



Aboriginal Communities (Justice and Land Matters) Act 1984

Reprinted as in force on 1 December 2005

Reprint No. 5 revised edition

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Information about this reprint

This Act is reprinted as at 1 December 2005. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 37)
- renumber provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including table of renumbered provisions**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



Queensland

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[as amended by all amendments that commenced on or before 1 December 2005]

An Act to provide for law and order in, the establishment of community justice groups for, and the regulation of alcohol possession and consumption in, community government areas, and entry on trust areas, and for other purposes

Part 1 Preliminary

1 Short title

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

2 Commencement

- (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.
- (2) Except as is provided by subsection (1), this Act shall commence on 31 May 1984 or on such earlier date as is appointed by proclamation.
- (3) The date on which this Act, other than sections 1 and 2 commences as prescribed is in this Act referred to as the *commencement of this Act*.

3 Savings

- (1) A management of property of a person that was undertaken when the person was an assisted Aborigine within the meaning of the *Aborigines' and Torres Strait Islanders' Affairs Act 1965* and that is maintained at the commencement

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of this Act shall be deemed to be a management of property under this Act and, unless it is terminated in accordance with this Act, shall be maintained in accordance with this Act.

- (2) A management of property of an Aborigine that is maintained at the commencement of this Act shall continue to be maintained in accordance with this Act unless it is terminated in accordance with this Act.
- (3) The Aborigines Welfare Fund maintained by the Corporation of the Under Secretary for Community Services shall continue to be maintained by the corporation in accordance with this Act.
- (4) The Aborigines Welfare Fund mentioned in subsection (3) (the *fund*) is continued in existence subject to the *Financial Administration and Audit Act 1977*, part 8, division 2.¹
- (5) Accounts for the fund must be kept as part of the departmental accounts of the department.
- (6) However, amounts received for the fund must be deposited in a departmental financial-institution account of the department used only for amounts received for the fund.
- (7) In this section—

departmental accounts, of a department, means the accounts of the department under the *Financial Administration and Audit Act 1977*, section 12.

departmental financial-institution account, of a department, means an account of the department kept under the *Financial Administration and Audit Act 1977*, section 18.

4 Definitions

In this Act—

Aboriginal land has the meaning given by section 10 of the *Aboriginal Land Act 1991*.

¹ *Financial Administration and Audit Act 1977*, part 8 (Transitional provisions), division 2 (Transitional provisions for Financial Administration Legislation Amendment Act 1999)

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Aboriginal police officer means a person appointed under section 12 as an Aboriginal police officer for a community government area.

ACC, for part 9, division 3, see section 74.

alcohol has the same meaning as *liquor* in the *Liquor Act 1992*.²

appealable decision, for part 5, see section 27.

approved form means a form approved under section 70.

canteen see the *Indigenous Communities Liquor Licences Act 2002*, schedule.

closing day for objections and submissions, for part 5, see section 29(2).

commencement, for part 9, see section 72.

community area means a community government area or the Shire of Aurukun or Mornington.

community council means a community government or the Council of the Shire of Aurukun or Mornington.

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

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

community justice group means a community justice group established under part 4 for a community area.

2 The *Liquor Act 1992*, section 4B—

4B Meaning of liquor

- (1) **Liquor** is a spiritous or fermented fluid of an intoxicating nature intended for human consumption.
- (2) **Liquor** also includes any other substance intended for human consumption in which the level of ethyl alcohol (ethanol) is more than 5mL/L (0.5%) at 20°C.
- (3) However, **liquor** does not include a fluid, that would otherwise be liquor, if it is used merely as a preservative or medium in which fruit is offered for sale to the public in sealed containers and with the contents visible.

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coordinator, for a community justice group, means the person appointed under section 22 by the group to perform the functions of coordinator for the group.

corporation means the corporation sole preserved, continued in existence and constituted under this Act by the name and style Aboriginal and Islander Affairs Corporation.

dry place, for part 5, see section 27.

entity, for part 5, see section 27.

fermenter, for part 5, see section 27.

home-brew concentrate, for part 5, see section 27.

home-brew kit, for part 5, see section 27.

homemade alcohol, for part 5, see section 27.

Islander means a descendant of an indigenous inhabitant of the Torres Strait Islands.

liquor provisions means—

- (a) section 35; and
- (b) the *Liquor Act 1992*, sections 168B, 169 and 171.³

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

member, for parts 4 and 5, means a member of a community justice group.

native title holder, for part 6, see section 48.

native title rights and interests, for part 6, see section 48.

non-Aboriginal land means land that is not Aboriginal land.

police officer in charge, for a community government area, means the police officer in charge of the police station in the area or, if there is no police station in the area, the police officer in charge of the nearest police station.

³ Section 35 (Possession or consumption of alcohol in or on dry place) and the *Liquor Act 1992*, sections 168B (Prohibition on possession of liquor in restricted area), 169 (Authority required for sale) and 171 (Carrying or exposing liquor for sale)

possess, for part 5, see section 27.

prescribed community area, for part 5, see section 27.

private place, for part 5, see section 27.

public place, for part 5, see section 27.

repealed part 8, for part 9, division 3, see section 74.

trust area, for part 6, see section 48.

Part 2 Administration

5 Corporation

- (1) The corporation sole preserved, continued in existence and constituted under the *Community Services (Aborigines) Act 1984* under the name and style ‘The Corporation of the Under Secretary for Community Services’ is hereby further preserved, continued in existence and constituted under the name and style ‘Aboriginal and Islander Affairs Corporation’.
- (2) The corporation is constituted by the person who at the material time holds the appointment, chief executive, and under the name and style assigned to it by subsection (1)—
 - (a) has perpetual succession and an official seal;
 - (b) is capable in law of suing and being sued, of compounding or proving in a court of competent jurisdiction all debts and sums of money due to it;
 - (c) is capable in law of acquiring and holding (absolutely or subject to trusts), letting, leasing, hiring, disposing of and otherwise dealing with property real and personal situated within or outside the State and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.
- (3) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the corporation affixed to

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any writing and, until the contrary is proved, shall presume that it was duly affixed thereto.

- (4) With respect to the exercise of any of its powers and with respect to any matter arising in connection therewith the corporation has all the privileges, rights and remedies of the Crown.

6 Corporation of chief executive is statutory body

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

7 Consequences of constitution of corporation

- (1) A reference in any—
 - (a) Act; or
 - (b) proclamation, order in council, regulation, by-law or other instrument made under any Act; or
 - (c) agreement, contract, deed or other document, instrument or writing of any kind;

to the Corporation of the Director of Aboriginal and Islanders Advancement constituted under the *Aborigines Act 1971* or the Corporation of the Under Secretary for Community Services constituted under the *Community Services (Aborigines) Act 1984* shall be read and construed as a reference to the corporation.

- (2) Any proceeding which prior to the commencement of this section was commenced by or against the Corporation of the Director of Aboriginal and Islanders Advancement or the Corporation of the Under Secretary for Community Services and which is not concluded at such commencement may be continued by or against the corporation.

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- (3) The registrar of titles and any other person charged with the keeping of a register of dealings concerning land vested in or held by the Corporation of the Director of Aboriginal and Islanders Advancement or the Corporation of the Under Secretary for Community Services shall without further authority than this section alter the name as shown in such register of the registered proprietor, registered lessee, owner or occupier of land referred to in such register to ‘Aboriginal and Islander Affairs Corporation’.

8 Delegation by Minister or chief executive

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

- (2) In this section—

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

Example of standing—

a person’s classification level in the public service

Part 3 Law and order in community government areas

Division 1 Law and order in community government areas

9 Jurisdiction and powers of police

- (1) Police officers have and may exercise in a community government area and in respect of persons therein the functions, duties and powers imposed or conferred on them by law that they have and may exercise in any other part of Queensland.

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- (2) In respect of the discharge or exercise in a community government area of any function, duty or power a police officer has the protection accorded by law to a police officer in the discharge or exercise of that function, duty or power elsewhere in Queensland.
- (3) Police officers are authorised to perform such acts and do such things in a community government area as may be authorised or required to be done by Aboriginal police officers under the local laws of the community government established for that area as if such local laws were part of the law of Queensland.
- (4) In respect in the performance in a community government area of any act or thing referred to in subsection (3) a police officer has the protection accorded by law to a police officer in the discharge or exercise by the officer of the officer's functions, duties and powers elsewhere in Queensland.

10 Entry upon community government areas etc.

A police officer is entitled to enter on and to be in a community government area—

- (a) for the purpose of discharging or exercising a function, duty or power imposed or conferred on the officer by law; or
- (b) for the purpose of performing any act or thing that the officer is by this Act authorised to perform pursuant to an authority or requirement of a local law of a community government;

and, in the case referred to in paragraph (b), the officer shall be deemed to be acting in the discharge of the officer's duty as a police officer.

11 Application to community government areas of laws relating to public places

- (1) For the purpose only of applying the provisions of laws in force in respect of any public place in Queensland to community government areas—

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- (a) the right of access to or use of any place in a community government area by the general body of persons resident in the area is to be taken to have effect in law as if it were a right of access or use by the public; and
 - (b) where any place would, but for its being in a community government area, be taken in law to be a public place, road, park or place of any other description it is to be taken so to be notwithstanding that it is in the area in question.
- (2) This section is not to be construed as conferring on any person a right of entry to community government areas.

12 Aboriginal police

- (1) The function of maintaining peace and good order in all parts of a community government area is that of persons who hold appointments for the time being as Aboriginal police officers for the area.
- (2) A community government may appoint such number of persons as it considers necessary for the peace and good order of its area and the community government shall equip the persons appointed with a uniform and such other marks of authority as it thinks fit to enable them to discharge their function.
- (3) A person appointed under subsection (2) must have the qualifications prescribed under a regulation.
- (4) Subsection (3) does not limit the issues the community government may consider when deciding whether to appoint someone under subsection (2).
- (5) In this section—
qualifications includes knowledge, skills and experience.

13 Discharge of Aboriginal police officers' functions etc.

- (1) Aboriginal police officers appointed for a community government area shall have and may exercise within that area the functions, duties and powers conferred on them by local law of the community government established for the area.

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- (2) Also, for the administration and enforcement of the liquor provisions in a community government area, the police officer in charge for the area may authorise an Aboriginal police officer to exercise in the area the powers of—
 - (a) an investigator under the *Liquor Act, 1992*, part 7;⁴ or
 - (b) a police officer under the *Police Powers and Responsibilities Act 2000*, sections 51 to 53.⁵
- (3) For subsection (2)(b), the *Police Powers and Responsibilities Act 2000*, sections 51 to 53, apply as if a reference in the sections to a police officer were a reference to an Aboriginal police officer.
- (4) If at any time a police officer is, in execution of the officer's duty, stationed in or present in a community government area for which Aboriginal police officers are appointed, the Aboriginal police officers must discharge and exercise their functions, duties and powers subject to the direction and control of that police officer.
- (5) It is lawful for an Aboriginal police officer to use reasonable force in the discharge of the officer's function of maintaining peace and good order in the area for which the officer is appointed.

14 Other functions of Aboriginal police officers

A community government may by its local laws or otherwise as it thinks fit charge Aboriginal police officers appointed for its community government area with responsibility for ambulance services, firefighting services, emergency services and such other services associated with the local government of the area as it thinks fit.

4 For exercise of powers by Aboriginal police officers under the *Liquor Act 1992*, part 7, see section 174A of that Act.

5 *Police Powers and Responsibilities Act 2000*, sections 51 (Stopping vehicles for prescribed purposes), 52 (Power to require vehicles to be moved) and 53 (Requirement to remain at a place)

15 Indemnification of Aboriginal police officer for liability for tort

- (1) If—
 - (a) an Aboriginal police officer incurs legal liability for committing a tort while acting, or purporting to act, in the execution of duty as an officer; and
 - (b) the officer acted honestly and without gross negligence; the State may indemnify the officer for the liability.
- (2) If—
 - (a) an Aboriginal police officer incurs legal liability for helping, directly or indirectly, a person suffering, or apparently suffering, from illness or injury in circumstances that the officer reasonably considers to be an emergency; and
 - (b) the officer acted honestly and without gross negligence; the State must indemnify the officer for the liability.

Division 2 Authorised officers

16 Authorised officers

- (1) A community government may appoint any person to be an authorised officer for its community government area for such period as the community government specifies, to protect the natural and cultural resources of the area.
- (2) Subject to subsection (3), an authorised officer appointed under subsection (1) is to perform such functions and duties and may exercise such powers as are prescribed in the local laws for the community government area in which the authorised officer is appointed, which local laws may have regard to Aboriginal custom, tradition and belief.
- (3) An authorised officer may only perform a function or exercise a power, in respect of Aboriginal land in the community government area for which the authorised officer is appointed, under an agreement between the community government and the grantees of the land.

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17 General powers of authorised officers

- (1) An authorised officer, in addition to such other powers and duties as from time to time devolve upon that officer under this Act or the local laws for the community government area for which the officer is appointed may—
 - (a) call to his or her aid an Aboriginal police officer for the area where he or she has reasonable cause to apprehend any obstruction in the exercise of his or her powers or in the execution of his or her duties;
 - (b) be accompanied and aided by any person the officer may think competent to assist him or her in making any inspection or examination for the purposes of the local laws for the area;
 - (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or the relevant local laws have been or are being complied with by any person or in respect of the area concerned;
 - (d) at any time, stop any vehicle or vessel that he or she suspects on reasonable grounds to be used in the commission of a breach of the local laws for the area and search and examine that vehicle or vessel and all containers or other receptacles for any evidence of such a breach, and for that purpose may require the owner or person in charge thereof to open any such vehicle, vessel, container or other receptacle and expose its contents to view;
 - (e) perform such other functions and duties and exercise such other powers and authorities as may be prescribed in the local laws for the area concerned.
- (2) An authorised officer who—
 - (a) finds any person committing or believes on reasonable grounds that any person has committed an offence against this Act or the relevant local laws; or
 - (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act or those local laws has been committed by any person;or

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- (c) is of the opinion that the name, age and address or place of residence of any person is required for the purpose of giving effect to any provision of this Act or the relevant local laws, or for the purpose of enabling the authorised officer to carry out his or her powers and duties under this Act or the relevant local laws;

may require such person to state his or her name, age and address or place of residence, and, if the authorised officer believes on reasonable grounds that any information given in this regard is false, may require evidence of the correctness thereof.

- (3) A person who fails to comply with a request of an authorised officer under subsection (2) commits an offence against this Act.

Maximum penalty—4 penalty units.

Part 4 Community justice groups

Division 1 Establishment, functions and powers

18 Establishment

- (1) A community justice group for a community area may be established under a regulation.
- (2) The regulation must state the group's name.

19 Functions and powers

- (1) The functions of the community justice group for a community area are to—
- (a) regulate the possession and consumption of alcohol in the area under part 5, division 2; and

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

Example for subsection (1)(c)—

The group may make a recommendation about the days and hours of operation of the canteen or the availability of takeaway alcohol.

- (2) To remove any doubt, it is declared that the group may not make recommendations about the employment of canteen staff, including, for example, the appointment of the canteen manager.
- (3) The group has power to do all things reasonably necessary to be done for performing its functions.
- (4) Without limiting subsection (3), the group has the powers conferred on it by this or another Act.

Division 2 Provisions about membership of groups and group coordinators

20 Membership

- (1) The community justice group for a community area comprises the number of members prescribed under a regulation.
- (2) A regulation may make provision about the following—

⁶ See the *Indigenous Communities Liquor Licences Act 2002*, section 8 (Board to implement recommendations of community justice group).

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- (a) eligibility of persons to be members;
 - (b) nomination of persons as members;
 - (c) terms on which, and period, a member holds office.
- (3) However, members must include at least 1 representative of each of the main indigenous social groupings in the area.
- (4) Members must be of good standing in the community.
- (5) In this section—

indigenous social grouping means a group of indigenous persons sharing a common basis of social affiliation, including family relationship, language, traditional land ownership and historical association.

21 Criminal history checks

- (1) A regulation may provide for the disclosure by the commissioner of the police service to a stated entity of a person's criminal history for deciding whether the person is suitable to be nominated as a member.
- (2) The entity must—
- (a) not use the information for any purpose other than for the purpose mentioned in subsection (1); and
 - (b) as soon as practicable after the information is no longer needed for the purpose, destroy it.
- (3) In this section—

criminal history, of a person, means the convictions, other than spent convictions, recorded against the person for offences, in Queensland or elsewhere, whether before or after the commencement of this section.

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.

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22 Coordinator

- (1) The community justice group for a community area must appoint a coordinator for the group.
- (2) A regulation may make provision about the eligibility of a person to be appointed as coordinator.
- (3) The coordinator's functions are to—
 - (a) provide administrative support to the group; and
Example for paragraph (a)—

ensuring notice requirements under part 5, division 2, are met
 - (b) attend meetings of the group to advise it on any issue before it; and
 - (c) ensure minutes of the group's meetings are kept; and
 - (d) ensure the reporting requirements under section 25 are complied with.

Division 3 Miscellaneous provisions

23 Authentication of documents

A document made by the community justice group for a community area is sufficiently made if it is signed by the coordinator for the group.

24 Protection of members from civil liability

- (1) A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to the member, the liability attaches instead to the State.

25 Reporting requirements

- (1) Within 90 days after the end of each reporting period, a community justice group must prepare a report on its

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activities for the period and give the report to the chief executive.

(2) The report must be in the approved form.

(3) In this section—

reporting period means—

- (a) the period prescribed under a regulation; or
- (b) if a period is not prescribed under paragraph (a)—each quarter of a financial year.

Part 5 Control of possession and consumption of alcohol in community areas

Division 1 Preliminary

26 Purpose of pt 5

- (1) The purpose of this part is to prevent harm in community areas caused by alcohol abuse and misuse and associated violence.
- (2) The purpose is to be achieved by—
 - (a) prohibiting in certain community areas the possession or supply of homemade alcohol and the possession of certain substances and things used to make homemade alcohol; and
 - (b) providing for the declaration of places in community areas in which the possession and consumption of all alcohol is prohibited.

27 Definitions for pt 5

In this part—

appealable decision means a community justice group's decision—

- (a) to declare, or not to declare, a place as a dry place; or
- (b) to amend or revoke the declaration of a place as a dry place; or
- (c) to suspend, or not to suspend, the declaration of a place as a dry place.

closing day for objections and submissions see section 29(2).

dry place means a place declared under division 2 as a dry place.

entity includes—

- (a) a department; and
- (b) a division, branch or other part of a department.

fermenter means a container that could be used for the purpose of fermentation.

home-brew concentrate means—

- (a) a substance, that includes malt and hops, ordinarily used for brewing beer; or
- (b) wort; or
- (c) grape concentrate ordinarily used for making wine.

home-brew kit means a kit that includes all the following—

- (a) a fermenter;
- (b) an airlock;
- (c) a thermometer.

homemade alcohol means alcohol made other than under a licence under—

- (a) the *Excise Act 1901* (Cwlth); or
- (b) the *Distillation Act 1901* (Cwlth).

possess alcohol includes—

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- (a) have custody or control of the alcohol; and
- (b) have an ability or right to obtain custody or control of the alcohol.

prescribed community area means a community area prescribed under a regulation for section 45.

private place means—

- (a) a place occupied by a person, a group of persons, or an entity other than the State or a community council; or
- (b) a place to which a person or group of persons have the authority to control access under Aboriginal tradition.

public place means a place that is not a private place.

Division 2 Dry places

28 Declaration

- (1) The community justice group for a community area may—
 - (a) on its own initiative or on written application by the community council for the area or the chief executive of a department—
 - (i) declare a public place in the area as a dry place; or
 - (ii) amend or revoke a declaration made by it under subparagraph (i); or
 - (b) on written or personal application by the occupier of a private place in the area, or a person or group of persons with authority to control access to the place under Aboriginal tradition—
 - (i) declare the place as a dry place; or
 - (ii) amend or revoke a declaration made by it under subparagraph (i).
- (2) The community justice group may invite an application about a particular private place.
- (3) The group must consider the application as soon as reasonably practicable.

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- (4) A declaration may be for the limited time stated in it, or without limit of time, and may state reasonable conditions to which it is subject.
- (5) The group may also, on its own initiative, revoke a declaration made under subsection (1)(b) if it is satisfied it is necessary to revoke the declaration because the occupier of the place, or a person or group with authority to control access to the place under Aboriginal tradition, has acted in a way that is contrary to the effect of, or hinders the enforcement of, the declaration.
- (6) The group must ensure a person or group of persons who wish to make a written application under subsection (1)(b) are given help to make the application.

29 Notice of proposal

- (1) Before deciding whether to declare a place as a dry place, the community justice group for a community area must display written notice of the proposal—
 - (a) in at least 1 prominent place in the area; and
 - (b) if it considers it practicable, at the place.
- (2) The notice must—
 - (a) sufficiently identify the place; and
 - (b) state the right of a person to object or make a supporting submission; and
 - (c) state the day (the *closing day for objections and submissions*) on or before which—
 - (i) a written objection or supporting submission must be made; or
 - (ii) a written notice that a person wishes to object or make a supporting submission in person to the group, must be given; and
 - (d) state the objection, submission or notice must be made or given to the coordinator for the group; and
 - (e) if the proposed declaration is for a limited time—state that fact and the period proposed.

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- (3) The notice must be displayed for at least 14 days immediately before the closing day for objections and submissions.
- (4) In addition to displaying written notice of the proposal as required by this section, the group must consult with members of the community resident in the area in the way it considers appropriate.
- (5) This section applies to the amendment or revocation of a declaration of a place as a dry place in the same way as it applies to the making of the declaration.

30 Objections and supporting submissions

- (1) A person whose interests will be affected by the declaration of a public place as a dry place may object to or support the proposal to make the declaration.
- (2) A proposed declaration of a private place as a dry place may be objected to or supported by—
 - (a) a person or group of persons with the authority to control access to the place or a neighbouring place under Aboriginal tradition; or
 - (b) the occupier of, or a person or group who use, the place or a neighbouring place.
- (3) The objection or supporting submission must be made—
 - (a) in writing to the coordinator for the community justice group for the community area in which the place is located on or before the closing day for objections and submissions; or
 - (b) if the objector or supporter tells the coordinator for the group, on or before that day, that he or she wishes to appear before the group to make a submission—personally to the group.
- (4) The group must consider all written objections and supporting submissions made on or before the closing day for objections and submissions.
- (5) If the group gives a person mentioned subsection (3)(b) a reasonable opportunity to appear before it and put the

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objection or supporting submission but the person fails to appear, the person loses the right to have the objection or supporting submission considered by the group.

- (6) A fee is not payable by an objector or supporter.
- (7) This section applies to the amendment or revocation of a declaration of a place as a dry place in the same way as it applies to the making of the declaration.

31 Notice about declaration

- (1) The community justice group for a community area must display written notice of the declaration of a place as a dry place in at least 1 prominent place in the area for as long as the declaration is in force.
- (2) The notice must—
 - (a) sufficiently identify the place; and
 - (b) state that the declaration takes effect on the day on which the declaration is displayed; and
 - (c) if the declaration is for a limited time—state that fact and the period of the declaration; and
 - (d) state the provisions of section 35.
- (3) This section applies to the amendment or revocation of the declaration of a place as a dry place in the same way as it applies to the making of the declaration.
- (4) However, notice of the revocation must be displayed for at least 1 month and need not state the provisions of section 35.

32 Suspension of declaration

- (1) The community justice group for a community area may, on written application by any person, suspend the declaration of a public place in the area as a dry place for a period of not more than 7 days.
- (2) The application must state the purpose and period of the suspension sought.

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- (3) The group must consider the application as soon as reasonably practicable.
- (4) The group may suspend the declaration only if it is satisfied it is in the best interests of the residents of the area to do so.
- (5) The suspension may apply for all alcohol or a particular type of alcohol.
- (6) Also, the suspension may state reasonable conditions to which it is subject.
- (7) Sections 29 to 31 apply, with all necessary changes, to the suspension of a declaration of a place as a dry place as if it were a proposal to declare a place as a dry place.
- (8) However, notice of the suspension displayed under section 31 need not state the provisions of section 35.
- (9) The suspension does not affect the operation of section 45.⁷

33 Effect of declaration of dry place

- (1) This section applies if—
 - (a) under this division, a place is declared as a dry place (the *dry place declaration*); and
 - (b) the place is in a restricted area under the *Liquor Act 1992* to which section 168B of that Act applies because of a declaration under section 173H of that Act (the *restricted area declaration*).
- (2) The dry place declaration applies to the place despite the restricted area declaration.

⁷ Section 45 (Offences relating to homemade alcohol)

Division 3 Offences relating to community justice groups and dry places

34 Obstructing members

- (1) A person must not obstruct or improperly influence a member in performing the member's functions under this Act.

Maximum penalty—200 penalty units.

- (2) In this section—

influence includes attempt to influence.

obstruct includes hinder, resist and attempt to obstruct.

35 Possession or consumption of alcohol in or on dry place

- (1) A person must not, in or on a dry place, possess or consume alcohol.

Maximum penalty—250 penalty units.

- (2) A person must not, in or on a dry place, be drunk.

Maximum penalty—25 penalty units.

36 False or misleading statements

- (1) A person must not state anything to a community justice group that the person knows is false or misleading in a material particular.

Maximum penalty—60 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is enough to state that the statement made was, without specifying which, false or misleading.

37 False or misleading documents

- (1) A person must not give a community justice group a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—60 penalty units.

- (2) Subsection (1) does not apply to a person if the person, when giving the document—
 - (a) tells the group, to the best of the person's ability, how it is false or misleading; and
 - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.
- (3) In a proceeding for an offence against subsection (1), it is enough to state that the document was, without specifying which, false or misleading.

Division 4 Appeals relating to dry places

38 Who may appeal

A person whose interests are affected by an appealable decision may appeal against the decision to a Magistrates Court.

39 How to start appeal

- (1) An appeal is started by—
 - (a) filing notice of appeal with the clerk of the court of a Magistrates Court in, or nearest to, the community area to which the decision relates; and
 - (b) giving a copy of the notice to the community justice group that made the appealable decision within 7 days after the notice is filed.
- (2) The notice of appeal must be filed within 28 days after the appellant becomes aware of the decision.
- (3) The court may at any time extend the period for filing the notice of appeal.
- (4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

40 Stay of operation of decisions

- (1) The Magistrates Court may grant a stay of the appealable decision to secure the effectiveness of the appeal.
- (2) The stay—
 - (a) may be given on the conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and
 - (c) may be revoked or amended by the court.
- (3) The period of the stay must not extend past the time when the court decides the appeal.
- (4) The appeal affects the appealable decision, or carrying out of the decision, only if the decision is stayed.

41 Powers of Magistrates Court

- (1) In deciding the appeal, the Magistrates Court—
 - (a) has the same powers as the community justice group; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) The appeal is by way of rehearing unaffected by the decision appealed against on the material before the group and any further evidence allowed by the court.
- (3) The court may—
 - (a) confirm the appealable decision; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the issue to the group with the directions the court considers appropriate.

42 Constitution of Magistrates Court

The Magistrates Court must be constituted by a magistrate when exercising its jurisdiction to decide the appeal.

43 Effect of Magistrates Court's decision

If the Magistrates Court substitutes another decision, the substituted decision is, for this part (other than this division), taken to be the community justice group's decision.

44 Appeal to District Court

An appeal to the District Court from a decision of a Magistrates Court may be made only on a question of law.

Division 5 Provisions relating to homemade alcohol in certain community areas

45 Offences relating to homemade alcohol

A person must not, in a prescribed community area—

- (a) possess a home-brew kit; or
- (b) possess home-brew concentrate; or
- (c) possess homemade alcohol; or
- (d) supply homemade alcohol to someone else.

Maximum penalty—250 penalty units.

46 Relationship with restricted areas

- (1) This section applies if a prescribed community area or part of a prescribed community area is, or is in, a restricted area under the *Liquor Act 1992* to which section 168B of that Act applies because of a declaration under section 173H of that Act (the *restricted area declaration*).
- (2) Section 45(c) applies to the whole of the prescribed community area despite the restricted area declaration.

Division 6 Miscellaneous provision

47 Making applications

- (1) An application under this part must be made to the coordinator for the community justice group for the community area to which the application relates.
- (2) A fee is not payable for an application—
 - (a) to have a place declared as a dry place; or
 - (b) to have the declaration amended, revoked or suspended.

Part 6 Entry on trust areas

48 Definitions for pt 6

In this part—

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

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

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

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

49 Entry on trust area only in certain circumstances

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

Maximum penalty—35 penalty units.

50 Entry on trust area etc. by non-residents

- (1) A person may, for a lawful purpose, enter and be in a place within a trust area if—
 - (a) the place is an accessible place; or
 - (b) the place is another place that the community government for the trust area has decided, by resolution, is a place to which persons who are not residents of the trust area may have access.
- (2) Without limiting subsection (1), a person may enter and be in a place within a trust area that a resident of the trust area may enter and be in if the person enters or is in the place as a guest, or at the request of, a resident of the trust area.
- (3) Despite subsection (1)(a), if immediately before the commencement of this section, a native title holder could have entered and been in a place within a trust area in the exercise of the holder's native title rights and interests in relation to the place, the holder may continue to enter and be in the place in the exercise of the rights and interests.
- (4) A resolution may be made under subsection (1)(b) for a place that is Aboriginal land only with the written consent of the grantee of the land.
- (5) Subsection (6) applies to a person if—
 - (a) the person—
 - (i) is not a resident of a trust area; and
 - (ii) is permitted under the *Aboriginal Land Act 1991* to enter and be on Aboriginal land (the ***Aboriginal land area***); and
 - (b) the Aboriginal land area is situated within the trust area.

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

(7) In this section—

accessible place means—

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

airport includes—

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

landing includes jetty, pontoon and wharf.

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

51 Notice about resolution

(1) A community government must, as soon as practicable after passing a resolution under section 50(1)(b), display written notice of the resolution in at least 1 prominent place in its trust area for as long as the resolution is in force.

(2) The notice must—

- (a) sufficiently identify the place the subject of the resolution; and
- (b) state the provisions of section 50.

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52 Community government may impose restrictions on entry etc.

- (1) Subject to subsection (2), a community government for a trust area may, by resolution—
 - (a) restrict the number of persons who may enter and be in a place within the trust area under section 50(1)(b) or (2);
or
 - (b) restrict the time for which a person may live at a place within the trust area under section 50(1)(b) or (2).
- (2) A community government may make a resolution under subsection (1) only if the presence of the persons has resulted, or is likely to result, in an unsustainable use of resources or services in the area including, for example, the water supply or garbage service.

53 General authority to enter etc. trust area

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

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54 Entry on and temporary stay in trust area

Without limiting section 53, the following persons are authorised to enter, be in and live in a trust area until the purpose of their entry to the area is fulfilled—

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

55 Removal from trust area

- (1) A police officer or Aboriginal police officer may remove from a trust area a person who is not permitted under this part to be in the trust area.
- (2) It is lawful for an Aboriginal police officer exercising or attempting to exercise a power under subsection (1) against a person, and anyone helping the Aboriginal police officer, to use reasonably necessary force to exercise the power.⁸
- (3) The force an Aboriginal police officer may use under this section does not include force likely to cause grievous bodily harm to a person or the person's death.

⁸ See also the *Police Powers and Responsibilities Act 2000*, section 376 (Power to use force against individuals).

Part 7 Assistance sought by Aborigines

56 Grant of aid

- (1) Subject to and in accordance with the regulations (if any) applicable to the grant in question, the chief executive may grant aid to any Aborigine who applies to the chief executive therefor and, where necessary, may apply therein money appropriated by Parliament for the purpose or money held for the benefit of Aborigines generally.
- (2) Subject as prescribed by subsection (1), aid granted under that subsection may be of such a type (in money, in kind, or by way of services) and may be granted in such circumstances, on such terms and conditions and, where granted by way of secured loan, on such security as the chief executive thinks fit.

57 Deposit of savings with banker

- (1) The chief executive is authorised to continue the facilities established as at the commencement of this Act in areas for the acceptance by the chief executive of money deposited by Aborigines by way of their savings and the chief executive is authorised to establish in areas new facilities of a like nature.
- (2) In this part the person providing such facilities is called *the banker*.
- (3) The banker must deposit money received by the banker under subsection (1) in—
 - (a) the trust fund established as at the commencement of this Act with the Commonwealth Savings Bank of Australia; or
 - (b) another trust fund established by the banker for depositing the money.
- (4) The banker shall cause to be properly kept a separate record and account of all moneys deposited with the banker by each Aborigine by way of his or her savings and each such account shall be credited at least once in each year with an amount as

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interest earned by the amount standing to the credit of that account at a rate not less than the rate of interest payable by the Commonwealth Savings Bank of Australia in respect of its ordinary savings accounts.

- (5) Money deposited with the banker by Aborigines by way of their savings together with all interest accrued thereon shall be repayable at call and upon receipt of an authority signed or otherwise attested by the Aborigine on whose behalf money is so held or by another person authorised in writing by the Aborigine the chief executive shall arrange the withdrawal of the amount sought from the appropriate trust fund and the payment thereof to the Aborigine or as otherwise requested by the Aborigine.

58 Continuation of management of money

- (1) Where at the commencement of this Act property, being money, of an Aborigine is being managed under the *Aborigines Act 1971* the chief executive is authorised to continue that management.
- (2) Moneys of an Aborigine under the management of the chief executive pursuant to subsection (1) shall be deemed to be moneys deposited with the chief executive by the Aborigine by way of his or her savings and the provisions of section 57 shall apply accordingly.

59 Banker is a statutory body

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

60 Administration of Aborigines' estates

- (1) In the absence of a testamentary instrument duly made by an Aborigine who has died or is to be presumed to have died and

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if it should prove impracticable to ascertain the person or persons entitled in law to succeed to the estate of the Aborigine or any part of it, the chief executive may determine which person or persons shall be entitled to so succeed or whether any person is so entitled.

- (2) The person or persons determined by the chief executive to be entitled to succeed to an estate or to any part of it shall be the only person or persons entitled in law to succeed to the estate or, as the case may be, part and, if more than 1 person is so determined, to succeed in the order and proportions determined by the chief executive.
- (3) A certificate purporting to be signed by the chief executive that the person or persons named therein is or are entitled to succeed to the estate or any part of the estate of the person named therein (being a person to whose estate subsections (1) and (2) apply), or that there is no person so entitled shall be conclusive evidence of the matters contained therein.
- (4) If, so far as can be determined, there is no person entitled to succeed to the estate or a part of the estate of an Aborigine who has died or is to be presumed to have died the estate or, as the case may be, part shall vest in the chief executive who shall apply the moneys or the proceeds of the sale of any property (less the expenses (if any) of such sale) for the benefit of Aborigines generally as provided by section 56.

Part 8 General provisions

61 Aborigines' right to certain natural resources

- (1) Subject to sections 62 and 93 of the *Nature Conservation Act 1992*, but despite the provisions of any other Act, a member of a community of Aborigines resident in a community government area shall not be liable to prosecution as for an offence for taking marine products or fauna by traditional means for consumption by members of the community.

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- (2) Subsection (1) shall not be construed to authorise the sale or other disposal for gain of any marine product or fauna taken by traditional means.

62 Aborigines' right to certain forest products and quarry material—Aboriginal land

- (1) If there is no reservation to the Crown of forest products or quarry material, within the meaning of the *Forestry Act 1959*, above, on or below the surface of Aboriginal land, the community government for the community government area in which the land is situated may, subject to subsection (2), authorise the gathering or digging, and removal, of forest products or quarry material for use in the community government area.
- (2) A community government must not give an authority unless—
- (a) the authority is given under an agreement between the community government and the grantees of the land; or
 - (b) failing agreement, the community government pays the grantees of the land such compensation as is determined by the Land Court.

63 Aborigines' right to certain forest products and quarry material—non-Aboriginal land

- (1) Subject to sections 62 and 93 of the *Nature Conservation Act 1992*, but despite any other Act, a member of a community of Aborigines that lives in a community government area of a community government is not liable to prosecution for an offence for taking forest products or quarry material, within the meaning of the *Forestry Act 1959*, from above, on or below the surface of trust land held by the community government, for use within the community government area of the community government.
- (2) Subsection (1) does not authorise the sale or other disposal for gain of forest products or quarry material taken under that subsection.

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- (3) Despite the *Forestry Act 1959*, a community government may authorise the gathering or digging, and removal of forest products or quarry material from above, on or below the surface of trust land held by the community government, for use within the community government area of the community government.
- (4) The forest products or quarry material may be gathered or dug, and removed, under subsection (3) without the payment of royalty.
- (5) In this section—

trust land means land that is trust land for the benefit of Aboriginal or Torres Strait Islander inhabitants or for Aboriginal or Torres Strait Islander purposes under the *Land Act 1994*.

64 Obstruction, intimidation and assault

A person shall not assault or wilfully obstruct or intimidate, or attempt so to do, another in the discharge or exercise by that other of the other's functions, duties or powers under this Act.

65 General penalty for offence

A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and, except where another penalty is expressly provided by this Act for that offence is liable to a penalty of 7 penalty units or to imprisonment for 6 months.

66 Making of local laws about particular matters

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

- (a) not inconsistent with part 5,⁹ for the purpose of regulating and controlling the possession or

⁹ Part 5 (Control of possession and consumption of alcohol in community areas)

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consumption of alcohol in its community government area; or

- (b) conferring functions on the community justice group for its community government area.

67 Evidentiary aids

- (1) In proceedings to enforce a penalty for an offence against this Act—
 - (a) an averment in the complaint that a person named therein is part of the community that resides in a community government area shall be conclusive evidence thereof until the contrary is proved;
 - (b) it shall not be necessary to prove the appointment or signature of the chief executive or the authority of the complainant to lay the complaint;
 - (c) it shall not be necessary to prove the limits of a community government area.
- (2) Subsection (3) applies to a proceeding for an offence against section 35(1).¹⁰
- (3) A statement in the complaint for the offence that fluid was in a container of a type that usually holds alcohol is evidence that the fluid was alcohol.
- (4) Subsection (5) applies to a proceeding for an offence against section 35(1) or 45(b), (c), or (d).
- (5) A certificate purporting to be signed by an analyst stating the results of an analysis of a fluid or other substance is, on its production, admissible as evidence of the results of the analysis.
- (6) A provision of this section does not limit another provision of the section or of this Act about evidence.

¹⁰ Section 35 (Possession or consumption of alcohol in or on dry place)

(7) In this section—

analyst means a State analyst under the *Health Act 1937*.

homemade alcohol has the same meaning as in part 5.

68 Evidence of home-brew concentrate by label

(1) This section applies if, in a proceeding for an offence against section 45(b), it is relevant to prove that a substance in the possession of a person was home-brew concentrate.

(2) In the absence of proof to the contrary, the substance is proved to be home-brew concentrate if—

(a) there is evidence that the container containing the substance had a label indicating the substance was home-brew concentrate; and

(b) a police officer gives evidence that the police officer believes the container contained home-brew concentrate; and

(c) the court considers the belief mentioned in paragraph (b) to be reasonably held.

(3) In this section—

home-brew concentrate has the same meaning as in part 5.

label, in relation to a container, includes any tag, statement in writing, representation or other descriptive matter on or attached to or used or displayed in connection with the container.

69 Evidence of homemade alcohol having regard to belief of police officer

(1) This section applies if, in a proceeding for an offence against section 45(c) or (d), it is relevant to prove that a substance possessed or supplied by a person was homemade alcohol.

(2) In the absence of proof to the contrary, the substance is proved to be homemade alcohol if—

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- (a) there is evidence by a police officer that the police officer believed the substance was homemade alcohol; and
 - (b) the court considers the belief mentioned in paragraph (a) to be reasonably held by the police officer.
- (3) For subsection (2)(a) it is sufficient for the police officer to believe—
- (a) that the substance was alcohol by having regard to the conditions in which it was found or its odour; and
 - (b) that the alcohol was homemade by having regard to either or both of the following—
 - (i) its odour, or appearance, as compared to that of alcohol usually commercially available in Queensland;
 - (ii) if the alcohol was in a container, that the police officer considers that the container was not of a type in which alcohol was usually commercially available to the public in Queensland.
- (4) For subsection (2)(b), a court may consider a belief formed as mentioned in subsection (3) to be reasonably held.
- (5) Subsection (3) does not limit the matters that may form the basis for a police officer's belief mentioned in subsection (2)(a) or the basis for a court to consider the police officer's belief to be reasonably held.
- (6) In this section—
- homemade alcohol* has the same meaning as in part 5.

70 **Approved forms**

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

71 **Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.

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- (2) Without limiting subsection (1), a regulation may be made about the following—
- (a) the functions, duties and powers of the chief executive and officers of the department, and the manner of discharging or exercising those functions, duties and powers; and
 - (b) the composition of Aboriginal police forces and conditions of service of Aboriginal police officers; and
 - (c) the granting of aid to Aborigines; and
 - (d) the conditions on which aid may be granted; and
 - (e) the obligations of persons to whom aid is granted; and
 - (f) the business and conduct of meetings of community justice groups, including, for example, about the following—
 - (i) the times and places of meetings;
 - (ii) the quorum for meetings;
 - (iii) the presiding member at meetings;
 - (iv) the disclosure of a member's interest before meetings; and
 - (g) the venue and regularity thereof; and
 - (h) the access thereto of members of the community of Aborigines resident in the community government area of a community government; and
 - (i) the establishment, maintenance, management and control of such trust funds and accounts as are necessary or desirable for the care of moneys of Aborigines deposited with the chief executive or for the administration of Aborigines' estates or for the disposal of unclaimed money; and
 - (j) the establishment, maintenance, management and control of funds to indemnify Aborigines against loss of or damages to vessels, equipment or machinery, and to compensate Aborigines and their dependants for death or personal injury sustained by a person in the course of the person's employment if compensation is not payable

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- (a) before the commencement, an Aboriginal council had under repealed part 7 started the process of making a by-law or subordinate by-law under that part; and
 - (b) immediately before the commencement, the process for making the by-law or subordinate by-law had not finished.
- (2) Despite the repeal of repealed part 7, that part and any other provisions necessary for the operation of that part continue to apply to the making of the by-law or subordinate by-law as if that part had not been repealed.
- (3) In this section—

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

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

Division 3 Transitional provisions for Aboriginal Coordinating Council

74 Definitions for div 3

In this division—

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

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

75 ACC dissolved

ACC is dissolved and its members go out of office.

76 References to ACC

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

77 Agreements and proceedings

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

78 Assets and liabilities

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

Part 10 Validating provisions

79 Validation of declaration of council areas

- (1) It is declared that the *Community Services (Aborigines) Regulation 1998*, section 64A and schedule 1A¹¹ as in force from time to time before the commencement of this section are, and always were, under their terms effective as a valid declaration of the parts of the State mentioned in column 1 of that schedule to be the council areas mentioned in column 2 of that schedule.
- (2) Without limiting subsection (1), it is immaterial that a part of the State concerned was or is included in a local government area under the *Local Government Act 1993*.

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

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- (3) A reference in that schedule to a deed of grant is, and always was, a reference to the deed as originally issued.
- (4) This section applies for all purposes.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 December 2005. Future amendments of the Aboriginal Communities (Justice and Land Matters) Act 1984 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

5 Tables in earlier reprints

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	4
Obsolete and redundant provisions	1
Renumbered provisions	1, 4

6 List of legislation

**Aboriginal Communities (Justice and Land Matters) Act 1984 No. 51 (prev
Community Services (Aborigines) Act 1984)**
 date of assent 15 May 1984
 ss 1–2 commenced on date of assent
 remaining provisions commenced 31 May 1984 (see s 2(2))

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amending legislation—

Liquor Act and Other Acts Amendment Act 1985 No. 81 s 39

date of assent 20 November 1985

commenced 1 July 1986 (proc pubd gaz 28 June 1986 p 1777)

Community Services (Aborigines) Act Amendment Act 1986 No. 43

date of assent 25 September 1986

commenced on date of assent

Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 3 pts A, C

date of assent 14 November 1990

s 3 sch 3 pt A commenced 7 December 1989 (see s 2(4)(a))

remaining provisions commenced 1 December 1990 (see 1991 Act No. 97 s 5 sch 5)

Referendums Legislation Amendment Act 1990 No. 101 pt 4

date of assent 12 December 1990

commenced on date of assent

Community Services (Aborigines) Act Amendment Act 1990 No. 104

date of assent 18 December 1990

commenced on date of assent

Justices of the Peace and Commissioners for Declarations Act 1991 No. 50 ss 1–2, pt 5

date of assent 10 September 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 1991 (1991 SL No. 113)

Aboriginal and Torres Strait Islander Land (Consequential Amendments) Act 1991 No. 76 pts 1, 4

date of assent 21 November 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 21 December 1991 (1991 SL No. 223)

Nature Conservation Act 1992 No. 20 ss 1–2, 159 sch 2 (this Act is amended, see amending legislation below)

date of assent 22 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 19 December 1994 (1994 SL No. 472)

amending legislation—

Nature Conservation Amendment Act 1994 No. 42 ss 1–2 sch (amends 1992 No. 20 above)

date of assent 14 September 1994

commenced on date of assent

Local Government Act 1993 No. 70 pt 1, s 804 sch

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2(5))

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Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 ss 1–3 sch 1

date of assent 14 December 1993
commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 1

date of assent 10 May 1994
commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 June 1997 (1997 SL No. 128)

WorkCover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2

date of assent 12 December 1996
ss 1–2 commenced on date of assent
remaining provisions commenced 1 February 1997 (1996 SL No. 442)

Financial Administration Legislation Amendment Act 1999 No. 29 ss 1–2, 50 sch

date of assent 16 June 1999
ss 1–2, 50 commenced on date of assent
remaining provisions commenced 1 July 1999 (1999 SL No. 122 and see 1999 SL No. 119, 1999 SL No. 70 s 2(3))

Community Services Legislation Amendment Act 1999 No. 53 pts 1–2, s 35 sch

date of assent 18 November 1999
ss 1–2 commenced on date of assent
remaining provisions commenced 21 January 2000 (2000 SL No. 6)

Local Government and Other Legislation Amendment Act (No. 2) 1999 No. 59 ss 1, 2(7), pt 5, s 60 sch

date of assent 29 November 1999
commenced on date of assent

Police Powers and Responsibilities Act 2000 No. 5 ss 1–2(1)–(2), 373 sch 2

date of assent 23 March 2000
commenced on date of assent (see s 2(1)–(2))

GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3

date of assent 23 June 2000
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2000 (see s 2(4))

Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2

date of assent 27 June 2000
ss 1–2 commenced on date of assent
remaining provisions commenced 28 September 2000 (2000 SL No. 248)

Community Services Legislation Amendment Act 2001 No. 49 pts 1–2

date of assent 28 June 2001

ss 1–2 commenced on date of assent

ss 6(1), 7–8 commenced 26 April 2002 (2002 SL No. 84)

remaining provisions commenced on date of assent

Constitution of Queensland 2001 No. 80 ss 1–2, 94 sch 2

date of assent 3 December 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 6 June 2002 (see s 2)

Community Services Legislation Amendment Act 2002 No. 46 s 1, pt 2, s 3(2) sch

date of assent 24 September 2002

commenced on date of assent

Workers' Compensation and Rehabilitation Act 2003 No. 27 ss 1–2(2), 622 sch 5

date of assent 23 May 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2003 (see s 2(2))

**Local Government (Community Government Areas) Act 2004 No. 37 ss 1–2, 85–86
sch 1**

date of assent 27 October 2004

ss 1–2, 85 commenced on date of assent (see s 2)

remaining provisions commenced 1 January 2005 (2004 SL No. 266)

Community Services and Other Legislation Amendment Act 2004 No. 38 pts 1–2

date of assent 27 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 8 December 2004 (2004 SL No. 267)

Public Health Act 2005 No. 48 ss 1–2, 492 sch 1

date of assent 2 November 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2005 (2005 SL No. 280)

7 List of annotations

This reprint has been renumbered—see tables of renumbered provisions in endnote 8.

Title amd 2004 No. 37 s 86 sch 1

Short title

s 1 sub 2004 No. 37 s 86 sch 1

Savings

s 3 prev s 3 om R1 (see RA s 36)
pres s 3 amd 1986 No. 43 s 2; 1990 No. 80 s 3 sch 3 pt C; R1 (see RA ss 37, 39); 1999 No. 29 s 50 sch; 2004 No. 37 s 86 sch 1

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Definitions

- prov hdg** sub 1999 No. 53 s 4(1)
- s 4** prev s 4 om R1 (see RA s 40)
- pres s 4 amd 1986 No. 43 s 3(a), (d); 1999 No. 53 s 4(6)
- def “**Aboriginal Council Accounting Standards**” ins 2001 No. 49 s 4
om 2004 No. 37 s 86 sch 1
- def “**Aboriginal land**” ins 1991 No. 76 s 15(1)
amd 1999 No. 53 s 35 sch
- def “**Aboriginal police officer**” ins 2002 No. 46 s 4
amd 2004 No. 37 s 86 sch 1
- def “**Aborigine**” sub 1986 No. 43 s 3(b)–(c); 1990 No. 104 s 3(a)
om R1 (see RA s 39)
- def “**ACC**” ins 2004 No. 37 s 86 sch 1
- def “**advertised proposed by-law**” ins 2002 No. 46 s 4
om 2004 No. 37 s 86 sch 1
- def “**alcohol**” ins 2002 No. 46 s 4
- def “**amended proposed by-law**” ins 2002 No. 46 s 4
om 2004 No. 37 s 86 sch 1
- def “**appealable decision**” ins 2002 No. 46 s 4
- def “**approved form**” ins 2002 No. 46 s 4
- def “**area**” om 1999 No. 53 s 4(2)
- def “**by-laws**” amd 1999 No. 53 s 4(4)–(5)
om 2004 No. 37 s 86 sch 1
- def “**canteen**” ins 2002 No. 46 s 4
- def “**certified copy**” ins 2002 No. 46 s 4
om 2004 No. 37 s 86 sch 1
- def “**closing day for objections and submissions**” ins 2002 No. 46 s 4
- def “**commencement**” ins 2004 No. 37 s 86 sch 1
- def “**community area**” ins 2002 No. 46 s 4
amd 2004 No. 37 s 86 sch 1
- def “**community council**” ins 2002 No. 46 s 4
amd 2004 No. 37 s 86 sch 1
- def “**community government**” ins 2004 No. 37 s 86 sch 1
- def “**community government area**” ins 2004 No. 37 s 86 sch 1
- def “**community justice group**” ins 2002 No. 46 s 4
- def “**consultation period**” ins 2002 No. 46 s 4
om 2004 No. 37 s 86 sch 1
- def “**coordinator**” ins 2002 No. 46 s 4
- def “**corporation**” sub 1990 No. 80 s 3 sch 3 pt C
- def “**council area**” ins 1999 No. 53 s 4(3)
om 2004 No. 37 s 86 sch 1
- def “**Department**” sub 1990 No. 80 s 3 sch 3 pt A
om R1 (see RA s 39)
- def “**Director-General**” ins 1990 No. 80 s 3 sch 3 pt A
om R1 (see RA s 39)
- def “**drafting certificate**” ins 2002 No. 46 s 4
om 2004 No. 37 s 86 sch 1
- def “**dry place**” ins 2002 No. 46 s 4
- def “**entity**” ins 2002 No. 46 s 4

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- def “**fermenter**” ins 2004 No. 38 s 4
 def “**home-brew concentrate**” ins 2004 No. 38 s 4
 def “**home-brew kit**” ins 2004 No. 38 s 4
 def “**homemade alcohol**” ins 2004 No. 38 s 4
 def “**Islander**” ins 1990 No. 104 s 3(b)
 def “**liquor provisions**” ins 2002 No. 46 s 4
 def “**local law**” ins 2004 No. 37 s 86 sch 1
 def “**member**” ins 2002 No. 46 s 4
 def “**Minister**” om R1 (see RA s 39)
 def “**model by-law**” ins 2002 No. 46 s 4
 om 2004 No. 37 s 86 sch 1
 def “**native title holder**” ins 2004 No. 37 s 86 sch 1
 def “**native title rights and interests**” ins 2004 No. 37 s 86 sch 1
 def “**non-Aboriginal land**” ins 1991 No. 76 s 15(1)
 def “**notional GST**” ins 2000 No. 20 s 29 sch 3
 om 2004 No. 37 s 86 sch 1
 def “**police officer in charge**” ins 2002 No. 46 s 4
 amd 2004 No. 37 s 86 sch 1
 def “**possess**” ins 2002 No. 46 s 4
 def “**prescribed community area**” ins 2004 No. 38 s 4
 def “**private place**” ins 2002 No. 46 s 4
 def “**proposed authorising law**” ins 2002 No. 46 s 4
 om 2004 No. 37 s 86 sch 1
 def “**proposed by-law**” ins 2002 No. 46 s 4
 om 2004 No. 37 s 86 sch 1
 def “**public place**” ins 2002 No. 46 s 4
 def “**repealed part 8**” ins 2004 No. 37 s 86 sch 1
 def “**required number**” ins 2002 No. 46 s 4
 om 2004 No. 37 s 86 sch 1
 def “**State interest**” ins 2002 No. 46 s 4
 om 2004 No. 37 s 86 sch 1
 def “**subordinate by-law**” ins 2002 No. 46 s 4
 om 2004 No. 37 s 86 sch 1
 def “**trust area**” amd 1990 No. 80 s 3 sch 3 pt A
 sub 1991 No. 76 s 15(2)
 om 1999 No. 53 s 4(2)
 ins 2004 No. 37 s 86 sch 1
 def “**Under Secretary**” om 1990 No. 80 s 3 sch 3 pt A

Corporation

- s 5** prev s 5 ins 1999 No. 53 s 5
 om 2004 No. 37 s 86 sch 1
 pres s 5 amd 1990 No. 80 s 3 sch 3 pt A
 sub 1990 No. 80 s 3 sch 3 pt C

Corporation of chief executive is statutory body

- s 6** prev s 6 amd 1990 No. 80 s 3 sch 3 pt A
 om 2004 No. 37 s 86 sch 1
 pres s 6 ins 1996 No. 54 s 9 sch

Consequences of constitution of corporation

s 7 ins 1990 No. 80 s 3 sch 3 pt C

Delegation by Minister or chief executive

s 8 amd 1990 No. 80 s 3 sch 3 pt A

sub 2004 No. 37 s 86 sch 1

PART 3—LAW AND ORDER IN COMMUNITY GOVERNMENT AREAS

pt hdg prev pt 3 hdg ins 1999 No. 53 s 6

om 2004 No. 37 s 86 sch 1

pres pt 3 hdg sub 2004 No. 37 s 86 sch 1

Division 1—Law and order in community government areas

div hdg prev div 1 hdg ins 1999 No. 53 s 6 (incl in orig pt 3)

om 2004 No. 37 s 86 sch 1

pres div 1 hdg amd 2004 No. 37 s 86 sch 1

Jurisdiction and powers of police

s 9 amd 1999 No. 53 s 35 sch; 2002 No. 46 s 3(2) sch; 2004 No. 37 s 86 sch 1

Entry upon community government areas etc.

prov hdg amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1

s 10 prev s 10 amd 1990 No. 80 s 3 sch 3 pt A

om 2004 No. 37 s 86 sch 1

pres s 10 amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1

Application to community government areas of laws relating to public places

prov hdg amd 2004 No. 37 s 86 sch 1

s 11 sub 1990 No. 104 s 15

amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1

Aboriginal police

s 12 prev s 12 amd 1990 No. 80 s 3 sch 3 pt A

sub 1990 No. 104 s 4

amd 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1

pres s 12 amd 1999 No. 53 s 35 sch; 2002 No. 46 s 3(2) sch; 2004 No. 37 s 86 sch 1

Discharge of Aboriginal police officers' functions etc.

prov hdg amd 2002 No. 46 s 3(2) sch

s 13 prev s 13 om 2004 No. 37 s 86 sch 1

pres s 13 amd 1999 No. 53 s 35 sch; 2002 No. 46 ss 9, 3(2) sch; 2004 No. 37 s 86 sch 1

Other functions of Aboriginal police officers

prov hdg amd 2002 No. 46 s 3(2) sch

s 14 prev s 14 amd 1990 No. 80 s 3 sch 3 pt A

om 2004 No. 37 s 86 sch 1

pres s 14 amd 1999 No. 53 s 35 sch; 2002 No. 46 s 3(2) sch; 2004 No. 37 s 86 sch 1

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Indemnification of Aboriginal police officer for liability for tort

s 15 prev s 15 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 15 ins 1994 No. 15 s 3 sch 1

Division 2—Authorised officers

div hdg prev div 2 hdg ins 1999 No. 53 s 6 (incl in orig pt 3)
om 2004 No. 37 s 86 sch 1
pres div 2 hdg ins 1990 No. 104 s 17

Authorised officers

s 16 prev s 16 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 16 ins 1990 No. 104 s 17
amd 1991 No. 76 s 17; 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1

General powers of authorised officers

s 17 prev s 17 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 17 ins 1990 No. 104 s 17
amd 1999 No. 53 s 35 sch; 2000 No. 5 s 373 sch 2; 2002 No. 46 s 3(2) sch;
2004 No. 37 s 86 sch 1

Division 3—Financial controller

div hdg ins 1999 No. 53 s 6 (incl in orig pt 3)
om 2004 No. 37 s 86 sch 1

PART 4—COMMUNITY JUSTICE GROUPS

pt hdg ins 2002 No. 46 s 10

Division 1—Establishment, functions and powers

div hdg prev div 1 hdg om 2004 No. 37 s 86 sch 1 (incl in orig pt 4)
pres div 1 hdg ins 2002 No. 46 s 10

Establishment

s 18 prev s 18 ins 1999 No. 53 s 6
amd 2002 No. 46 s 5
om 2004 No. 37 s 86 sch 1
pres s 18 ins 2002 No. 46 s 10

Functions and powers

s 19 prev s 19 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 19 ins 2002 No. 46 s 10

Division 2—Provisions about membership of groups and group coordinators

div hdg prev div 2 hdg ins 1999 No. 53 s 8 (incl in orig pt 4)
om 2004 No. 37 s 86 sch 1
pres div 2 hdg ins 2002 No. 46 s 10

Membership

s 20 orig s 20 om 1999 No. 53 s 35 sch
prev s 20 ins 1999 No. 53 s 6

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amd 2001 No. 80 s 94 sch 2
om 2004 No. 37 s 86 sch 1
pres s 20 ins 2002 No. 46 s 10

Criminal history checks

s 21 orig s 21 om 1999 No. 53 s 35 sch
prev s 21 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 21 ins 2002 No. 46 s 10

Coordinator

s 22 orig s 22 om 1999 No. 53 s 35 sch
prev s 22 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 22 ins 2002 No. 46 s 10
amd 2004 No. 37 s 86 sch 1

Division 3—Miscellaneous provisions

div hdg ins 2002 No. 46 s 10

Authentication of documents

s 23 orig s 23 amd 1990 No. 80 s 3 sch 3 pt A
om 1990 No. 104 s 6
prev s 23 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 23 ins 2002 No. 46 s 10

Protection of members from civil liability

s 24 orig s 24 om 1990 No. 104 s 7
prev s 24 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 24 ins 2002 No. 46 s 10

Reporting requirements

s 25 prev s 25 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 25 ins 2002 No. 46 s 10

Division 4—Determination of matters of complaint in areas

div hdg om 2004 No. 37 s 86 sch 1 (incl in orig pt 4)

**PART 5—CONTROL OF POSSESSION AND CONSUMPTION OF ALCOHOL IN
COMMUNITY AREAS**

pt hdg ins 2002 No. 46 s 11

Division 1—Preliminary

div hdg ins 2002 No. 46 s 11

Purpose of pt 5

s 26 orig s 26 amd 1991 No. 76 s 16; 1999 No. 53 s 35 sch
om 2002 No. 46 s 7
prev s 26 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1

*Aboriginal Communities (Justice and Land Matters)
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pres s 26 ins 2002 No. 46 s 11
amd 2004 No. 38 s 5

Definitions for pt 5

s 27 orig s 27 amd 1999 No. 53 s 35 sch
om 2002 No. 46 s 7
prev s 27 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 27 ins 2002 No. 46 s 11
def “**fermenter**” ins 2004 No. 38 s 6
def “**home-brew concentrate**” ins 2004 No. 38 s 6
def “**home-brew kit**” ins 2004 No. 38 s 6
def “**homemade alcohol**” ins 2004 No. 38 s 6
def “**prescribed community area**” ins 2004 No. 38 s 6

Division 2—Dry places

div hdg ins 2002 No. 46 s 11

Declaration

s 28 prev s 28 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 28 ins 2002 No. 46 s 11

Notice of proposal

s 29 prev s 29 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 29 ins 2002 No. 46 s 11

Separate budgets for funds

s 29A ins 1990 No. 104 s 10
om 1999 No. 53 s 9

Budget provisions apply to other funds

s 29E ins 1990 No. 104 s 10
om 1999 No. 53 s 12

Objections and supporting submissions

s 30 orig s 30 om 1990 No. 104 s 11
prev s 30 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 30 ins 2002 No. 46 s 11

Notice about declaration

s 31 orig s 31 om 1990 No. 104 s 11A
prev s 30 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 31 ins 2002 No. 46 s 11

Suspension of declaration

s 32 prev s 32 ins 1999 No. 53 s 6
om 2004 No. 37 s 86 sch 1
pres s 32 ins 2002 No. 46 s 11
amd 2004 No. 38 s 7

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Effect of declaration of dry place

s 33 prev s 33 ins 1999 No. 53 s 6
 om 2004 No. 37 s 86 sch 1
 pres s 33 ins 2002 No. 46 s 11

Division 3—Offences relating to community justice groups and dry places

div hdg ins 2002 No. 46 s 11
 amd 2004 No. 38 s 8

Obstructing members

s 34 prev s 34 ins 1999 No. 53 s 6
 om 2004 No. 37 s 86 sch 1
 pres s 34 ins 2002 No. 46 s 11

Possession or consumption of alcohol in or on dry place

s 35 prev s 35 ins 1999 No. 53 s 6
 om 2004 No. 37 s 86 sch 1
 pres s 35 ins 2002 No. 46 s 11

False or misleading statements

s 36 prev s 36 ins 1999 No. 53 s 6
 om 2004 No. 37 s 86 sch 1
 pres s 36 ins 2002 No. 46 s 11

False or misleading documents

s 37 prev s 37 ins 1999 No. 53 s 6
 om 2004 No. 37 s 86 sch 1
 pres s 37 ins 2002 No. 46 s 11

Division 4—Appeals relating to dry places

div hdg ins 2002 No. 46 s 11
 amd 2004 No. 83 s 9

Who may appeal

s 38 prev s 38 ins 1999 No. 53 s 6
 om 2004 No. 37 s 86 sch 1
 pres s 38 ins 2002 No. 46 s 11

How to start appeal

s 39 prev s 39 amd 1986 No. 43 s 4; 1990 No. 104 s 5
 sub 1999 No. 53 s 7
 om 2004 No. 37 s 86 sch 1
 pres s 39 ins 2002 No. 46 s 11

Stay of operation of decisions

s 40 prev s 40 ins 1999 No. 53 s 7
 om 2004 No. 37 s 86 sch 1
 pres s 40 ins 2002 No. 46 s 11

Powers of Magistrates Court

s 41 prev s 41 ins 1999 No. 53 s 7
 om 2004 No. 37 s 86 sch 1
 pres s 41 ins 2002 No. 46 s 11

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Constitution of Magistrates Court

s 42 prev s 42 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1
pres s 42 ins 2002 No. 46 s 11

Effect of Magistrates Court's decision

s 43 prev s 43 amd 1999 No. 59 s 60 sch
om 2004 No. 37 s 86 sch 1
pres s 43 ins 2002 No. 46 s 11

Appeal to District Court

s 44 prev s 44 amd 1986 No. 43 s 5; R1 (see RA s 37); 1999 No. 53 s 35 sch; 1999
No. 59 s 60 sch; 2001 No. 49 s 5
om 2004 No. 37 s 86 sch 1
pres s 44 ins 2002 No. 46 s 11

Division 5—Provisions relating to homemade alcohol in certain community areas

div hdg ins 2004 No. 38 s 11

Offences relating to homemade alcohol

prov hdg sub 1999 No. 53 s 35 sch
s 45 prev s 45 amd 1990 No. 101 s 16; R1 (see RA s 37); 1999 No. 53 s 35 sch;
1999 No. 59 s 60 sch
om 2004 No. 37 s 86 sch 1
pres s 45 ins 2004 No. 38 s 11

Relationship with restricted areas

prov hdg amd R1 (see RA s 23); 1999 No. 53 s 35 sch
s 46 prev s 46 amd 1986 No. 43 s 6; 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1
pres s 46 ins 2004 No. 38 s 11

Division 6—Miscellaneous provision

div hdg (prev pt 6, div 5 hdg) ins 2002 No. 46 s 11
renum 2004 No. 38 s 10

Making applications

s 47 prev s 47 amd 1986 No. 43 s 7; 1990 No. 104 s 8; 1999 No. 53 s 35 sch; 2001
No. 49 s 6; 2002 No. 46 s 6
om 2004 No. 37 s 86 sch 1
pres s 47 ins 2002 No. 46 s 11

PART 6—ENTRY ON TRUST AREAS

pt hdg ins 2002 No. 46 s 12
sub 2004 No. 37 s 86 sch 1

Definitions for pt 6

s 48 prev s 48 ins 2001 No. 49 s 7
om 2004 No. 37 s 86 sch 1
pres s 48 ins 2002 No. 46 s 12
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Entry on trust area only in certain circumstances

s 49 prev s 49 ins 1990 No. 104 s 9
 om 2004 No. 37 s 86 sch 1
 pres s 49 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

Entry on trust area etc. by non-residents

s 50 prev s 50 ins 1999 No. 53 s 8
 amd 2000 No. 20 s 29 sch 3; 2001 No. 49 s 8
 om 2004 No. 37 s 86 sch 1
 pres s 50 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

Notice about resolution

s 51 prev s 51 ins 1999 No. 53 s 8
 om 2004 No. 37 s 86 sch 1
 pres s 51 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

Community government may impose restrictions on entry etc.

s 52 prev s 52 amd 1999 No. 59 s 38
 (5)–(6) exp 21 January 2000 (see s 52(6) amd 1999 No. 59 s 38 and 2000 SL
 No. 6)
 om 2004 No. 37 s 86 sch 1
 pres s 52 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

General authority to enter etc. trust area

s 53 prev s 53 amd 1990 No. 80 s 3 sch 3 pt A
 sub 1990 No. 104 s 10
 om 2004 No. 37 s 86 sch 1
 pres s 53 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

Entry on and temporary stay in trust area

s 54 prev s 54 ins 1990 No. 104 s 10
 amd 1999 No. 53 s 35 sch
 om 2004 No. 37 s 86 sch 1
 pres s 54 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

Removal from trust area

s 55 prev s 55 ins 1990 No. 104 s 10
 amd 1999 No. 53 s 10
 om 2004 No. 37 s 86 sch 1
 pres s 55 ins 2002 No. 46 s 12
 sub 2004 No. 37 s 86 sch 1

PART 7—ASSISTANCE SOUGHT BY ABORIGINES

Grant of aid

s 56 prev s 56 ins 1999 No. 53 s 11

*Aboriginal Communities (Justice and Land Matters)
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om 2004 No. 37 s 86 sch 1
pres s 56 amd 1990 No. 80 s 3 sch 3 pt A

Deposit of savings with banker

s 57 prev s 57 ins 1990 No. 104 s 10
om 2004 No. 37 s 86 sch 1
pres s 57 amd 1990 No. 80 s 3 sch 3 pt A; 2004 No. 37 s 86 sch 1

Continuation of management of money

s 58 prev s 58 ins 1990 No. 104 s 10
amd 1999 No. 53 s 13
om 2004 No. 37 s 86 sch 1
pres s 58 amd 1990 No. 80 s 3 sch 3 pt A

Banker is a statutory body

s 59 prev s 59 ins 1990 No. 104 s 10
amd 1999 No. 53 s 14
om 2004 No. 37 s 86 sch 1
pres s 59 sub 1996 No. 54 s 9 sch

Administration of Aborigines' estates

prov hdg amd 1990 No. 104 s 12(a)
s 60 prev s 60 amd 1986 No. 43 s 8; 1990 No. 80 s 3 sch 3 pt A; 1990 No. 104 s
12(b)–(c); 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1
pres s 60 amd 1990 No. 80 s 3 sch 3 pt A; 1990 No. 104 s 18; 1999 No. 53 s 35
sch

Division 1—Preliminary

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)
om 2004 No. 37 s 86 sch 1

Division 2—Publishing model by-laws and power to make subordinate by-laws

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)
om 2004 No. 37 s 86 sch 1

Division 3—Process for making by-laws

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)
om 2004 No. 37 s 86 sch 1

Division 4—Process for making subordinate by-laws

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)
om 2004 No. 37 s 86 sch 1

Division 5—Commencement and status of by-laws and subordinate by-laws

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)
om 2004 No. 37 s 86 sch 1

PART 8—ABORIGINAL COORDINATING COUNCIL

pt hdg prev pt 8 hdg om 2004 No. 37 s 86 sch 1

Aborigines' right to certain natural resources

s 61 prev s 61 ins 2002 No. 46 s 8
om 2004 No. 37 s 86 sch 1

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pres s 61 sub 1986 No. 43 s 17
amd 1991 No. 76 s 19; 1992 No. 20 s 159 sch 2 (amd 1994 No. 42 s 2 sch);
1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1

Aborigines' right to certain forest products and quarry material—Aboriginal land

s 62 prev s 62 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1
pres s 62 ins 1991 No. 76 s 20
amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1

Aborigines' right to certain forest products and quarry material—non-Aboriginal land

s 63 prev s 63 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1
pres s 63 ins 1991 No. 76 s 20
amd 1992 No. 20 s 159 sch 2 (amd 1994 No. 42 s 2 sch); 1999 No. 53 s 16;
2004 No. 37 s 86 sch 1

Auditor-general to audit accounts of council

s 64 prev s 64 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1

General penalty for offence

s 65 prev s 65 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1
pres s 65 amd R1 (see RA s 39); 1999 No. 53 s 35 sch

Making of local laws about particular matters

s 66 prev s 66 ins 1990 No. 104 s 13
amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1
pres s 66 amd 1990 No. 80 s 3 sch 3 pt A
sub 1993 No. 76 s 3 sch 1; 2004 No. 37 s 86 sch 1

Evidentiary aids

s 67 prev s 67 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1
pres s 67 amd 1990 No. 80 s 3 sch 3 pt A; 1999 No. 53 s 35 sch; 2002 No. 46
s 13; 2004 No. 38 s 12; 2004 No. 37 s 86 sch 1; 2005 No. 48 s 492 sch 1

Evidence of home-brew concentrate by label

s 68 prev s 68 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1
pres s 68 ins 2004 No. 38 s 13

Evidence of homemade alcohol having regard to belief of police officer

s 69 prev s 69 ins 1990 No. 104 s 13
om 2004 No. 37 s 86 sch 1
pres s 69 ins 2004 No. 38 s 13

Approved forms

s 70 prev s 70 sub 1986 No. 43 s 9
amd 1990 No. 104 s 14

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om 2004 No. 37 s 86 sch 1
pres s 70 ins 2002 No. 46 s 14

Regulation-making power

prov hdg sub 2002 No. 46 s 15(1)
s 71 prev s 71 sub 1993 No. 70 s 804 sch; 1996 No. 54 s 9 sch
amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1
pres s 71 amd 1985 No. 81 s 39(1)(b); 1986 No. 43 s 18; 1990 No. 80 s 3 sch 3
pt A; 1990 No. 104 s 20; R1 (see RA s 39); 1996 No. 75 s 535 sch 2; 1999
No. 53 s 35 sch; 2002 No. 46 ss 15(2), 3(2) sch; 2003 No. 27 s 622 sch 5;
2004 No. 37 s 86 sch 1

**PART 9—TRANSITIONAL PROVISIONS FOR LOCAL GOVERNMENT
(COMMUNITY GOVERNMENT AREAS) ACT 2004**

pt hdg prev pt 9 hdg om 2004 No. 37 s 86 sch 1
pres pt 9 hdg sub 2004 No. 37 s 86 sch 1

Division 1—Preliminary

div hdg ins 2004 No. 37 s 86 sch 1

Definition for pt 9

s 72 orig s 72 om 1996 No. 54 s 9 sch
prev s 72 ins 2000 No. 20 s 29 sch 3
om 2004 No. 37 s 86 sch 1
pres s 72 amd 1990 No. 80 s 3 sch 3 pt A
sub 2004 No. 37 s 86 sch 1

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

div hdg ins 2004 No. 37 s 86 sch 1

Making by-law or subordinate by-law

s 73 amd 1990 No. 80 s 3 sch 3 pt A; 1999 No. 53 s 35 sch; 2001 No. 84 s 12
sub 2004 No. 37 s 86 sch 1

Division 3—Transitional provisions for Aboriginal Coordinating Council

div hdg ins 2004 No. 37 s 86 sch 1

Definitions for div 3

s 74 ins 1999 No. 53 s 17
sub 2004 No. 37 s 86 sch 1

ACC dissolved

s 75 ins 2002 No. 46 s 16
sub 2004 No. 37 s 86 sch 1

References to ACC

s 76 prev s 76 om 1985 No. 81 s 39(1)(a)
pres s 76 ins 2004 No. 37 s 86 sch 1

Agreements and proceedings

s 77 ins 2004 No. 37 s 86 sch 1

Assets and liabilities

s 78 ins 2004 No. 37 s 86 sch 1

PART 10—VALIDATING PROVISIONS

pt hdg prev pt 10 hdg om 2004 No. 37 s 86 sch 1
pres pt 10 hdg ins 1999 No. 59 s 39

Validation of declaration of council areas

s 79 ins 2004 No. 37 s 85

Aboriginal Courts

s 80 amd 1986 No. 43 s 10; 1991 No. 50 s 5.01(2); 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Jurisdiction of Aboriginal Courts

s 81 amd 1986 No. 43 s 11; 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Limitation of jurisdiction

s 82 amd 1986 No. 43 s 12
sub 1990 No. 104 s 16
amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Right of appeal against conviction

s 83 om 2004 No. 37 s 86 sch 1

Numbering and renumbering of Act

s 87 ins 2002 No. 46 s 17
om R4 (see RA s 37)

Step 5—accept and consider all submissions

s 122 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 6—decide whether to proceed with making proposed by-law

s 123 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 7—again ensure proposed by-law satisfactorily deals with any State interest

s 124 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 8—make proposed by-law

s 125 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 9—give public notice of law

s 126 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Subordinate by-law process

s 127 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 1—propose a subordinate by-law

s 128 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 2—consultation about proposed subordinate by-law

s 129 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 3—give access to proposed subordinate by-law

s 130 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 4—accept and consider all submissions

s 131 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 5—make proposed subordinate by-law

s 132 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Step 6—give public notice of subordinate by-law

s 133 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Early start for subordinate by-law making process

s 134 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Commencement of by-laws and subordinate by-laws

s 135 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Effect of by-laws

s 136 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Extent to which subordinate by-law is binding

s 137 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

When subordinate by-laws cease to have effect

s 138 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Proof of by-laws and subordinate by-laws

s 139 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

By-law and subordinate by-law presumed to be within power

s 140 ins 2002 No. 46 s 12
om 2004 No. 37 s 86 sch 1

Continuation and incorporation of Aboriginal Coordinating Council

s 141 om 2004 No. 37 s 86 sch 1

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Membership of council

s 142 sub 1986 No. 43 s 13
amd 1999 No. 59 s 60 sch
om 2004 No. 37 s 86 sch 1

Functions of council

s 143 amd 1986 No. 43 s 14; 1990 No. 80 s 3 sch 3 pt A; 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Meetings of council

s 144 om 2004 No. 37 s 86 sch 1

Divisions of Aboriginal communities

s 145 amd 1999 No. 53 s 35 sch; 2001 No. 49 s 9
om 2004 No. 37 s 86 sch 1

Selection of board members

s 146 amd 1999 No. 53 s 35 sch; 2001 No. 49 s 10
om 2004 No. 37 s 86 sch 1

Casual vacancy in office of selected member

s 147 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Particular functions of council

s 148 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Budget of Aboriginal Coordinating Council

s 149 ins 1986 No. 43 s 15
amd 1993 No. 76 s 3 sch 1
sub 1996 No. 54 s 9 sch
om 2004 No. 37 s 86 sch 1

Declaration that Aboriginal Coordinating Council is statutory body

s 150 ins 1986 No. 43 s 15
sub 1996 No. 54 s 9 sch
om 2004 No. 37 s 86 sch 1

The board

s 151 om 2004 No. 37 s 86 sch 1

Membership of board

s 152 amd 1986 No. 43 s 16; 1990 No. 80 s 3 sch 3 pt A
om 2004 No. 37 s 86 sch 1

Casual vacancy in appointed members of board

s 153 om 2004 No. 37 s 86 sch 1

Board meetings

s 154 om 2004 No. 37 s 86 sch 1

Officers and employees of board

s 155 amd 1996 No. 37 s 147 sch 2
om 2004 No. 37 s 86 sch 1

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Powers of board

s 156 amd 1990 No. 80 s 3 sch 3 pt A; 1996 No. 54 s 9 sch; 2000 No. 23 s 293 sch 2
om 2004 No. 37 s 86 sch 1

Profits of board

s 157 om 2004 No. 37 s 86 sch 1

Board is statutory body

s 158 ins 1996 No. 54 s 9 sch
om 2004 No. 37 s 86 sch 1

Audits of board's accounts

s 159 om 2004 No. 37 s 86 sch 1

Annual report by board

s 160 om 2004 No. 37 s 86 sch 1

Administrator may replace board members

s 161 om 2004 No. 37 s 86 sch 1

Relinquishment of board's assets to local control

s 162 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Entry upon public parts of areas

s 163 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

General authority to be in area

s 164 amd 1999 No. 53 s 35 sch; 2001 No. 49 s 11
om 2004 No. 37 s 86 sch 1

Entry upon and temporary stay in areas

s 165 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Power of Aboriginal council to regulate presence in area

s 166 amd 1991 No. 76 s 18; 1999 No. 53 s 15
om 2004 No. 37 s 86 sch 1

Excluded person entitled to reason

s 167 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

Power of Aboriginal council to eject

s 168 amd 1999 No. 53 s 35 sch
om 2004 No. 37 s 86 sch 1

PART 12—PROVISION FOR REPRINTING ACT

pt hdg ins 2002 No. 46 s 17
om R4 (see RA s 7(1)(k))

PART 14—TRANSITIONAL PROVISIONS

pt hdg ins 1999 No. 53 s 17

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sub 2002 No. 46 s 3(2) sch
om 2004 No. 37 s 86 sch 1

**Division 1—Transitional provision for Community Services Legislation Amendment
Act 1999**

div hdg ins 2002 No. 46 s 3(2) sch (incl in orig pt 14)
om 2004 No. 37 s 86 sch 1

**Division 2—Transitional provision for Community Services Legislation Amendment
Act 2002**

div hdg ins 2002 No. 46 s 16 (incl in orig pt 14)
om 2004 No. 37 s 86 sch 1

Validation of particular rates

s 187 ins 1999 No. 59 s 39
om 2004 No. 37 s 86 sch 1

PART 16—PROVISION FOR REPRINTING ACT

pt hdg ins 2004 No. 37 s 86 sch 1
om R5 (see RA s 7(1)(k))

Numbering and renumbering of Act

s 189 ins 2004 No. 37 s 86 sch 1
om R5 (see RA s 37)

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