

18 Amendment of s 17 (General powers of authorised officers)

- (1) Section 17(1), ‘community’—

omit, insert—

‘local’.

- (2) Section 17(1)(a), ‘an Aboriginal’—

omit, insert—

‘a community’.

19 Amendment of s 19 (Functions and powers)

Section 19(1)(b)—

omit, insert—

‘(b) take part in court hearings and sentencing and bail processes as provided for in the *Bail Act 1980*, the *Juvenile Justice Act 1992* and the *Penalties and Sentences Act 1992*; and

(ba) develop networks with relevant agencies to ensure crime prevention, justice, community corrections and related

issues impacting on indigenous communities are addressed; and

- (bb) support indigenous victims and offenders at all stages of the legal process; and’.

20 Amendment of s 20 (Membership)

- (1) Section 20—

insert—

- ‘(1A) The members of each community justice group are to be appointed by the Minister by gazette notice.’.

- (2) Section 20(3), ‘must’—

omit, insert—

‘must, to the greatest practicable extent,’.

- (3) Section 20—

insert—

- ‘(4A) The Minister must, by gazette notice, revoke the appointment of a member of a community justice group if the Minister decides the member is no longer eligible or suitable for appointment to the membership of the community justice group.’.

21 Replacement of s 21 (Criminal history checks)

Section 21—

omit, insert—

‘21 Investigations about suitability of community justice group members

- ‘(1) The chief executive may make inquiries to decide whether a person is suitable for appointment as, or to continue as, a member of a community justice group.

- ‘(2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for the following information—

- (a) a written report about the person’s criminal history;

- (b) a brief description of the circumstances of any conviction mentioned in the criminal history.
- ‘(3) The commissioner of the police service must comply with a request under subsection (2).
- ‘(4) However, the chief executive may make a request about a person under subsection (2) only if the person has given the chief executive written consent for the request.
- ‘(5) If the person does not give the written consent to the chief executive, it is taken that the person is not suitable for appointment as, or to continue as, a member of a community justice group.
- ‘(6) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.
- ‘(7) The chief executive must ensure information given to the chief executive under subsection (3) is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.
- ‘(8) The chief executive must give the person a copy of information given to the chief executive under subsection (3).
- ‘(9) The chief executive may delegate the chief executive’s powers under this section to an appropriately qualified public service officer.
- ‘(10) In this section—
- criminal history***, of a person, means the person’s criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than for a spent conviction.
- spent conviction*** means a conviction—
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

‘21A Guidelines for dealing with suitability information

- ‘(1) The chief executive must make guidelines, consistent with this Act, for dealing with information obtained by the chief executive under section 21.
- ‘(2) The purpose of the guidelines is to ensure—
 - (a) natural justice is afforded to a person about whom the information is obtained; and
 - (b) only relevant information is used in making decisions about a person’s membership of a community justice group (*membership decisions*); and
 - (c) membership decisions, based on the information, are made consistently.
- ‘(3) The chief executive must give a copy of the guidelines to a person on request.’.

22 Amendment of s 22 (Coordinator)

Section 22(1)—

omit, insert—

- ‘(1) The community justice group for a community area must appoint a coordinator for the community justice group for the area.
- ‘(1A) However, if another incorporated entity has responsibility for the funding arrangements of the community justice group for the community area, the incorporated entity must appoint a coordinator for the community justice group for the area.
- ‘(1B) Before appointing a coordinator for the community justice group for the area under subsection (1A), the incorporated entity must consult with the community justice group about the proposed appointment.’.

23 Amendment of s 23 (Authentication of documents)

Section 23, after ‘for the group’—

insert—

‘and a member of the group’.

24 Amendment of s 27 (Definitions for pt 5)

- (1) Section 27, definition *private place*, paragraph (a), after ‘community council’—

insert—

‘or indigenous regional council’.

- (2) Section 27, definition *private place*, paragraph (b), after ‘Aboriginal tradition’—

insert—

‘or Island custom’.

25 Amendment of s 28 (Declaration)

- (1) Section 28(1)(a), after ‘community council’—

insert—

‘or indigenous regional council’.

- (2) Section 28(1)(b) and (5), after ‘Aboriginal tradition’—

insert—

‘or Island custom’.

26 Amendment of s 30 (Objections and supporting submissions)

Section 30(2)(a), after ‘Aboriginal tradition’—

insert—

‘or Island custom’.

27 Amendment of s 48 (Definitions for pt 6)

- (1) Section 48, definition *trust area*, after ‘community government’—

insert—

‘or IRC’.

- (2) Section 48, definition *trust area*, paragraph (a), ‘Aboriginal inhabitants or for Aboriginal purposes’—

omit, insert—

‘Aboriginal or Torres Strait Islander inhabitants or for Aboriginal or Torres Strait Islander purposes’.

- (3) Section 48, definition *trust area*, paragraph (b), ‘Aboriginal’—

omit, insert—

‘Aboriginal or Torres Strait Islander’.

- (4) Section 48, definition *trust area*, paragraph (c), after ‘Aboriginal’—

insert—

‘or Torres Strait Islander’.

28 Amendment of s 50 (Entry on trust area etc. by non-residents)

- (1) Section 50(1)(b), after ‘community government’—

insert—

‘or indigenous regional council’.

- (2) Section 50(4), (5)(b) and (6), ‘Aboriginal land’—

omit, insert—

‘Aboriginal or Torres Strait Islander land’.

- (3) Section 50(5)(a)(ii), after ‘(the *Aboriginal land area*)’—

insert—

‘, or is permitted under the *Torres Strait Islander Land Act 1991* to enter and be on Torres Strait Islander land (the *Torres Strait Islander land area*)’.

29 Amendment of s 51 (Notice about resolution)

Section 51(1), after ‘community government’—
insert—
‘or indigenous regional council’.

30 Amendment of s 52 (Community government may impose restrictions on entry etc.)

Section 52, after ‘community government’—
insert—
‘or indigenous regional council’.

31 Amendment of s 53 (General authority to enter etc. trust area)

- (1) Section 53(1)(a), after ‘Aboriginal person’—
insert—
‘or Torres Strait Islander’.
- (2) Section 53(1)(c), after ‘community government’—
insert—
‘or indigenous regional council’.
- (3) Section 53(2), after ‘Aboriginal’—
insert—
‘or Torres Strait Islander’.

32 Amendment of s 55 (Removal from trust area)

- (1) Section 55(1), ‘Aboriginal’—
omit, insert—
‘community’.
- (2) Section 55(2) and (3), ‘an Aboriginal’—
omit, insert—
‘a community’.

- (3) Section 55(2), ‘the Aboriginal’—
omit, insert—
‘the community’.

33 Amendment of pt 7 hdg (Assistance sought by Aborigines)

- Part 7, heading, after ‘Aborigines’—
insert—
‘or Torres Strait Islanders’.

34 Amendment of s 56 (Grant of aid)

- (1) Section 56(1), after ‘Aborigine’—
insert—
‘or Torres Strait Islander’.
- (2) Section 56(1), after ‘Aborigines’—
insert—
‘or Torres Strait Islanders’.

35 Amendment of s 57 (Deposit of savings with banker)

- (1) Section 57(1) and (5), after ‘Aborigines’—
insert—
‘or Torres Strait Islanders’.
- (2) Section 57(1), from ‘and the chief executive’ to ‘of a like nature’—
omit.
- (3) Section 57—
insert—
- ‘(1A) Both the chief executive and IIB are separately authorised to establish new facilities similar to those mentioned in subsection (1).’

- (4) Section 57(4) and (5), after ‘Aborigine’—
insert—
‘or Torres Strait Islander’.

36 Amendment of s 58 (Continuation of management of money)

- (1) Section 58(2), after ‘Aborigine’—
insert—
‘or Torres Strait Islander’.
- (2) Section 58(2), ‘pursuant to subsection (1) shall be deemed’—
omit, insert—
‘under subsection (1), or under the repealed Torres Strait Act, section 181(1), is taken’.

37 Amendment of s 60 (Administration of Aborigines’ estates)

- (1) Section 60, heading, ‘Aborigines’ estates’—
omit, insert—
‘**estates of Aborigines and Torres Strait Islanders**’.
- (2) Section 60(1) and (4), after ‘Aborigine’—
insert—
‘or Torres Strait Islander’.
- (3) Section 60(4), after ‘Aborigines’—
insert—
‘or Torres Strait Islanders’.

38 Insertion of new pt 7A

After section 60—
insert—

'60A The IIB

- '(1) The Island Industries Board established under the repealed Torres Strait Act, section 149 is continued in existence under this Act.
- '(2) IIB—
 - (a) is a body corporate; and
 - (b) has a seal; and
 - (c) may sue and be sued in its corporate name.

'60B Functions of IIB

'The IIB has the following functions—

- (a) to act as a commercial enterprise for the general convenience or benefit of the residents of—
 - (i) the local government area of TSIRC; and
 - (ii) the relevant Bamaga area and the relevant Seisia area; and
 - (iii) the local government area of TSC;
- (b) to apply its profits or assets to promote, support and improve its services and the general welfare, including the knowledge and skills, of the Aboriginal and Torres Strait Islander residents of the areas mentioned in paragraph (a);
- (c) from time to time, to investigate, and to report and make recommendations to the chief executive about—
 - (i) any trade, commerce or business carried on by the residents mentioned in paragraph (b); and
 - (ii) markets for the produce of the residents, trade in the produce, and ways of marketing the produce; and
 - (iii) the encouragement, development and protection of the trade, commerce and businesses of the residents.

‘60C Membership of IIB

‘IIB consists of at least 5, but not more than 8, members appointed by the Governor in Council.

‘60D Appointment to membership of IIB

- ‘(1) A person is qualified to be nominated by the Minister for appointment as a member of IIB only if the person—
- (a) has—
 - (i) commercial or management skills and experience; or
 - (ii) other skills and experience relevant to the performance of IIB’s functions; and
 - (b) is not disqualified under this part from being a member.
- ‘(2) Subject to subsection (5), IIB must include 2 members from a panel established as follows—
- (a) at least 5 qualified persons proposed by TSIRC;
 - (b) at least 2 qualified persons proposed by TSC;
 - (c) 1 qualified person proposed by the councillor for the division of NPARC that is the relevant Bamaga area;
 - (d) 1 qualified person proposed by the councillor for the division of NPARC that is the relevant Seisia area.
- ‘(3) For subsection (2)(c) or (d), the qualified person proposed may be the councillor.
- ‘(4) The Minister must give each nominating entity a notice stating a reasonable period within which the nominating entity may propose a person or persons under subsection (2).
- ‘(5) If the panel mentioned in subsection (2) is not complete within the period stated in the notice under subsection (4), the Minister, in nominating qualified persons for appointment, may limit the nomination of persons included in the incomplete panel to the extent the Minister considers appropriate.
- ‘(6) In this section—

nominating entity means—

- (a) TSIRC; or
- (b) TSC; or
- (c) the councillor mentioned in subsection (2)(c); or
- (d) the councillor mentioned in subsection (2)(d).

‘60E Chairperson of IIB

- ‘(1) The Governor in Council may appoint a member of IIB to be its chairperson.
- ‘(2) A person may be appointed as the chairperson at the same time the person is appointed as a member.
- ‘(3) The chairperson holds office for the term decided by the Governor in Council unless the person’s term of office as a member ends sooner than the person’s term of office as chairperson ends.
- ‘(4) A person may be appointed as the chairperson for not more than 2 consecutive terms.
- ‘(5) A vacancy arises in the office of chairperson if the person holding the office—
 - (a) resigns the office by signed notice of resignation given to the Minister; or
 - (b) ceases to be a member.
- ‘(6) A person resigning the office of chairperson may continue to be a member.

‘60F Deputy chairperson of IIB

- ‘(1) IIB must appoint a member of IIB to be its deputy chairperson.
- ‘(2) A vacancy arises in the office of deputy chairperson if—
 - (a) the person holding the office resigns the office by signed notice of resignation given to the chairperson; or
 - (b) the person’s term of office as an IIB member ends; or

- (c) the person otherwise stops being an IIB member.
- ‘(3) However, a person may resign from the office of deputy chairperson and continue to be a member.
- ‘(4) The deputy chairperson must act as chairperson—
 - (a) during a vacancy in the office of chairperson; and
 - (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

‘60G Term of appointment

‘A member of IIB may be appointed for a term of not more than 4 years.

‘60H Disqualification from membership

‘A person can not become, or continue to be, a member of IIB if the person—

- (a) is or becomes an insolvent under administration under the Corporations Act, section 9; or
- (b) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- (c) has been, or is, convicted of an indictable offence; or
- (d) has been, or is, convicted of an offence against this Act.

‘60I Vacation of office

- ‘(1) A member of IIB is taken to have vacated office as a member if the member—
 - (a) resigns by signed notice of resignation given to the Minister; or
 - (b) under this part, can not continue to be a member; or
 - (c) is absent without IIB’s permission from 3 consecutive meetings of IIB of which proper notice has been given; or

- (d) is absent, in any period of 6 months, and without IIB's permission, from all meetings of IIB of which proper notice has been given.
- (2) If the member attends for a meeting of which proper notice is given, but for which a quorum is not present, the meeting is nevertheless taken to be a meeting at which the member was present.

'60J When notice of resignation takes effect

'A notice of resignation given under this part takes effect when it is given to the person to whom it is required to be given or, if a later time is stated in the notice, at the later time.

'60K Conduct of business

'Subject to any other requirement of this part, IIB may conduct its business, including its meetings, in the way it considers appropriate.

'60L Times and places of meetings

- (1) IIB's meetings are to be held at the times and places the chairperson decides.
- (2) However, the chairperson must call a meeting if asked in writing to do so by the Minister or by at least the number of members required for a quorum for a meeting of IIB.

'60M Quorum

'A quorum for a meeting of IIB is the number equal to half of the number of its members or, if that is not a whole number, the next highest whole number.

'60N Presiding at meetings

- (1) The chairperson must preside at all meetings of IIB at which the chairperson is present.

- ‘(2) If the chairperson is absent from an IIB meeting or there is a vacancy in the office of chairperson, the deputy chairperson must preside.
- ‘(3) If the chairperson and the deputy chairperson are both absent from an IIB meeting, or if both offices are vacant, a member chosen by the members present must preside.

‘60O Conduct of meetings

- ‘(1) A question at an IIB meeting is decided by a majority of the votes of the members present.
- ‘(2) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.
- ‘(3) A member present at the meeting who abstains from voting is taken to have voted for the negative.
- ‘(4) IIB may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.

Example of technology allowing reasonably contemporaneous and continuous communication—

teleconferencing

- ‘(5) A person who takes part in an IIB meeting under subsection (4) is taken to be present at the meeting.
- ‘(6) A resolution is validly made by IIB even if it is not passed at an IIB meeting if—
 - (a) a majority of the IIB members gives written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by IIB.

‘60P Minutes

- ‘(1) IIB must keep—
 - (a) minutes of its meetings; and

- (b) valid resolutions passed other than at an IIB meeting.
- ‘(2) Subsection (3) applies if a resolution is passed at an IIB meeting.
- ‘(3) If asked by a member who voted against the passing of the resolution, IIB must record in the minutes of the meeting that the member voted against the resolution.

‘60Q Disclosure of interests

- ‘(1) This section applies to an IIB member (the *interested person*) if—
 - (a) the interested person has a direct or indirect interest in an issue being considered, or about to be considered, by IIB; and
 - (b) the interest could conflict with the proper performance of the person’s duties about the consideration of the issue.
- ‘(2) As soon as practicable after the relevant facts come to the interested person’s knowledge, the person must disclose the nature of the interest to an IIB meeting.
- ‘(3) Unless IIB otherwise directs, the interested person must not—
 - (a) be present when IIB considers the issue; or
 - (b) take part in a decision of IIB about the issue.
- ‘(4) The interested person must not be present when IIB is considering whether to give a direction under subsection (3).
- ‘(5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—
 - (a) be present when IIB is considering whether to give a direction under subsection (3) about the interested person; or
 - (b) take part in making the decision about giving the direction.
- ‘(6) If—
 - (a) because of this section, an IIB member is not present at an IIB meeting for considering or deciding an issue, or

for considering or deciding whether to give a direction under subsection (3); and

- (b) there would be a quorum if the member were present; the remaining persons present are a quorum for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

‘(7) A disclosure under subsection (2) must be recorded in IIB’s minutes.

‘60R Officers and employees

‘(1) Subject to any direction given by the Minister, IIB—

- (a) must appoint an individual as its chief executive officer; and
- (b) may appoint the administrative and technical officers and clerks, and employ the employees and agents, as it considers necessary for the proper performance of its functions.

‘(2) The chief executive officer may—

- (a) execute documents on behalf of IIB; and
- (b) fix IIB’s seal to any document; and
- (c) perform the duties IIB gives the chief executive officer.

‘60S Powers of IIB

‘IIB has the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) charge for, and place conditions on, the supply of goods, services or information it supplies; and
- (e) engage consultants; and
- (f) establish funds to ensure the proper conduct of its enterprises and other activities; and

- (g) carry on any sort of business that is consistent with the performance of its functions; and
- (h) do anything else necessary or convenient to be done in performing its functions.

‘60T IIB is statutory body

- ‘(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, IIB is a statutory body.
- ‘(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which IIB’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

‘60U Audit of IIB’s accounts

- ‘(1) IIB’s accounts must be audited by the auditor-general or a person authorised by the auditor-general.
- ‘(2) The person who conducts the audit has, in relation to the audit and the accounts, all the powers of the auditor-general under the *Financial Administration and Audit Act 1977* as if IIB were a department of government.
- ‘(3) For the audit, IIB must pay the fee decided by the auditor-general.
- ‘(4) The auditor-general—
 - (a) must at least once a year, report to the Minister the result of each audit carried out under this section; and
 - (b) may include with the report recommendations to the Minister about IIB’s accounts.
- ‘(5) The auditor-general must give IIB’s chairperson a copy of the report and any recommendations.
- ‘(6) The chairperson must table the report and any recommendations at IIB’s next meeting after the chairperson receives them.
- ‘(7) The Minister and IIB’s chairperson must consider the auditor-general’s report and any recommendations.

‘60V Annual report by IIB

‘As soon as practicable after 1 February in each year, IIB must give the Minister a full report of its operations in the most recently completed calendar year.

‘60W Administrator may replace IIB members

- ‘(1) The Governor in Council may at any time, on the recommendation of the Minister, dismiss the members of IIB.
- ‘(2) If the Governor in Council acts under subsection (1)—
 - (a) the members go out of office; and
 - (b) the Governor in Council may appoint in their place an administrator to administer IIB.
- ‘(3) A person appointed as administrator under subsection (2) must administer IIB’s affairs for the term, of not more than 2 years, decided by the Governor in Council.
- ‘(4) Subsection (3) does not stop the Governor in Council from revoking the appointment of an administrator for any reason before the term of appointment expires, either to appoint a different person as administrator or to appoint new members of IIB.
- ‘(5) While an administrator’s appointment continues, the administrator is taken to constitute IIB instead of the members.

‘60X Applying profits of IIB

- ‘(1) This section applies in relation to IIB’s function of applying its profits to promote, support and improve its services and the general welfare, including the knowledge and skills, of Aboriginal and Torres Strait Islander residents.
- ‘(2) IIB must apply its profits in the way IIB directs, subject to the approval of the Governor in Council.

‘60Y Applying assets of IIB

- ‘(1) This section applies in relation to IIB’s function of applying its assets to promote, support and improve its services and the general welfare, including the knowledge and skills, of Aboriginal and Torres Strait Islander residents.
- ‘(2) IIB must apply its assets in the way IIB directs, subject to the approval of the Governor in Council.
- ‘(3) Subsections (4) to (7) state additional requirements that apply for the application of an asset that is an operating business.
- ‘(4) IIB may, on the written request of a relevant person, enter into arrangements with 1 or more residents, or an incorporated entity controlled by residents, to transfer to the residents or entity an operating business of IIB located at the place where the residents reside or the entity is located.
- ‘(5) In deciding whether to enter into the arrangements, IIB must have regard to—
 - (a) the resources, business capability and experience of the residents or incorporated entity; and
 - (b) the impact the arrangements for transfer is likely to have on the services IIB provides generally to residents of the local government areas of TSIRC and TSC and the relevant Bamaga and Seisia areas.
- ‘(6) IIB must not enter into arrangements under subsection (4) unless the Minister has by written notice given to IIB—
 - (a) given approval generally to the transfer of the business to the residents or entity; and
 - (b) approved the particular terms of the arrangements.
- ‘(7) In this section—

arrangements includes contracts and transactions.

relevant person means—
 - (a) if the operating business is located in a division of the the local government area of TSIRC—the councillor for the division; or

- (b) if the operating business is located in the relevant Bamaga area—the councillor for the division of NPARC that is the relevant Bamaga area; or
- (c) if the operating business is located in the relevant Seisia area—the councillor for the division of NPARC that is the relevant Seisia area.’.

39 Amendment of s 61 (Aborigines’ right to certain natural resources)

- (1) Section 61, heading, ‘Aborigines’ right to certain’—
omit, insert—
‘Right of Aborigines and Torres Strait Islanders to particular’.
- (2) Section 61(1), ‘Aborigines resident in a community government area’—
omit, insert—
‘Aborigines or Torres Strait Islanders resident in a community government or IRC area’.

40 Amendment of s 62 (Aborigines’ right to certain forest products and quarry material—Aboriginal land)

- (1) Section 62, heading, ‘Aborigines’ right to certain’—
omit, insert—
‘Right of Aborigines and Torres Strait Islanders to particular’.
- (2) Section 62, heading, after ‘Aboriginal’—
insert—
‘and Torres Strait Islander’.
- (3) Section 62(1), after ‘of Aboriginal’—
insert—
‘or Torres Strait Islander’.
- (4) Section 62(1), ‘for the community government area’—

omit, insert—

‘or indigenous regional council for the community government or IRC area’.

- (5) Section 62(1), after ‘in the community government’—

insert—

‘or IRC’.

- (6) Section 62(2), after ‘community government’—

insert—

‘or indigenous regional council’.

41 Amendment of s 63 (Aborigines’ right to certain forest products and quarry material—non-Aboriginal land)

- (1) Section 63, heading—

omit, insert—

‘Right of Aborigines and Torres Strait Islanders to particular forest products and quarry material—non-Aboriginal and non-Torres Strait Islander land’.

- (2) Section 63(1), after ‘Aborigines’—

insert—

‘or Torres Strait Islanders’.

- (3) Section 63(1), ‘area of a community government’—

omit, insert—

‘or IRC area of a community government or indigenous regional council’.

- (4) Section 63(1), after ‘by the community government’—

insert—

‘or indigenous regional council’.

- (5) Section 63(1), ‘area of the community government’—

omit, insert—

‘or IRC area of the community government or indigenous regional council’.

- (6) Section 63(3), before ‘may’—

insert—

‘or indigenous regional council’.

- (7) Section 63(3), after ‘by the community government’—

insert—

‘or indigenous regional council’.

- (8) Section 63(3), ‘area of the community government’—

omit, insert—

‘or IRC area of the community government or indigenous regional council’.

42 Insertion of new s 63A

After section 63—

insert—

‘63A Confidentiality

- ‘(1) This section applies to a person who has gained, gains, or has access to, protected information through involvement in the administration of this Act.

- ‘(2) The person must not—

- (a) record or use the information, or intentionally disclose it to anyone, other than under this section; or
 (b) recklessly disclose the information to anyone.

Maximum penalty—100 penalty units or 2 years imprisonment.

- ‘(3) The person may record, use or disclose the information—

- (a) if expressly permitted or required under an Act to do so;
 or

- (b) for statistical purposes, without revealing, or being likely to reveal, the identity of a person to which it relates; or
- (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal.

‘(4) In this section—

protected information means information obtained by the chief executive under section 21.’.

43 Amendment of s 66 (Making local laws about particular matters)

(1) Section 66, ‘, a community government’—

omit, insert—

‘or indigenous regional council, a community government or indigenous regional council’.

(2) Section 66(a) and (b), after ‘community government’—

insert—

‘or IRC’.

(3) Section 66(b), before ‘its community’—

insert—

‘any community area within’.

44 Amendment of s 67 (Evidentiary aids)

Section 67(1)(a), ‘area’—

omit, insert—

‘or IRC area, or IRC division area.’.

45 Amendment of s 71 (Regulation-making power)

(1) Section 71(2)(b), ‘Aboriginal’—

omit, insert—

‘community’.

- (2) Section 71(2)(c), (h), (i) and (j), after ‘Aborigines’—
insert—
 ‘and Torres Strait Islanders’.
- (3) Section 71(2)(h), after ‘of a community government’—
insert—
 ‘or in the IRC area of an indigenous regional council’.
- (4) Section 71(2)(i), ‘Aborigines’ estates’—
omit, insert—
 ‘the estates of Aborigines and Torres Strait Islanders’.
- (5) Section 71(2)—
insert—
- ‘(p) meetings of IIB and attendances at the meetings; and
 - (q) the accounts and records to be kept by IIB, either generally or in relation to a particular business of IIB; and
 - (r) the way IIB’s accounts and records are to be kept, including records of the performance of IIB’s activities; and
 - (s) the functions, powers and duties of IIB’s officers, clerks and employees; and
 - (t) the security and protection of IIB’s property.’.

46 Replacement of pt 10 (Validating provisions)

Part 10—

omit, insert—

‘Part 10 **Transitional provisions for
Local Government and Other
Legislation (Indigenous
Regional Councils)
Amendment Act 2007**

‘79 **Definitions for pt 10**

‘In this division—

commencement means the commencement of this section.

ICC means the Island Coordinating Council established under repealed part 8.

repealed part 8 means part 8 of the repealed Torres Strait Act as in force before the repeal of that Act.

‘80 **ICC dissolved**

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

‘81 **Regulation to provide for matters relating to
dissolution of ICC**

- ‘(1) A regulation may provide for all matters necessary or convenient to provide for the dissolution of ICC.
- ‘(2) Without limiting subsection (1), a regulation under subsection (1) may provide for—
- (a) how references to ICC in any Act or document are to apply after the commencement; and
 - (b) how agreements to which ICC was a party before the commencement are to continue after the commencement; and
 - (c) how proceedings that could have been started or continued by or against ICC before the commencement may be started or continued after the commencement; and

- (d) how assets and liabilities of ICC before the commencement are to be dealt with after the commencement.

‘82 Aboriginal and Island police officers

- ‘(1) This section applies to a person if, immediately before the commencement, the person held appointment, in relation to an area, as—
 - (a) an Island police officer under the repealed Torres Strait Act; or
 - (b) an Aboriginal police officer under this Act.
- ‘(2) From the commencement, the person, without further appointment, holds appointment as a community police officer under this Act in relation to the same area, and for that purpose—
 - (a) is taken to have been appointed under this Act; and
 - (b) subject to any action that may be taken under section 14 in relation to the community police officer’s responsibilities, continues to have the same responsibilities with which the person was charged immediately before the commencement.
- ‘(3) A reference in any Act or document to an Aboriginal or Island police officer may, if the context permits, be taken to be a reference to a community police officer.

‘83 Transitional provision for IIB

- ‘(1) A person who, immediately before the commencement, was a member of the Island Industries Board under the repealed Torres Strait Act continues as a member of IIB until the end of the term for which the member was appointed.
- ‘(2) The person who, immediately before the commencement, was the member of the Island Industries Board under the repealed Torres Strait Act who held appointment as chairperson of the Island Industries Board continues as chairperson of IIB until the end of the term for which the member was appointed as chairperson.

- ‘(3) The person who, immediately before the commencement, was the member of the Island Industries Board under the repealed Torres Strait Act who held appointment as deputy chairperson of the Island Industries Board continues as deputy chairperson of IIB until IIB otherwise decides.
- ‘(4) The provisions of part 7A about disqualification from or vacation of office as a member or chairperson of IIB apply to a member or chairperson mentioned in subsection (1) or (2), including in relation to any period for which the person held appointment before the commencement.
- ‘(5) Subject to part 7A, all other matters relating to the Island Industries Board under the repealed Torres Strait Act, including for example contracts and employment arrangements entered into before the commencement, are not affected by the repeal of that Act and the commencement of part 7A.

‘84 Community justice groups for Injinoo, New Mapoon and Umagico community government areas

- ‘(1) A community justice group for a relevant community government area, existing immediately before the commencement, continues as the community justice group for the relevant community area.
- ‘(2) A person who, immediately before the commencement, was a member of a community justice group for a relevant community government area continues as a member of the community justice group for the relevant community area until—
 - (a) the end of the term for which the member was appointed; or
 - (b) the Minister decides the member is no longer eligible or suitable for appointment to the membership of the community justice group and revokes the appointment; or
 - (c) the office of the member is otherwise vacated under a regulation.

- ‘(3) The person who, immediately before the commencement, held appointment as a coordinator for a community justice group for a relevant community government area is, without further appointment, taken to hold appointment as a coordinator for the community justice group for the relevant community area.
- ‘(4) Subject to part 4, all other matters relating to a community justice group for a relevant community government area, including, for example, contracts entered into before the commencement, are not affected by the amendment of part 4’.
- ‘(5) In this section—
- relevant community government area* means each of the following community government areas under the *Local Government (Community Government Areas) Act 2004*—
- (a) Injinoo;
 - (b) New Mapoon;
 - (c) Umagico.

‘85 Community justice groups for relevant Bamaga and Seisia areas

- ‘(1) A community justice group for the relevant Bamaga or Seisia area, existing immediately before the commencement, continues as the community justice group for the relevant community area.
- ‘(2) A person who, immediately before the commencement, was a member of a community justice group for the relevant Bamaga or Seisia area continues as a member of the community justice group for the relevant community area until—
- (a) the end of the term for which the member was appointed; or
 - (b) the member resigns; or
 - (c) the Minister decides the member is no longer eligible or suitable for appointment to the membership of the community justice group and revokes the appointment.

indigenous council area means the local government area of an indigenous council.

visiting justice means a visiting justice holding appointment under section 32A.’.

- (3) Section 4(1), definition qualified person, paragraph (a), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.

- (4) Section 4(1), definition qualified person, paragraph (a), ‘Aboriginal council’—

omit, insert—

‘indigenous council’.

- (5) Section 4(1), definition qualified person, paragraph (b), ‘*Community Services (Torres Strait) Act 1984*’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.

- (6) Section 4(1), definition qualified person, paragraph (b), ‘Island council’—

omit, insert—

‘indigenous council’.

- (7) Section 4(1), definition *trustee council*, paragraph (a), ‘an Aboriginal council—that Aboriginal council’—

omit, insert—

‘an indigenous council—the indigenous council’.

- (8) Section 4(1), definition *trustee council*, paragraph (b)—

omit.

- (9) Section 4(1), definition *trustee council*, paragraph (c)—
renumber as paragraph (b).

- (10) Section 4(1), definition *trustee council*, paragraph (d)—
omit.

49 Amendment of s 10 (Divesting and vesting of title to land)

- (1) Section 10(1), ‘Aboriginal or Island council’—
omit, insert—
‘indigenous council’.
- (2) Section 10(4), ‘a council’—
omit, insert—
‘an indigenous council’.
- (3) Section 10(4)(c), ‘*Community Services (Torres Strait) Act 1984*’—
omit, insert—
‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.
- (4) Section 10(4), ‘Island council’—
omit, insert—
‘indigenous council’.

50 Amendment of s 16 (Assessment of rent)

- Section 16(1) and (2), ‘Aboriginal council or the Island council’—
omit, insert—
‘indigenous council’.

51 Amendment of s 17 (Payment of rent)

- Section 17(1), ‘Aboriginal council or the Island council’—
omit, insert—
‘indigenous council’.

52 Amendment of s 18 (Dealings with leases)

Section 18(4), ‘Aboriginal council or an Island council’—
omit, insert—
‘indigenous council’.

53 Amendment of s 21 (Forfeiture upon default in rent)

- (1) Section 21(1)(b), ‘Aboriginal council or the Island council’—
omit, insert—
‘indigenous council’.
- (2) Section 21(4), ‘Aboriginal council or an Island council’—
omit, insert—
‘indigenous council’.

54 Amendment of s 22 (Action upon nonoccupation)

Section 22(1), ‘Aboriginal council or the Island council’—
omit, insert—
‘indigenous council’.

55 Amendment of s 23 (Action upon nonutilisation)

Section 23(1), ‘Aboriginal council or the Island council’—
omit, insert—
‘indigenous council’.

56 Amendment of s 25 (Procedure upon forfeiture)

Section 25(1)(a), ‘Aboriginal council or an Island council’—
omit, insert—
‘indigenous council’.

57 Amendment of s 27 (Consequences of forfeiture)

Section 27(a), ‘Aboriginal council or an Island council’—
omit, insert—
‘indigenous council’.

58 Amendment of s 28 (Appeal against classification of as nonqualified person)

Section 28(1), ‘Aboriginal council or an Island council’—
omit, insert—
‘indigenous council’.

59 Amendment of s 29 (Nomination of panels)

- (1) Section 29(1), ‘Aboriginal council’—
omit, insert—
‘indigenous council’.
- (2) Section 29(1), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’—
omit, insert—
‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.
- (3) Section 29(2)—
omit.
- (4) Section 29(3), ‘Aboriginal council or an Island council’—
omit, insert—
‘indigenous council’.
- (5) Section 29(3), as amended—
renumber as section 29(2).

60 Amendment of s 30 (Constitution of appeal tribunals)

Section 30(2), ‘Aboriginal council or Island council’—

omit, insert—

‘indigenous council’.

61 Amendment of s 31 (Representations to council or appeals tribunal)

Section 31, ‘Aboriginal council or an Island council’—

omit, insert—

‘indigenous council’.

62 Amendment of s 32 (Land deemed part of trust area for certain purposes)

(1) Section 32(1), ‘a council area’—

omit, insert—

‘an indigenous council area’.

(2) Section 32(1)(c), ‘*Community Services (Torres Strait) Act 1984*’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.

(3) Section 32(1), ‘Island council’—

omit, insert—

‘indigenous council’.

63 Insertion of new s 32A

After section 32—

insert—

‘32A Visiting justices

‘The Governor in Council may appoint a justice to be a visiting justice to 1 or more trust areas for the purposes of sections 25 and 30.’.

64 Amendment of s 33B (Transitional)

Section 33B(2)(a), ‘Aboriginal council or Island council’—
omit, insert—
 ‘indigenous council’.

Part 4 Amendment of Bail Act 1980

65 Act amended in pt 4

This part amends the *Bail Act 1980*.

66 Amendment of s 6 (Definitions)

Section 6, definition *community justice group*, paragraph (a), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5, division 1, or the *Community Services (Torres Strait) Act 1984*, part 5, division 1’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4, division 1’.

67 Insertion of new ss 34C–34E

After section 34B—

insert—

‘34C Access to court files by representative of community justice group in defendant’s community

- ‘(1) This section applies if a defendant is an Aboriginal or Torres Strait Islander person.
- ‘(2) A representative of the community justice group in the defendant’s community may inspect a court file, or a document in a court file, or obtain a copy of information from a court file or document, that may be relevant to making a

submission about the defendant under section 15(1)(f) or 16(2)(e).

- ‘(3) However, subsection (2) applies only if the court directs that the information be made available or given to the representative.
- ‘(4) The court may make the direction whether or not the representative has made an application to the court for the direction.
- ‘(5) In deciding whether to direct that information be made available or given to the representative, the court may have regard to the following—
 - (a) whether the representative would otherwise have access to the information;
 - (b) whether the defendant consents to the information being made available or given to the representative.
- ‘(6) Subsection (5) does not limit the matters to which the court may have regard.

‘34D Confidentiality

- ‘(1) A person who is a member of a community justice group must not—
 - (a) record or use information the person, or another person who is a member of the community justice group, gains through performing a function under this Act, or intentionally disclose it to anyone, other than under subsection (2); or
 - (b) recklessly disclose the information to anyone.

Maximum penalty—100 penalty units or 2 years imprisonment.
- ‘(2) A person who is a member of a community justice group may—
 - (a) record, use or disclose the information if the recording, use or disclosure—
 - (i) is done as part of making submissions to—

- (A) the court under section 15(1)(f); or
 - (B) the court or a police officer under section 16(2)(e); or
 - (ii) is otherwise required or permitted by law; or
 - (b) disclose the information to another member of the community justice group.
- ‘(3) In this section—
- disclose* information to someone else means—
- (a) orally disclose the information to the other person; or
 - (b) produce to the other person, or give the other person access to, a document containing the information; or
 - (c) disclose the information to the other person in another way.

‘34E Protection from liability

- ‘(1) This section applies to a person who—
- (a) is a member of the community justice group in a defendant’s community; and
 - (b) is responsible for the making of a submission about the defendant to—
 - (i) a court under section 15(1)(f); or
 - (ii) a court or a police officer under section 16(2)(e).
- ‘(2) For subsection (1)(b), it does not matter that the person did not personally make the submission to the court or the police officer.
- ‘(3) The person is not civilly liable for an act done, or an omission made, honestly and without negligence in relation to the making of the submission.’.

Part 5 Amendment of Criminal Code

68 Act amended in pt 5

This part amends the Criminal Code.

69 Amendment of s 119B (Retaliation against judicial officer, juror, witness or family)

- (1) Section 119B, heading, ‘or family’—
omit, insert—
‘etc’.
- (2) Section 119B, after ‘witness’, first mention—
insert—
‘or member of a community justice group,’.
- (3) Section 119B, ‘or witness’, first mention—
omit, insert—
‘, witness or member of a community justice group,’.
- (4) Section 119B—
insert—
‘(c) anything lawfully done by any member of the community justice group a representative of which makes a submission—
 - (i) to a court or police officer under the *Bail Act 1980* about a defendant who is an Aboriginal or Torres Strait Islander person; or
 - (ii) to a court or police officer under the *Juvenile Justice Act 1992* about a child who is an Aboriginal or Torres Strait Islander person; or
 - (iii) to a court under the *Penalties and Sentences Act 1992* about an offender who is an Aboriginal or Torres Strait Islander person.’.
- (5) Section 119B—

insert—

‘(2) In this section—

community justice group means—

- (a) for a defendant under the *Bail Act 1980*—see the *Bail Act 1980*, section 6; or
- (b) for a child under the *Juvenile Justice Act 1992*—see the *Juvenile Justice Act 1992*, schedule 4; or
- (c) for an offender under the *Penalties and Sentences Act 1992*—see the *Penalties and Sentences Act 1992*, section 4.’.

70 Amendment of s 552C (Constitution of Magistrates Court)

Section 552C(5)(a), ‘council area under the *Community Services (Torres Strait) Act 1984*’ —

omit, insert—

‘a local government area of an indigenous regional council under the *Local Government Act 1993*’.

Part 6 Amendment of Indigenous Communities Liquor Licences Act 2002

71 Act amended in pt 6

This part amends the *Indigenous Communities Liquor Licences Act 2002*.

72 Amendment of schedule (Dictionary)

(1) Schedule, definitions *community justice group* and *indigenous council*—

omit.

(2) Schedule—

insert—

‘community justice group means a community justice group established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4.

indigenous council means—

- (a) a community government under the *Local Government (Community Government Areas) Act 2004*; or
- (b) the Council of the Shire of Aurukun; or
- (c) the Council of the Shire of Mornington; or
- (d) NPARC; or
- (e) TSIRC.

NPARC means the Northern Peninsula Area Regional Council.

TSIRC means the Torres Strait Island Regional Council.’.

Part 7 **Amendment of Justices of the Peace and Commissioners for Declarations Act 1991**

73 **Act amended in pt 7**

This part amends the *Justices of the Peace and Commissioners for Declarations Act 1991*.

74 **Amendment of s 35 (Prohibition on reward)**

Section 35(2), definition *reward*, after ‘consideration’—

insert—

‘but, for a justice of the peace (magistrates court), does not include a daily sitting fee paid to the person for constituting a

court at a place at which a Magistrates Court may be constituted, if the place is within a community area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

Part 8 Amendment of Juvenile Justice Act 1992

75 Act amended in pt 8

This part amends the *Juvenile Justice Act 1992*.

76 Amendment of s 285 (When does someone gain information through involvement in the administration of this Act)

(1) Section 285(1)(g)—

renumber as paragraph (h).

(2) Section 285(1)—

insert—

‘(g) a member of the community justice group in a child’s community;’.

77 Amendment of s 289 (Recording, use or disclosure for authorised purpose)

(1) Section 289(c) to (h)—

renumber as section 289(d) to (i).

(2) Section 289—

insert—

‘(c) if the person is a member of the community justice group in a child’s community, as part of making submissions about the child to—

- (i) a court or police officer under section 48(3)(da); or
- (ii) a court under section 150(1)(g); or’.

78 Insertion of new s 289A

After section 289—

insert—

‘289A Disclosure to another member of the community justice group in a child’s community

- ‘(1) This section applies if the person is a member of the community justice group in a child’s community.
- ‘(2) The person may disclose the information to another member of the community justice group.’.

79 Insertion of new s 301A

Part 9, after section 301—

insert—

‘301A Protection from liability

- ‘(1) This section applies to a person who—
 - (a) is a member of the community justice group in a child’s community; and
 - (b) is responsible for the making of a submission about the child to—
 - (i) a court or a police officer under section 48(3)(da); or
 - or
 - (ii) a court under section 150(1)(g).
- ‘(2) For subsection (1)(b), it does not matter that the person did not personally make the submission to the court or the police officer.
- ‘(3) The person is not civilly liable for an act done, or an omission made, honestly and without negligence in relation to the making of the submission.’.

80 Amendment of sch 4 (Dictionary)

Schedule 4, definition *community justice group*, paragraph (a), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5 or the *Community Services (Torres Strait) Act 1984*, part 5’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4’.

Part 9 Amendment of Liquor Act 1992

81 Act amended in pt 9

This part amends the *Liquor Act 1992*.

82 Amendment of s 4 (Definitions)

- (1) Section 4, definitions *Aboriginal police officer*, *community area* and *Island police officer*—

omit.

- (2) Section 4

insert—

‘**community area** means a community area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

community police officer means a person who is—

- (a) appointed as a community police officer under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, or as an Aboriginal police officer under the *Local Government (Aboriginal Lands) Act 1978*, for a community area; and
- (b) authorised under that Act to exercise the powers of an investigator under part 7 of this Act for the

administration and enforcement of a prescribed provision and sections 168B, 169 and 171 in the area.

indigenous regional council means an indigenous regional council under the *Local Government Act 1993*.

- (3) Section 4, definition *community justice group*, ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5 or the *Community Services (Torres Strait) Act 1984*, part 5’—
omit, insert—
‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4’.
- (4) Section 4, definition *Council*, paragraph (b)—
omit, insert—
‘(b) an indigenous regional council under the *Local Government Act 1993*; or’.
- (5) Section 4, definition *investigator*, paragraph (c)(ii), ‘an Aboriginal police officer or Island police officer’—
omit, insert—
‘a community police officer’.
- (6) Section 4, definition *prescribed provision*, from ‘means—’—
omit, insert—
‘means the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 35.’.

83 Amendment of s 174A (Powers of Aboriginal and Island police officers)

- (1) Section 174A, heading, ‘Aboriginal and Island police officers’—
omit, insert—
‘**community police officers**’.
- (2) Section 174A, ‘an Aboriginal police officer or Island police officer’—

omit, insert—

‘a community police officer’.

- (3) Section 174A(3), examples, ‘An Aboriginal or Island police officer’—

omit, insert—

‘A community police officer’.

84 Amendment of s 176 (Entry and search—monitoring compliance)

Section 176(2)(e), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5, or the *Community Services (Torres Strait) Act 1984*, part 6,’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 5’.

85 Amendment of s 187EB (Forfeiture of seized property to prevent commission of particular offences—chief executive)

Section 187EB(5)(b), from ‘place’—

omit, insert—

‘place in—

- (i) if the community area is an IRC division area under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*—the IRC division area’s office; or
- (ii) otherwise—the Council’s office for the area.’.

Part 10 **Amendment of Local Government (Aboriginal Lands) Act 1978**

86 **Act amended in pt 10**

This part amends the *Local Government (Aboriginal Lands) Act 1978*.

87 **Amendment of s 2 (Definitions)**

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

‘(a) the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 35;¹ and’.

88 **Amendment of s 14 (Composition of committees)**

Section 14(1)(b), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.

89 **Amendment of s 17 (Functions of committees)**

Section 17(e), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.

¹ *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 35 (Possession or consumption of alcohol in or on dry place)

90 Insertion of new s 18A

Part 5—

insert—

‘18A Application of pt 5

‘This part, apart from section 32,² applies only in relation to that part of the local government area of the Shire of Mornington that was the local government area of the Shire of Mornington immediately before the day that, under the *Local Government Act 1993*, part 1B, is the changeover day for the adjusted local government area of Mornington.’.

91 Replacement of sch 1 hdg

Schedule 1, heading—

omit, insert—

‘Schedule 1 Conditions and reservations’.

Part 11 Amendment of Local Government Act 1993

92 Act amended in pt 11

This part amends the *Local Government Act 1993*.

93 Omission of ch 1, pt 6 (Application of Act to Torres Strait Islander local governments)

Chapter 1, part 6—

omit.

² Section 32 (Appointment of chief executive officer of councils)

- 94 Amendment of s 18 (Declaration of classes of local government areas)**
Section 18(4), ‘3 classes of city, town and shire or to the’—
omit.
- 95 Omission of s 40 (Application of part to Torres Strait Islander local governments)**
Section 40—
omit.
- 96 Omission of s 56 (Application of part to Torres Strait Islander local governments)**
Section 56—
omit.
- 97 Omission of ch 2A (Townsville-Thuringowa water supply joint board)**
Chapter 2A—
omit.
- 98 Amendment of s 159YA (Application of pt 1B)**
Section 159YA—
insert—
‘(3) This part does not apply to a joint local government.
(4) Subsection (3) does not prevent a reform implementation regulation from making provision for joint local governments.’.
- 99 Amendment of s 159YD (Definitions for pt 1B)**
Section 159YD, definition *transferring area C*, ‘LGTA3’—

omit, insert—

‘LGTA3, edition 2’.

100 Amendment of s 159YE (Changeover day)

Section 159YE(3), after ‘local government’—

insert—

‘area’.

101 Insertion of new s 159YHA

Chapter 3, part 1B, division 2, subdivision 2—

insert—

‘159YHA Particular entities go out of existence

‘Each merging local government whose local government area is totally abolished under this part goes out of existence immediately the abolition of the local government area is complete.

Examples—

Calliope Shire Council goes out of existence on the changeover day for the new local government area of Gladstone. Taroom Shire Council goes out of existence on the changeover day for the adjusted local government area of Banana or on the changeover day for the new local government area of Dalby, whichever day is the later.

Note—

This section does not apply to Ipswich City Council or Torres Shire Council as their respective merging local government areas are not totally abolished under this part.’.

101A Amendment of s 159YJ (Operation of sch 1A, pt 2)

Section 159YJ(2)—

insert—

‘(da) if the entry in schedule 1A, part 2, column 4 states division numbers—

- (i) its local government area is divided into divisions that have the division boundaries shown in the area map stated in schedule 1A, part 2, column 3; and
- (ii) it has the number of councillors assigned to each division as stated in the entry in schedule 1A, part 2, column 4;’.

102 Amendment of s 159ZB (Functions of interim chief executive officer before changeover day)

Section 159ZB—

insert—

- ‘(4) In addition to the functions of an interim chief executive officer stated in subsections (1) and (2), the interim chief executive officer for each of the new local governments of the Northern Peninsula Area Regional Council and the Torres Strait Island Regional Council must conduct the elections of the members of the community forums for the new local government.’.

103 Amendment of s 159ZH (Local government workforce transition code of practice)

Section 159ZH—

insert—

- ‘(6) A workforce transition code of practice, whether made before or after the commencement of this subsection, is not subordinate legislation, but is a statutory instrument.’.

104 Amendment of s 159ZK (Holding of 2008 quadrennial elections)

Section 159ZK—

insert—

- ‘(5) The exclusion, under the *Local Government (Community Government Areas) Act 2004*, section 11(2), of the application of chapter 5 to a community government area or the

community government for an area has no effect for the 2008 quadrennial elections.’.

105 Amendment of s 159ZM (Changed application of s 220 for Northern Peninsula Area and Torres Strait Island regional councils)

Section 159ZM, from ‘Council,’—

omit, insert—

‘Council—

- (a) a person is qualified to become a councillor, other than the mayor, of the Northern Peninsula Area Regional Council only if the person lives in the particular division for which the person is to be a candidate; and
- (b) a person is qualified to become a councillor, including the mayor, of the Torres Strait Island Regional Council only if the requirements stated in part 1C, division 2 in relation to the application of sections 220 and 254 are complied with.’.

106 Insertion of new ch 3, pt 1C

Chapter 3—

insert—

‘Part 1C Particular provisions for implementation of reform matters for indigenous regional councils

‘Division 1 Preliminary

‘159ZZB Application of pt 1B definitions

‘Words defined for part 1B have the same meaning in this part.

‘159ZZC Definitions for pt 1C

‘In this part—

NPARC means the new local government known as the Northern Peninsula Area Regional Council.

TSIRC means the new local government known as the Torres Strait Island Regional Council.

‘Division 2 Torres Strait Island Regional Council

‘159ZZD Particular entities go out of existence

‘(1) On the changeover day for the Torres Strait Island Region, each relevant entity, as in existence immediately before the changeover day, goes out of existence.

‘(2) In this section—

relevant entity means each Island council under the repealed Torres Strait Act, other than the Island councils for the following council areas under that Act—

- (a) Bamaga council area;
- (b) Seisia council area.

‘159ZZE TSIRC jurisdiction extends to Island custom

‘In exercising the jurisdiction of local government under section 25, TSIRC may take account of Island custom.

‘159ZZF Changed application of ss 220 and 254

‘(1) For applying section 220(1)³ to the local government area of TSIRC, including for the 2008 quadrennial elections—

- (a) a person is qualified to become a councillor, other than the mayor, of TSIRC only if—

3 Section 220 (General qualifications for membership)

- (i) the person is a Torres Strait Islander or an Aborigine; and
 - (ii) the person, on the nomination day for the election, has lived in the particular division for which the person is to be a candidate for the 2 years immediately preceding the nomination day; and
- (b) a person is qualified to become the mayor of TSIRC only if—
- (i) the person is a Torres Strait Islander or an Aborigine; and
 - (ii) the person, on the nomination day for the election, has lived in the local government area of TSIRC for the 2 years immediately preceding the nomination day.
- ‘(2) For applying section 254⁴ to the local government area of TSIRC, a person is qualified to be appointed as the mayor or other councillor of TSIRC only if—
- (a) the person is a Torres Strait Islander or an Aborigine; and
 - (b) on the day of the appointment, the person would be qualified to be nominated for election if the day of the appointment were the nomination day for an election.

‘Division 3 Northern Peninsula Area Regional Council

‘159ZZG Particular entities go out of existence

- ‘(1) On the changeover day for the Northern Peninsula Area Region, each relevant entity, as in existence immediately before the changeover day, goes out of existence.
- ‘(2) In this section—
relevant entity means—

⁴ Section 254 (Filling of later vacancies by appointment)

- (a) each of the Island councils under the repealed Torres Strait Act for the following council areas under that Act—
 - (i) Bamaga council area;
 - (ii) Seisia council area; and
- (b) each of the community governments under the *Local Government (Community Government Areas) Act 2004* for the following community government areas under that Act—
 - (i) Injinoo;
 - (ii) New Mapoon;
 - (iii) Umagico.

‘159ZZH NPARC jurisdiction extends to Aboriginal tradition and Island custom

- ‘(1) In exercising the jurisdiction of local government under section 25, NPARC may take account of —
 - (a) in relation to the relevant Aboriginal areas—Aboriginal tradition; and
 - (b) in relation to the relevant Torres Strait areas—Island custom.

- ‘(2) In this section—

relevant Aboriginal area means each of the following community government areas under the *Local Government (Community Government Areas) Act 2004*, immediately before the changeover day for NPARC—

- (a) Injinoo;
- (b) New Mapoon;
- (c) Umagico.

relevant Torres Strait area means the area that, immediately before the changeover day for NPARC, was the Bamaga or Seisia council area under the repealed Torres Strait Act.

‘Division 4 Indigenous regional councils generally

‘Subdivision 1 Community forums

‘159ZZI Function of community forum

- ‘(1) A community forum established under this subdivision has the function of advising its indigenous regional council about the following—
- (a) planning, including land use planning;
 - (b) service delivery;
 - (c) culture.
- ‘(2) An indigenous regional council must not establish any other body to perform the functions of a community forum.

‘159ZZJ Establishing community forums

- ‘(1) The Minister must establish a group of persons (a *community forum*) for each division into which the local government area of an indigenous regional council is divided for electoral purposes.
- ‘(2) In deciding, subject to subsections (3) and (4), the name of each community forum and its number of members, the Minister must seek the advice of—
- (a) for the first community forum—the local transition committee for the new local government area of the indigenous regional council; or
 - (b) otherwise—the indigenous regional council.
- ‘(3) Each community forum must have—
- (a) at least 3, but not more than 7, ordinary members, qualified as prescribed under a regulation; and
 - (b) a chairperson who is the councillor for the division for which the community forum is established.

- ‘(4) A community forum must be called ‘... (*insert name of division or other distinguishing title*) ... Community Forum’.
- ‘(5) Any processes in relation to establishing a community forum, including electing ordinary members of the community forum and filling casual vacancies, must be carried out in accordance with a regulation.
- ‘(6) The election of the ordinary members of a community forum must be held at the time, provided for under a regulation, that is at the same time as, or is as close as practicable to, the quadrennial elections for the community forum’s indigenous regional council.
- ‘(7) An ordinary member of a community forum holds office until the completion of the next election of the ordinary members of the forum that happens after the election at which the ordinary member was elected.
- ‘(8) Subject to the requirements of this section, including a regulation under subsection (5), a community forum’s indigenous regional council must decide all matters necessary for the operation of the forum.
- ‘(9) The Minister must publish in the gazette the name of each community forum and the names of its members.

‘159ZZK Mayor or mayoral candidate ineligible for community forum membership

‘A person is not qualified to be elected as an ordinary member of a community forum if the person is—

- (a) if the election for the ordinary members of the community forum happens at the same time as an election for the mayor of the community forum’s indigenous regional council—a candidate for election as mayor of the council; or
- (b) otherwise—the mayor of the community forum’s indigenous regional council.

‘159ZZL Payment of expenses to ordinary members of community forum

- ‘(1) An ordinary member of a community forum is not entitled to payment of any remuneration.
- ‘(2) However, an indigenous regional council may authorise—
 - (a) the payment to the ordinary members of a community forum of the expenses incurred, or to be incurred, by the members; or
 - (b) the provision of facilities to the ordinary members of a community forum.

‘159ZZM Community forum convenor

- ‘(1) The indigenous regional council must, for each community forum, appoint a qualified person as the convenor for the community forum.
- ‘(2) A councillor, including the mayor, of the indigenous regional council can not be appointed as the convenor of a community forum.
- ‘(3) The same person may be appointed as convenor for 2 or more community forums if the indigenous regional council is satisfied the person can effectively exercise the convenor’s functions for the 2 or more community forums.
- ‘(4) The convenor for a community forum—
 - (a) may be appointed on a full time or part time basis; and
 - (b) may perform functions for the indigenous regional council in addition to the convenor’s functions as a convenor.
- ‘(5) The terms and conditions of appointment of the convenor are decided by the indigenous regional council.
- ‘(6) The person appointed as convenor for a community forum must not also be an ordinary member or the chairperson of the forum.
- ‘(7) The convenor is otherwise taken to be a member of the forum, but may not vote as a member at meetings of the forum.

‘(8) In this section—

qualified means having experience in the administration of land.

‘159ZZN Functions of community forum convenor

‘The convenor for a community forum has the following functions—

- (a) to facilitate the meetings of the community forum;
- (b) to report the decisions of the forum to the indigenous regional council;
- (c) to provide necessary administrative support to the community forum.

‘159ZZO Meetings open to public

- ‘(1) All meetings of a community forum, including of a community forum constituted as a land panel under subdivision 2, must be open to the public.
- ‘(2) The convenor of the community forum must give public notice, within the division for which the community forum is established, of the time and date of each meeting at least 7 days before the meeting takes place.

‘Subdivision 2 Management of community deeds of grant in trust

‘159ZZP Indigenous regional council as trustee of community deed of grant in trust

- ‘(1) An indigenous regional council, as the trustee of community deeds of grant in trust, must separately constitute itself to perform its functions as the trustee.
- ‘(2) The trustee, must, to the greatest practicable extent, establish formal arrangements for advising the indigenous regional council, in its capacity as a local government, of matters relating to trust land.

- ‘(3) The indigenous regional council must establish arrangements for the keeping of any trustee accounts, but the trustee must otherwise keep separate records for all matters relating to community deeds of grant in trust.
- ‘(4) Meetings of the trustee must be convened and conducted as separate meetings from meetings of the indigenous regional council.
- ‘(5) Subsections (2) to (4) do not limit subsection (1).

‘159ZZQ Restrictions on exercise of indigenous regional council’s powers as trustee under Land Act

- ‘(1) The requirements applying under this subdivision to the trustee of a community deed of grant in trust are additional to all requirements applying under the *Land Act 1994* and any other law.

Example of other law—

Aboriginal and Torres Strait Islanders (Land Holding) Act 1985

- ‘(2) However, the ability of the trustee to manage land the subject of the deed of grant in trust under the *Land Act 1994* or this Act is not otherwise affected.
- ‘(3) Nothing in this division is intended to affect the status that any land has under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991*.

‘159ZZR Mayor does not vote at meetings of trustee

- ‘(1) Meetings of the trustee of a community deed of grant in trust are chaired by the mayor of the indigenous regional council that is the trustee.
- ‘(2) However the mayor is not entitled to a vote on any matter arising at a meeting of the trustee, including on any trustee decision.

‘159ZZS Community forum constituted as land panel

- ‘(1) A community forum must separately constitute itself as a land panel in relation to any community deed of grant in trust

whose trust land is within the division for which the community forum is established.

- ‘(2) The land panel has the separate function of advising the trustee of the community deed of grant in trust in relation to all matters arising about trust land the subject of the deed of grant in trust.
- ‘(3) The chairperson of the community forum is also the chairperson of the land panel.
- ‘(4) The Minister may decide the name of the land panel, but a land panel must be called ‘... (*insert* name of division or other distinguishing title) ... Land Panel’.
- ‘(5) In deciding, subject to subsection (4), the name of the land panel, the Minister must seek the advice of the trustee.
- ‘(6) Subject to the requirements of this section, the trustee must decide all matters necessary for the operation of the land panel.
- ‘(7) The Minister must publish in the gazette the name of each land panel and the names of its members.

‘159ZZT Convenor for land panel

‘The convenor for a community forum that is also a land panel is also the convenor for the land panel.

‘159ZZU Functions of convenor for land panel

‘The convenor for a land panel has the following functions—

- (a) to the greatest practicable extent, to ensure the land panel operates in an effective and efficient way;
- (b) if asked by the trustee of the community deed of grant in trust for which the land panel is constituted, to help the trustee to manage the trustee’s responsibilities—
 - (i) under the *Land Act 1994*; and
 - (ii) under any other Act that applies to the trustee;
- (c) to facilitate the meetings of the land panel;

- (d) to report the decisions of the land panel to the trustee;
- (e) to provide necessary administrative support to the land panel;
- (f) to facilitate the attendance of the local community at meetings of the land panel;
- (g) to communicate the trustee's views, information and requests about land matters to the land panel, and the land panel's views, information and requests about land matters to the trustee;
- (h) other functions decided by the trustee by resolution.

'159ZZV Trustee decisions

'Requirements stated under this subdivision apply to the trustee of a community deed of grant in trust for any of the following decisions (each a *trustee decision*) in relation to the trust land under the deed of grant in trust—

- (a) any decision relating to the creation of an interest in the trust land;

Example—

a decision under the *Land Act 1994* to lease the trust land, to amend a trustee lease over the land, to approve the transfer, mortgage or sublease of a trustee lease or to issue a trustee permit

- (b) any decision to establish an improvement on the trust land;
- (c) any other decision in relation to the trust land that the trustee by resolution decides is a decision to which this section applies.

'159ZZW Land panel participation in making of trustee decision

- (1) When a trustee decision is to be made in relation to a community deed of grant in trust, the trustee must give written notice of its intention to make the decision to the land panel for the division that is the subject of the community deed of grant in trust.

- ‘(2) The written notice must give the land panel reasonably sufficient information about the trustee decision to be made, and reasonably sufficient time, to allow the land panel to form a view on what the decision should be.
- ‘(3) The land panel must within a reasonable time give written notice to the trustee, advising the trustee of what the land panel thinks the decision should be.
- ‘(4) The convenor for the land panel must keep the trustee informed of the progress of the land panel towards deciding what to advise the trustee.
- ‘(5) When the trustee makes the trustee decision, the trustee must have regard to any advice received from the land panel.
- ‘(6) Subsections (7) and (8) apply if—
 - (a) the trustee makes its trustee decision; and
 - (b) the decision is not consistent with the advice received from the land panel under this section.
- ‘(7) The trustee must give the land panel written notice of the reasons for its decision.
- ‘(8) If the land panel advises the trustee, or gives advice to the trustee to the effect, that it does not support the trustee’s decision, the trustee must take reasonable steps to make the reasons publicly available.

‘159ZZX Special requirements for absolute majority and for agreement of councillor for relevant division

- ‘(1) This section states 2 special requirements for an effective trustee decision.
- ‘(2) Firstly, to have effect, a trustee decision must have the agreement of a majority of the councillors (other than the mayor) of the indigenous regional council that is the trustee, regardless of how many councillors take part in the meeting that makes the decision.

Example—

If the trustee is TSIRC, the number of votes needed would be 8, regardless of how many attend the meeting.

- ‘(3) Secondly, and subject to subsections (5) to (7), to have effect, a trustee decision must have the agreement of the councillor (the *relevant councillor*) for the division that is the subject of the community deed of grant in trust.
- ‘(4) For subsection (3), it does not matter whether the agreement of the relevant councillor is given as part of the majority vote of the trustee or is in some other way clearly communicated to the trustee.
- ‘(5) The trustee must take all reasonable steps to ensure that the relevant councillor is able to vote on, or otherwise communicate the councillor’s agreement or disagreement with, the trustee decision.
- ‘(6) If, despite the trustee’s reasonable steps under subsection (5), the relevant councillor does not participate in the trustee decision either by vote or by communication of agreement or disagreement, the trustee—
 - (a) may proceed to decide what the trustee decision is proposed to be; and
 - (b) must advise the land panel of which the relevant councillor is the chairperson of its proposed decision; and
 - (c) must give the land panel a reasonable opportunity to state its views on the proposed decision.
- ‘(7) If the land panel does not advise its views to the trustee within a reasonable time, the trustee may nevertheless proceed to make the trustee decision.

‘159ZZY Seeking advice and views other than about trustee decision

- ‘(1) The trustee of a community deed of grant in trust may, by resolution, refer a matter, other than a trustee decision, about land to a land panel to obtain its advice.
- ‘(2) The trustee must allow the land panel a reasonable time to provide its advice.

‘159ZZZ Meetings of trustee to be open to the public unless otherwise resolved

- ‘(1) All meetings of the trustee of a community deed of grant in trust must be open to the public unless the trustee has resolved under this section that the meeting be closed to the public.
- ‘(2) A trustee, may resolve that a meeting mentioned in subsection (1) be closed to the public if the trustee considers it necessary to close the meeting to discuss—
 - (a) the appointment, dismissal or discipline of employees; or
 - (b) industrial matters affecting employees; or
 - (c) the trustee’s budget; or
 - (d) contracts proposed to be made by the trustee; or
 - (e) starting or defending legal proceedings involving the trustee; or
 - (f) other business for which a public discussion would be likely to prejudice the interests of the trustee or someone else, or enable a person to gain a financial advantage.
- ‘(3) A resolution that a meeting be closed must specify the nature of the matters to be considered while the meeting is closed.
- ‘(4) The trustee must not make a resolution (other than a procedural resolution) in a closed meeting.

‘159ZZZA Grouping of trust land not available

‘The chief executive under the *Land Act 1994* must not approve the grouping of trust land under the *Land Act 1994*, section 62, if any of the trust land is the subject of a community deed of grant in trust.

‘Subdivision 3 Other matters

‘159ZZZB Extended jurisdiction

‘For an indigenous regional council, the jurisdiction of local government under section 25⁵ includes to make local laws for, and to otherwise ensure the promotion, maintenance and regulation, in its local government area, of—

- (a) peace and order; and
- (b) the delivery of services appropriate to the social needs of its communities.

‘159ZZZC Additional reasons for appointment of financial controller

‘Without limiting section 188B,⁶ the Minister may recommend the Governor in Council act under section 188B(1) in relation to an indigenous regional council if the Minister is satisfied on reasonable grounds that the indigenous regional council—

- (a) has made a disbursement from a fund that is not provided for in the indigenous regional council’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 failed to implement adequate financial management strategies for the funds under its control.

‘159ZZZD Revocation or suspension of particular resolutions or orders

- ‘(1) This section applies to an indigenous regional council in addition to section 188D.⁷

5 Section 25 (Jurisdiction of local government)

6 Section 188B (Appointment of financial controller)

7 Section 188D (Power of financial controller to advise chief executive about resolution or order)

- ‘(2) A financial controller for an indigenous regional council may, by written notice to the indigenous regional council’s chief executive officer—
- (a) revoke, or suspend the operation of, a resolution of the council or an order issued by the council to give effect to a resolution; and
 - (b) end the suspension of the resolution or order.
- ‘(3) 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 indigenous regional council; 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 indigenous regional council to become insolvent.
- ‘(4) The notice must state the reasons for the revocation or suspension.
- ‘(5) The suspension may be for a stated period or indefinite.
- ‘(6) A resolution or order that is revoked under this section—
- (a) ceases to have effect on the day stated in the notice to the indigenous regional council’s chief executive officer; or
 - (b) if no day is stated—is taken never to have had effect.
- ‘(7) A resolution or order of an indigenous regional council the operation of which is suspended under this section does not have effect while it is suspended.
- ‘(8) 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 an indigenous regional council’s resolution or order under this section.

‘159ZZZE Councillor to chair community forum

- ‘(1) This section applies to a person who is a councillor of an indigenous regional council in addition to section 229.⁸
- ‘(2) The person must chair the community forum, and any land panel, for the division for which the person is the councillor.

‘159ZZZF Special accounting provision for particular payments

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

‘159ZZZG Power of indigenous regional council to make and levy charge on residents

- ‘(1) An indigenous regional council may, by resolution, make and levy a charge on residents of residential premises in its local government area.
- ‘(2) However, the indigenous regional council may exempt a resident from payment of a charge under subsection (1).
- ‘(3) Without limiting subsection (2), the indigenous regional council may give an exemption if another amount is payable to the indigenous regional council in relation to the premises.
- ‘(4) This section does not limit section 973.⁹

8 Section 229 (Councillors’ role)

9 Section 973 (Utility charges)

‘159ZZZH Limited application of ch 14

‘Chapter 14 does not apply to an indigenous regional council, or to the local government area of an indigenous regional council, to the extent that its application relies on the valuation of land under the *Valuation of Land Act 1944*.

‘159ZZZI Disposal of land

- ‘(1) Chapter 6, part 3, division 3¹⁰ does not apply to the disposal of land, or an interest in land, the subject of a deed of grant in trust of which an indigenous regional council is the trustee.
- ‘(2) For applying section 492(1)(a)¹¹ to any other land or interest in land of an indigenous regional council, the exemption from section 491¹² is taken to include an exemption for the disposal of the land or interest to persons whose restored enjoyment of the land or interest would be consistent with Aboriginal tradition or Island custom.

Note—

Under transitional arrangements, chapter 6, part 3 applies to an indigenous regional council only to the extent a regulation states that it applies. See chapter 19, part 14.’.

107 Amendment of s 188B (Appointment of financial controller)

Section 188B(1), ‘by regulation’—

omit, insert—

‘by gazette notice’.

10 Chapter 6 (General operation of local governments), part 3 (Contracts and related activities), division 3 (Procedural contracting model)

11 Section 492 (Exemptions)

12 Section 491 (When tenders or auctions are required)

108 Omission of s 190 (Application of part to Torres Strait Islander local governments)

Section 190—

omit.

109 Amendment of s 191 (Local Government Grants Commission and its members)

Section 191(3)(b)(ii)—

omit, insert—

‘(ii) local government in relation to local government areas of indigenous regional councils; and’.

110 Amendment of s 242 (Requirements of councillors before acting in office)

Section 242(4A), ‘City’—

omit, insert—

‘Region/City’.

111 Amendment of s 250AK (Deciding remuneration)

(1) Section 250AK(1)(a), ‘mayor’—

omit, insert—

‘mayor or deputy mayor’.

(2) Section 250AK(1)(b), ‘to’—

omit.

(3) Section 250AK(1)—

insert—

‘(c) a deputy mayor of a local government in the category.’

(4) Section 250AK—

insert—

‘(2A) Also, the remuneration decided under subsection (1) must not include any contribution a local government makes for a

councillor of the local government to a voluntary superannuation scheme for councillors established or taken part in by the local government under section 238.’.

(5) Section 250AK—

insert—

‘(5) Remuneration decided under subsection (1) may include, or may separately provide for, remuneration for the duties a councillor may be required to perform if the councillor is appointed to a committee, or as chairperson of a committee, under section 452.’.

112 Amendment of s 250AN (Conduct of inquiries)

(1) Section 250AN(3), ‘into a particular matter’—

omit.

(2) Section 250AN(3)(a), ‘on the matter’—

omit.

(3) Section 250AN(4), ‘about the matter’—

omit, insert—

‘for the purpose of performing its functions under this Act’.

113 Amendment of s 250B (Definitions for pt 3A)

Section 250B—

insert—

‘*special committee*, of a local government, includes, in relation to an indigenous regional council, a community forum or a land panel of the indigenous regional council.’.

114 Insertion of new s 284AA

After section 284—

insert—

‘284AA Non-application of part to indigenous regional councils

- ‘(1) This part does not apply to an indigenous regional council.
- ‘(2) For any election of a councillor of an indigenous regional council after the 2008 quadrennial elections, the following matters must be provided for under a regulation—
 - (a) whether the council’s local government area is divided;
 - (b) if the area is divided—
 - (i) what the divisions are; and
 - (ii) the number of councillors assigned to each division.’.

115 Amendment of s 318 (Direction that poll be conducted by postal ballot)

Section 318(1), after ‘rural sector,’—

insert—

‘large remote areas or extensive island areas.’.

116 Amendment of s 346A (Distribution of ballot papers to certain electors who may cast declaration vote)

Section 346A(2)(d), ‘City,’—

omit, insert—

‘Region, City,’.

117 Amendment of s 347 (Distribution of ballot papers to other electors who may or must cast declaration vote)

Section 347(6), ‘City,’—

omit, insert—

‘Region, City,’.

118 Amendment of s 349 (Distribution of ballot papers to electors for postal ballot election)

Section 349(4), ‘City,’—

omit, insert—

‘Region, City,’.

119 Amendment of s 444 (Other meetings)

Section 444(2)(a), ‘for a city or town’—

omit, insert—

‘for a region, city or town’.

120 Amendment of s 450 (Notice of meetings)

Section 450—

insert—

‘(4) For an indigenous regional council, the 2 days mentioned in subsection (1) must be taken to be 4 days.’.

121 Omission of s 465 (Public notice of resolution authorising remuneration etc.)

Section 465—

omit.

122 Amendment of s 472 (Delegation by local government)

Section 472—

insert—

‘(10) An indigenous regional council can not under this section delegate powers to a community forum of the council.’.

123 Insertion of new s 493A

After section 493—

insert—

‘493A Non-application of part to indigenous regional councils

‘This part does not apply to an indigenous regional council.’.

124 Insertion of new ch 6, pt 6

Chapter 6—

insert—

‘Part 6 Miscellaneous

‘501G Prohibition on loans to individuals

‘A local government must not, whether directly or indirectly—

- (a) make a loan to any individual; or
- (b) give a guarantee or provide security in connection with a loan made to any individual.’.

125 Omission of s 1193C (Application to Torres Strait Islander local governments)

Section 1193C—

omit.

126 Insertion of new ch 19, pt 14

Chapter 19—

insert—

**‘Part 14 Transitional provisions for
Local Government and Other
Legislation (Indigenous
Regional Councils)
Amendment Act 2007**

‘Division 1 Preliminary

‘1277 Application of ch 3, pt 1B definitions

‘Words defined for chapter 3, part 1B have the same meaning in this part.

‘1278 Definitions for pt 14

‘In this part—

changeover day for NPARC means the changeover day for the new local government area of NPARC.

changeover day for TSIRC means the changeover day for the new local government area of TSIRC.

NPARC means the new local government known as the Northern Peninsula Area Regional Council.

TSIRC means the new local government known as the Torres Strait Island Regional Council.

‘Division 2 Torres Strait Island Regional Council

‘1279 Amounts loaned to individuals

‘(1) On the changeover day for TSIRC—

- (a) any adopted lending policy of a relevant Island council under the relevant provision ceases to have effect; and
- (b) all amounts payable, or that would have become payable, to a relevant Island council because of a loan made to a person under the relevant provision become payable to TSIRC.

‘(2) In this section—

relevant Island council means each of the Island councils under the repealed Torres Strait Act, as in existence immediately before the changeover day for TSIRC, other than

the Island councils for the following council areas under that Act—

- (a) Bamaga council area;
- (b) Seisia council area.

relevant provision means the repealed Torres Strait Act, section 46, as in force before the changeover day for TSIRC.

‘1280 Delayed application of ch 7 to TSIRC

- ‘(1) Until 1 July 2009, chapter 7, including the Local Government Finance Standards, applies to TSIRC only to the extent a regulation states that it applies.
- ‘(2) A regulation—
 - (a) may provide for the application to TSIRC of particular provisions of chapter 7, including particular provisions of the Local Government Finance Standards, to commence at different times; and
 - (b) until chapter 7, including the Local Government Finance Standards, applies in full to TSIRC, may provide for either or both of the following—
 - (i) the application of stated provisions of the repealed Torres Strait Act, part 4, division 2 to TSIRC as if the provisions had not been repealed;
 - (ii) the application of particular requirements stated in the regulation.
- ‘(3) This section does not limit the matters that may be provided for, in relation to the application of chapter 7, in a reform implementation regulation applying to any existing, adjusted or new local government, including TSIRC.

‘1281 TSIRC becomes trustee for deeds of grant in trust for particular Island council areas

- ‘(1) On the changeover day for TSIRC, TSIRC becomes the trustee of each community deed of grant in trust in place of the Island council that was the trustee immediately before the changeover day.

- ‘(2) Subsection (1) has effect despite any provision of the *Land Act 1994* that would otherwise apply in relation to the changing of the trustee of a deed of grant in trust.
- ‘(3) However, the relevant chief executive may take all necessary action to ensure the registers kept by the relevant chief executive under the *Land Act 1994* are changed to reflect the changing of the trustee.
- ‘(4) The change of the trustee of a community deed of grant in trust does not affect any interest in the land the subject of the deed of grant in trust in existence immediately before the changeover day for TSIRC.

- ‘(5) In this section—

community deed of grant in trust means a deed of grant in trust under the *Land Act 1994* of which, immediately before the changeover day for TSIRC, a relevant Island council under the repealed Torres Strait Act was the trustee.

Island council means an Island council under the repealed Torres Strait Act.

relevant chief executive means the chief executive under the *Land Act 1994*.

relevant Island council means an Island council other than the Island councils for the following council areas under the repealed Torres Strait Act—

- (a) Bamaga council area;
- (b) Seisia council area.

‘1282 **Local laws and subordinate local laws for local government area of TSIRC**

- ‘(1) From the changeover day for TSIRC, a by-law of a relevant Island council as in force immediately before the changeover day—
- (a) continues in force; and
 - (b) is taken to be a local law of TSIRC; and
 - (c) may be amended or repealed as a local law as provided for under this Act; and

- (d) subject to any amendment under this Act, applies only to the area to which the by-law applied immediately before changeover day.
- ‘(2) From the changeover day for TSIRC, a subordinate by-law of a relevant Island council as in force immediately before the changeover day—
- (a) continues in force; and
 - (b) is taken to be a subordinate local law of TSIRC; and
 - (c) may be amended or repealed as a subordinate local law as provided for under this Act; and
 - (d) subject to any amendment under this Act, applies only to the area to which the subordinate by-law applied immediately before changeover day.
- ‘(3) In this section—
- relevant Island council* means an Island council other than the Island councils for the following council areas under the repealed Torres Strait Act—
- (a) Bamaga council area;
 - (b) Seisia council area.

‘1283 Continued application of rates and other charges

- ‘(1) A rate or charge made and levied under the repealed Torres Strait Act, section 50 (the *relevant section*), and in force immediately before the changeover day for TSIRC, continues in force after the changeover day in accordance with the terms of its making and levying.
- ‘(2) An exemption under the relevant section in force immediately before the changeover day for TSIRC continues in force after the changeover day in accordance with its terms.
- ‘(3) Subsections (1) and (2) apply only to a rate or charge, or to an exemption, having effect within an area that, from the changeover day for TSIRC, is included in the new local government area of Torres Strait Island.

‘Division 3 Northern Peninsula Area Regional Council

‘1284 Amounts loaned to individuals

‘(1) On the changeover day for NPARC—

- (a) any adopted lending policy of a relevant Island council or relevant community government under a relevant provision ceases to have effect; and
- (b) all amounts payable, or that would have become payable, to a relevant Island council or relevant community government because of a loan made to a person under the relevant provision become payable to NPARC.

‘(2) In this section—

relevant community government means each of the community governments under the *Local Government (Community Government Areas) Act 2004* for the following community government areas under that Act, as in existence immediately before the changeover day for NPARC—

- (a) Injinoo;
- (b) New Mapoon;
- (c) Umagico.

relevant Island council means each of the Island councils under the repealed Torres Strait Act for the following council areas under that Act, as in existence immediately before the changeover day for NPARC—

- (a) Bamaga council area;
- (b) Seisia council area.

relevant provision means—

- (a) the repealed Torres Strait Act, section 46, as in force before the changeover day for NPARC; or
- (b) the *Local Government (Community Government Areas) Act 2004*, section 38, as in force before the changeover day for NPARC.

‘1285 Delayed application of ch 7 to NPARC

- ‘(1) Until 1 July 2009, chapter 7, including the Local Government Finance Standards, applies to NPARC only to the extent a regulation states that it applies.
- ‘(2) A regulation—
- (a) may provide for the application to NPARC of particular provisions of chapter 7, including particular provisions of the Local Government Finance Standards, to commence at different times; and
 - (b) until chapter 7, including the Local Government Finance Standards, applies in full to NPARC may provide for any of the following—
 - (i) the application of stated provisions of the repealed Torres Strait Act, part 4, division 2 to NPARC as if the provisions had not been repealed;
 - (ii) the continuing application of the *Local Government (Community Government Areas) Act 2004*, part 4, division 2 to NPARC as if the provisions still applied to part of NPARC’s local government area;
 - (iii) the application of particular requirements stated in the regulation.
- ‘(3) This section does not limit the matters that may be provided for, in relation to the application of chapter 7, in a reform implementation regulation applying to any existing, adjusted or new local government, including NPARC.

‘1286 NPARC becomes trustee for deeds of grant in trust for particular Island council and community government areas

- ‘(1) On the changeover day for NPARC, NPARC becomes the trustee of each community deed of grant in trust in place of the relevant entity that was the trustee immediately before the changeover day.

- ‘(2) Subsection (1) has effect despite any provision of the *Land Act 1994* that would otherwise apply in relation to the changing of the trustee of a deed of grant in trust.
- ‘(3) However, the relevant chief executive may take all necessary action to ensure the registers kept by the relevant chief executive under the *Land Act 1994* are changed to reflect the changing of the trustee.
- ‘(4) The change of the trustee of a community deed of grant in trust does not affect any interest in the land the subject of the deed of grant in trust in existence immediately before the changeover day for NPARC.

- ‘(5) In this section—

community deed of grant in trust means a deed of grant in trust under the *Land Act 1994* of which, immediately before the changeover day for NPARC, a relevant entity was the trustee.

relevant chief executive means the chief executive under the *Land Act 1994*.

relevant entity means—

- (a) each of the Island councils under the repealed Torres Strait Act for the following council areas under that Act—
 - (i) Bamaga council area;
 - (ii) Seisia council area; and
- (b) each of the community governments under the *Local Government (Community Government Areas) Act 2004* for the following community government areas under that Act—
 - (i) Injinoo;
 - (ii) New Mapoon;
 - (iii) Umagico.

‘1287 Local laws and subordinate local laws for local government area of NPARC

- ‘(1) From the changeover day for NPARC, a by-law of a relevant Island council as in force immediately before the changeover day—
- (a) continues in force; and
 - (b) is taken to be a local law of NPARC; and
 - (c) may be amended or repealed as a local law as provided for under this Act; and
 - (d) subject to any amendment under this Act, applies only to the area to which the by-law applied immediately before changeover day.
- ‘(2) From the changeover day for NPARC, a subordinate by-law of a relevant Island council as in force immediately before the changeover day—
- (a) continues in force; and
 - (b) is taken to be a subordinate local law of NPARC; and
 - (c) may be amended or repealed as a subordinate local law as provided for under this Act; and
 - (d) subject to any amendment under this Act, applies only to the area to which the subordinate by-law applied immediately before changeover day.
- ‘(3) From the changeover day for NPARC, a local law of a relevant community government as in force immediately before the changeover day—
- (a) continues in force; and
 - (b) is taken to be a local law of NPARC; and
 - (c) may be amended or repealed as a local law as provided for under this Act; and
 - (d) subject to any amendment under this Act, applies only to the area to which the local law applied immediately before changeover day.

- ‘(4) From the changeover day for NPARC, a subordinate local law of a relevant community government as in force immediately before the changeover day—
- (a) continues in force; and
 - (b) is taken to be a subordinate local law of NPARC; and
 - (c) may be amended or repealed as a subordinate local law as provided for under this Act; and
 - (d) subject to any amendment under this Act, applies only to the area to which the subordinate local law applied immediately before changeover day.

- ‘(5) In this section—

relevant community government means each of the community governments under the *Local Government (Community Government Areas) Act 2004* for the following community government areas under that Act—

- (a) Injinoo;
- (b) New Mapoon;
- (c) Umagico.

relevant Island council means each of the Island councils under the repealed Torres Strait Act for the following council areas under that Act—

- (a) Bamaga council area;
- (b) Seisia council area.

‘1288 **Continued application of rates and other charges under repealed Torres Strait Act**

- ‘(1) A rate or charge made and levied under the repealed Torres Strait Act, section 50 (the *relevant section*), and in force immediately before the changeover day for NPARC, continues in force after the changeover day in accordance with the terms of its making and levying.
- ‘(2) An exemption under the relevant section in force immediately before the changeover day for NPARC continues in force after the changeover day in accordance with its terms.

- ‘(3) Subsections (1) and (2) apply only to a rate or charge, or to an exemption, having effect within an area that, from the changeover day for NPARC, is included in the new local government area of Northern Peninsula Area.

‘1289 Continued application of charges under Community Government Areas Act

- ‘(1) A charge made and levied under the *Local Government (Community Government Areas) Act 2004*, section 39 (the *relevant section*), and in force immediately before the changeover day for NPARC, continues in force after the changeover day in accordance with the terms of its making and levying.
- ‘(2) An exemption under the relevant section in force immediately before the changeover day for NPARC continues in force after the changeover day in accordance with its terms.
- ‘(3) Subsections (1) and (2) apply only to a charge, or to an exemption, having effect within an area that, from the changeover day for NPARC, is included in the new local government area of Northern Peninsula Area.

‘Division 4 Indigenous regional councils generally

‘1290 Delayed application of ch 6, pts 3 and 5

‘Chapter 6, parts 3 and 5¹³ apply to an indigenous regional council only to the extent a regulation states that they apply.

‘Division 5 Remuneration schedule

13 Chapter 6 (General operation of local governments), parts 3 (Contracts and related activities) and 5 (General complaints process)

‘1291 Remuneration schedule for 2008

‘The remuneration schedule that applies for 2008 takes effect on and from 15 March 2008.

‘Division 6 Miscellaneous

‘1292 Transitional provision for repeal of ch 2A

- ‘(1) A regulation may provide for all matters necessary or convenient for the repeal of chapter 2A.
- ‘(2) The regulation may include provision for—
 - (a) the dissolution of the Townsville-Thuringowa Water Supply Joint Board; and
 - (b) the transfer of all matters coming within the jurisdiction of the joint board to Townsville City Council; and
 - (c) the assumption by the council of all powers, assets and liabilities, and the staff, of the joint board.

‘1293 Special provisions for liquor licences and permits

- ‘(1) This section applies if immediately before the changeover day for a new or adjusted local government area, an existing local government holds a licence or permit under the *Liquor Act 1992*.
- ‘(2) Subsection (3) applies if, on the changeover day for the new or adjusted local government area—
 - (a) premises the subject of the licence or permit becomes the premises of the local government for the new or adjusted local government area; or
 - (b) otherwise—the circumstances of the licence or permit are circumstances that would ordinarily be expected to fall within the responsibilities of the local government for the new or adjusted local government area.
- ‘(3) From the changeover day for the new or adjusted local government area—

- (a) the local government for the new or adjusted local government area is taken to hold the licence or permit; and
 - (b) the licence or permit is subject to the same conditions that applied to the licence or permit immediately before the changeover day for the new or adjusted local government area.
- ‘(4) A reform implementation regulation may, before or after the changeover day for a new or adjusted local government area, identify the new or adjusted local government as the successor to a particular licence or permit mentioned in subsection (1), if doubt arises as to which new or adjusted local government is the successor under subsections (2) and (3).
- ‘(5) A person who, under the *Liquor Act 1992*, is the nominee for a licence or permit whose holder is changed under this section continues to be the nominee for the licence or permit until the nominee is changed under that Act.’.

127 Amendment of sch 1A (Local government reform implementation)

- (1) Schedule 1A, part 1, entries for Central Highlands and Mackay, column 4, ‘divided’—
omit, insert—
‘area not divided’.
- (2) Schedule 1A, part 1, entry for Scenic Rim, column 3, ‘LGRB 7’—
omit, insert—
‘LGRB 7 edition 3’.
- (2A) Schedule 1A, part 1, entry for Scenic Rim, column 4, ‘divided’—
omit, insert—
‘division 1—1
division 2—1
division 3—1

- division 4—1
 division 5—1
 division 6—1’.
- (3) Schedule 1A, part 2, entry for Cook, column 4, ‘divided’—
omit, insert—
 ‘area not divided’.
- (4) Schedule 1A, part 2, entry for Ipswich, column 3, ‘LGRB 35’—
omit, insert—
 ‘LGRB 35 edition 3’.
- (4A) Schedule 1A, part 2, entry for Ipswich, column 4, ‘divided’—
omit, insert—
 ‘division 1—1
 division 2—1
 division 3—1
 division 4—1
 division 5—1
 division 6—1
 division 7—1
 division 8—1
 division 9—1
 division 10—1’.
- (5) Schedule 1A, part 3, entries for Boulia and Etheridge, column 4, ‘divided’—
omit, insert—
 ‘area not divided’.

128 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *Torres Strait Islander local government—*

131 Amendment of pt 2 hdg (New local government areas and local governments)

Part 2, heading, ‘New local government areas and local governments’—

omit, insert—

‘Community governments’.

132 Omission of pt 2, div 1 (Declaration of new local government areas and establishment of new local governments)

Part 2, division 1—

omit.

133 Amendment of s 22 (Appointment of financial controller)

Section 22(1), ‘by regulation’—

omit, insert—

‘by gazette notice’.

133A Omission of s 38 (Power of community government to lend an amount to an adult resident)

Section 38—

omit.

133B Amendment of pt 8, div 2, hdg (Other transitional provisions)

Part 8, division 2, heading, ‘provisions’—

omit, insert—

‘provisions for Local Government (Community Government Areas) Act 2004’.

133C Insertion of new pt 8, div 3

Part 8—

insert—

**‘Division 3 Transitional provisions for Local
Government and Other Legislation
(Indigenous Regional Councils)
Amendment Act 2007**

‘85 Amounts loaned to individuals

- ‘(1) On the commencement of this section—
- (a) any adopted lending policy of a community government under repealed section 38 ceases to have effect; and
 - (b) all amounts payable, or that would have become payable, to the community government because of a loan made to a person under the section become payable to the community government.
- ‘(2) This section does not apply to an adopted lending policy of, or an amount payable to, a community government for any of the following community government areas as in existence immediately before the day that, under the *Local Government Act 1993*, chapter 3, part 1B, is the changeover day for the new local government area of Northern Peninsula Area—
- (a) Injinoo;
 - (b) New Mapoon;
 - (c) Umagico.’.

134 Omission of sch 2 (Declaration of new local government areas)

Schedule 2—

omit.

135 Amendment of sch 4 (Dictionary)

- ‘(1) Schedule 4, definition *community government area*—
omit.
- ‘(2) Schedule 4—

insert—

‘community government area means—

- (a) each of the following local government areas under the *Local Government Act 1993*—
- Cherbourg
 - Doomadgee
 - Hope Vale
 - Kowanyama
 - Lockhart River
 - Mapoon
 - Napranum
 - Palm Island
 - Pormpuraaw
 - Woorabinda
 - Wujal Wujal
 - Yarrabah; or
- (b) if the external boundaries of a local government area mentioned in paragraph (a) are changed under the *Local Government Act 1993*—the local government area, as changed.’.

Part 13 **Amendment of Penalties and Sentences Act 1992**

136 **Act amended in pt 13**

This part amends the *Penalties and Sentences Act 1992*.

137 Amendment of s 6 (Application to children and certain courts)

Section 6(1)—

omit.

138 Amendment of s 9 (Sentencing guidelines)

- (1) Section 9(8), definition *community justice group*, paragraph (a), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*, part 5, division 1, or the *Community Services (Torres Strait) Act 1984*, part 5, division 1’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, part 4, division 1’.

- (2) Section 9(8), definition *community justice group*, as amended and definition *offender’s community*—

relocate to section 4.

- (3) Section 9(8), as amended—

omit.

139 Insertion of new ss 195B–195D

After section 195A—

insert—

‘195B Access to court files by representative of community justice group in offender’s community

- ‘(1) This section applies if an offender is an Aboriginal or Torres Strait Islander person.
- ‘(2) A representative of the community justice group in the offender’s community may inspect a court file, or a document in a court file, or obtain a copy of information from a court file or document, that may be relevant to making a submission about the offender under section 9(2)(o).

- ‘(3) However, subsection (2) applies only if the court directs that the information be made available or given to the representative.
- ‘(4) The court may make the direction whether or not the representative has made an application to the court for the direction.
- ‘(5) In deciding whether to direct that information be made available or given to the representative, the court may have regard to the following—
 - (a) whether the representative would otherwise have access to the information;
 - (b) whether the offender consents to the information being made available or given to the representative.
- ‘(6) Subsection (5) does not limit the matters to which the court may have regard.

‘195C Confidentiality

- ‘(1) A person who is a member of a community justice group must not—
 - (a) record or use information the person, or another person who is a member of the community justice group, gains through performing a function under this Act, or intentionally disclose it to anyone, other than under subsection (2); or
 - (b) recklessly disclose the information to anyone.

Maximum penalty—100 penalty units or 2 years imprisonment.
- ‘(2) A person who is a member of a community justice group may—
 - (a) record, use or disclose the information if the recording, use or disclosure—
 - (i) is done as part of making submissions to the court under section 9(2)(o); or
 - (ii) is otherwise required or permitted by law; or

insert—

‘**NPARC** means the Northern Peninsula Area Regional Council.

TSIRC means the Torres Strait Island Regional Council.’.

- (2) Section 2, definition *area*, ‘or Torres Strait Islander local government’—

omit, insert—

‘or NPARC or TSIRC’.

142 Insertion of new pt 8, div 1A

Part 8—

insert—

‘Division 1A Special arrangements for implementation of local government reform

‘75K Definitions for div 1A

‘In this division—

adjusted local government area means an adjusted local government area under the reform implementation provisions.

changeover day, for a new or adjusted local government area, means the changeover day for the area under the reform implementation provisions.

existing local government area means an existing local government area under the reform implementation provisions.

new local government area means a new local government area under the reform implementation provisions.

reform implementation provisions means the *Local Government Act 1993*, chapter 3, part 1B.

‘75L Continuation of valuation

- ‘(1) The valuation of relevant land continues to be the valuation of the land until a further valuation applies to the land.
- ‘(2) Subsection (1) applies subject to an objection or appeal under this Act about the valuation.
- ‘(3) In this section—
relevant land means land that—
 - (a) forms part of an existing local government area; and
 - (b) on the changeover day for a new or adjusted local government area, forms part of the new or adjusted local government area.

‘75M Valuation operations may be based on existing local government boundaries

- ‘(1) Until 31 August 2009, for all operational and administrative purposes, this Act may be applied as if the local government areas of Queensland continued to be those in existence on 27 July 2007.
- ‘(2) Subsection (1) applies despite the changes to local government areas that happen on the changeover day for any new or adjusted local government area under the reform implementation provisions.
- ‘(3) Without limiting subsections (1) and (2), it may be assumed, for the operational and administrative purposes, that the reform implementation provisions were never enacted.

‘75N Local governments for new or adjusted local government areas

- ‘(1) This section applies if, on or after the changeover day for a new or adjusted local government area, the land the subject of a valuation forms part of the new or adjusted local government area.
- ‘(2) If anything is required under this Act to be done by or given to, or otherwise to involve, the local government in whose local government area the land is situated, the thing may be

done by or given to, or may otherwise involve, the local government for the new or adjusted local government area.

- ‘(3) This section does not limit section 75M, but is intended to facilitate its implementation.’.

Part 15 Amendment of Water Act 2000

143 Act amended in pt 15

This part amends the *Water Act 2000*.

144 Amendment of s 25A (Meaning of *water supply emergency*)

Section 25A(3), definition *essential water supply needs*, paragraph (c), ‘Calliope or Gladstone local government areas’—

omit, insert—

‘local government area of the Gladstone Regional Council’.

145 Amendment of s 341 (What is the *SEQ region*)

Section 341(1)(a)—

omit, insert—

‘(a) the local government areas of the following local governments—

- Brisbane City Council
- Gold Coast City Council
- Ipswich City Council
- Lockyer Valley Regional Council
- Logan City Council
- Moreton Bay Regional Council

- Redland City Council
- Scenic Rim Regional Council
- Somerset Regional Council
- Sunshine Coast Regional Council; and’.

146 Amendment of s 599 (Composition of board for Gladstone Area Water Board)

(1) Section 599(a)—

omit, insert—

‘(a) 4 persons nominated by the Gladstone Regional Council; and’.

(2) Section 599(b)—

omit.

(3) Section 599(c)—

renumber as section 599(b).

147 Amendment of s 1037A (Other continuing authorities)

Section 1037A(2), ‘An entity mentioned in subsection (1)(a) or (b)’—

omit, insert—

‘A local government mentioned in subsection (1)(a), or Toowoomba Regional Council in relation to the Cooby Creek Dam,’.

148 Amendment of s 1041 (Completed water allocation and management plans)

Section 1041(2)(d)(ii), ‘Rockhampton City Council’—

omit, insert—

‘Rockhampton Regional Council’.

149 Insertion of new ch 9, pt 5, div 10

Chapter 9, part 5—

insert—

‘Division 10 Transitional provisions for Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007

‘1156 Definitions for div 10

‘In this division—

adjusted local government area means an adjusted local government area under the reform implementation provisions.

changeover day, for a new or adjusted local government area, means the changeover day for the area under the reform implementation provisions.

existing local government means an existing local government under the reform implementation provisions.

new local government area means a new local government area under the reform implementation provisions.

reform implementation provisions means the *Local Government Act 1993*, chapter 3, part 1B.

‘1157 Particular new and adjusted local governments taken to be service providers

- ‘(1) This section applies in relation to an existing local government’s infrastructure for supplying a water or sewerage service if—
- (a) the existing local government is the service provider for the service; and
 - (b) after the changeover day for a new or adjusted local government area, the infrastructure for supplying the service is on land that forms part of the new or adjusted local government area.

- ‘(2) On and from the changeover day for the new or adjusted local government area, the local government for the new or adjusted local government area—
- (a) is taken to be the service provider for the service; and
 - (b) has, to the greatest practicable extent, the same functions, powers and obligations of the existing local government in relation to its operation as a service provider for the service.

‘1158 New and adjusted local governments must give regulator service provider documents

- ‘(1) The local government for a new or adjusted local government area must prepare service provider documents for its area.
- ‘(2) Each service provider document must be prepared in the way required under this Act for the document.
- ‘(3) The local government for a new or adjusted local government area must give the regulator a copy of each of its service provider documents—
- (a) for a service provider document other than a system leakage management plan—within 1 year after the changeover day for the new or adjusted local government area; or
 - (b) for a system leakage management plan—within 2 years after the changeover day for the new or adjusted local government area; or
 - (c) if the regulator agrees that the local government may give a service provider document on a later day—on the later day.
- ‘(4) In this section—
- service provider document*** means each of the following—
- (a) customer service standard;
 - (b) drought management plan;
 - (c) strategic asset management plan;
 - (d) system leakage management plan.

‘1159 Amending the register of service providers

- ‘(1) This section applies if there is a change relating to information kept by the regulator under section 516 in the register of service providers because of the changes to local government areas that happen on the changeover day for a new or adjusted local government area under the reform implementation provisions.
- ‘(2) The regulator must, as soon as practicable after the changeover day for the new or adjusted local government area, amend the register of service providers to reflect the change.
- ‘(3) The local government for the new or adjusted local government area must give the regulator any information the regulator requires for the purposes of amending the register under subsection (2).

‘1160 Declaration of service areas

- ‘(1) This section applies if—
 - (a) an existing local government has, under section 449, declared—
 - (i) all or part of its local government area to be a service area; and
 - (ii) the service provider for the service area; and
 - (b) from the changeover day for a new or adjusted local government area, the service area forms part of the new or adjusted local government area.
- ‘(2) On and from the changeover day for the new or adjusted local government area—
 - (a) the service area is taken to be a service area declared by the local government for the new or adjusted local government area; and
 - (b) the service provider for the service area is—
 - (i) if the existing local government declared itself to be the service provider for the area—the local

government for the new or adjusted local government area; or

- (ii) otherwise—the entity the existing local government declared to be the service provider for the service area.’.

Part 16 Repeals

150 Repeal of Community Services (Torres Strait) Act 1984

The Community Services (Torres Strait) Act 1984, No. 52 is repealed.

151 Repeal of Nambour Library Act 1973

The Nambour Library Act 1973, No. 27 is repealed.

Part 17 Consequential and minor amendments

152 Acts amended

The schedule amends the Acts mentioned in it.

Schedule **Consequential and minor amendments**

section 152

Acts Interpretation Act 1954

- 1 **Section 36, definition *Torres Strait Islander local government*—**
omit.

- 2 **Section 36, definition *additional territorial unit*, ‘Torres Strait Islander or’—**
omit.

- 3 **Section 36, definition *area*, paragraph (a), ‘Torres Strait Islander or’—**
omit.

- 4 **Section 36, definition *basic territorial unit*, ‘Torres Strait Islander or’—**
omit.

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

- 6 **Section 36, definition *territorial unit*, paragraph (a)—**
omit.

Schedule (continued)

7 Section 36, definition *territorial unit*, paragraphs (b) and (c)—

renumber as paragraphs (a) and (b).

Coastal Protection and Management Act 1995

1 Schedule, definition *local government area*—

omit, insert—

‘local government area means the part of the State established as a local government area under the *Local Government Act 1993*.’.

Domestic and Family Violence Protection Act 1989

1 Section 50(3), examples, item 4, ‘Torres Strait Islander local government’—

omit, insert—

*‘indigenous regional council under the *Local Government Act 1993*’.*

Electoral Act 1992

1 Section 152(2)(a)(v), ‘*Community Services (Torres Strait) Act 1984*’—

omit, insert—

‘Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984’.

Schedule (continued)

Financial Administration and Audit Act 1977

- 1 **Schedule 3, definition *appropriate Minister*, paragraph (c),
'or the *Community Services (Torres Strait) Act 1984*'—**
omit.

Freedom of Information Act 1992

- 1 **Section 7, definition *responsible Minister*, paragraph (c),
'or the *Community Services (Torres Strait) Act 1984*—the
Minister administering those Acts'—**
omit, insert—
'—the Minister administering that Act'.

Housing Act 2003

- 1 **Section 21(c) and (d)—**
omit.
- 2 **Section 21(e)—**
renumber as section 21(c).
- 3 **Schedule 3, definitions *Island Coordinating Council* and
Island council—**
omit.

Schedule (continued)

Integrated Planning Act 1997

1 Schedule 8, part 1, table 4, item 1A, paragraph (i), subparagraphs (ii) and (iii)—

omit, insert—

‘(ii) use under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 62; or’.

2 Schedule 10, definition *local government area*—

omit, insert—

‘*local government area* means a part of the State established as a local government area under the *Local Government Act 1993*.’.

Judicial Review Act 1991

1 Schedule 1, part 1, ‘section 159X’—

omit, insert—

‘sections 159X and 159YP’.

Local Government (Chinatown and The Valley Malls) Act 1984

1 Section 6, ‘person—’—

omit, insert—

‘a person must not do either of the following—’.

Schedule (continued)

- 2 Section 6, ‘shall not’—**
omit.
- 3 Section 8(2)(a), ‘;’—**
omit, insert—
‘; and’.
- 4 Section 15(1), ‘specify’—**
omit, insert—
‘state the following’.
- 5 Section 15(3)(a) and (b), ‘;’—**
omit, insert—
‘; and’.
- 6 Section 15(5), ‘council’—**
omit, insert—
‘council may’.
- 7 Section 15(5)(a) and (b), ‘may’—**
omit.
- 8 Section 15(5)(a), ‘;’—**
omit, insert—
‘; or’.

Schedule (continued)

- 9 Section 37, heading, ‘s 371A’—**
omit, insert—
‘ch 4, pt 4’.
- 10 Section 44(4), ‘section 44’—**
omit.
- 11 Schedule 4, definition *rateable property*, paragraph (a), ‘, section 44’—**
omit.

Ombudsman Act 2001

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

Police Powers and Responsibilities Act 2000

- 1 Section 53(1)(a)(ii) and (iii)—**
omit, insert—
‘(ii) *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 35 or 45(c) or (d); and’.

Schedule (continued)

2 Section 60(6), definition *liquor provision*, paragraphs (b) and (c)—

omit, insert—

‘(b) the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 35 or 45.’.

3 Section 135(5), definition *liquor provision*, paragraphs (b) and (c)—

omit, insert—

‘(b) the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 35 or 45.’.

4 Section 587—

omit, insert—

‘587 General powers and role of community police officers

‘A community police officer may exercise powers under this part only in the community government or IRC area for which the officer is appointed under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.’.

5 Schedule 1, ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*’—

omit, insert—

‘*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*’.

6 Schedule 6, definitions *aboriginal police officer* and *island police officer*—

omit.

Schedule (continued)

7 Schedule 6—

insert—

‘community police officer means a community police officer under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.’

8 Schedule 6, definition *police officer*, paragraph (a), from ‘part 3—’—

omit, insert—

‘part 3—a community police officer; and’.

Prostitution Act 1999

1 Insertion of new pt 9, div 3

Part 9—

insert—

‘Division 3 Transitional provision for Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007

‘150 Continuation of refusal of development applications

‘(1) This section applies if—

- (a) after the changeover day for a new or adjusted local government area, land forms part of the new or adjusted local government area; and
- (b) before the changeover day the assessment manager for a development application for the land would have been

Schedule (continued)

required to refuse the development application under section 64(c).

- ‘(2) After the changeover day for the new or adjusted local government area, all development applications for the land must continue to be refused until—
- (a) the local government for the new or adjusted local government area no longer requires that development applications for the land be refused; or
 - (b) the Minister decides that the local government for the new or adjusted local government area may approve development applications for the land.

- ‘(3) In this section—

adjusted local government area means an adjusted local government area under the reform implementation provisions.

changeover day, for a new or adjusted local government area, means the changeover day for the area under the reform implementation provisions.

new local government area means a new local government area under the reform implementation provisions.

reform implementation provisions means the *Local Government Act 1993*, chapter 3, part 1B.’.

Public Sector Ethics Act 1994

- 1 **Schedule, definition *local government legislation*, paragraph (a), ‘*Community Services (Torres Strait) Act 1984*—**

omit.

Schedule (continued)

Recreation Areas Management Act 2006

- 1** **Schedule, definition *relevant Aboriginal or Torres Strait Islander entity*, paragraph (d), ‘*Aboriginal Communities (Justice and Land Matters) Act 1984*, section 174(1) or the *Community Services (Torres Strait) Act 1984*, section 184(1)’—**

omit, insert—

‘Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, section 61’.

Residential Tenancies Act 1994

- 1** **Section 252(1)(a)(i), ‘an Island Council under the *Community Services (Torres Strait) Act 1984*’—**

omit, insert—

*‘an indigenous regional council under the *Local Government Act 1993*’.*

Schools of Arts (Winding Up and Transfer) Act 1960

- 1** **Sections 4, 5 and 6—**

omit.

- 2** **Schedule—**

omit.

Schedule (continued)

Southern Moreton Bay Islands Development Entitlements Protection Act 2004

1 Schedule, definition *council*—

omit, insert—

‘council means—

- (a) in relation to any matter arising before the commencement of this definition—the Redland Shire Council; or
- (b) otherwise—the Redland City Council.’.

Torres Strait Islander Land Act 1991

1 Section 3, definition *Torres Strait Island council*—

omit.

2 Section 3—

insert—

‘NPARC means the Northern Peninsula Area Regional Council.

repealed Torres Strait Act means the *Community Services (Torres Strait) Act 1984* as in force before its repeal under the *Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007*.

Torres Strait Island council means—

- (a) in relation to any area that, immediately before the day that under the *Local Government Act 1993* is the changeover day for NPARC, was included in the Bamaga or Seisia Council area under the repealed Torres Strait Act—NPARC; or

Schedule (continued)

- (b) in relation to any area included in the local government area of TSIRC—TSIRC.

TSIRC means the Torres Strait Island Regional Council.’.