

Queensland



**COMMUNITY SERVICES  
LEGISLATION  
AMENDMENT ACT 1999**

**Act No. 53 of 1999**



Queensland



**COMMUNITY SERVICES LEGISLATION  
AMENDMENT ACT 1999**

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Queensland



**Community Services Legislation Amendment  
Act 1999**

**Act No. 53 of 1999**

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**An Act to amend the *Community Services (Aborigines) Act 1984* and  
the *Community Services (Torres Strait) Act 1984***

*[Assented to 18 November 1999]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Community Services Legislation Amendment Act 1999*.

### **Commencement**

2. This Act commences on a day to be fixed by proclamation.

## **PART 2—AMENDMENT OF COMMUNITY SERVICES (ABORIGINES) ACT 1984**

### **Act amended in pt 2**

3. This part amends the *Community Services (Aborigines) Act 1984*.

### **Amendment of s 6 (Meaning of terms)**

4.(1) Section 6, heading—

*omit, insert—*

#### **‘Definitions’.**

(2) Section 6, definitions “**area**” and “**trust area**”—

*omit.*

(3) Section 6—

*insert—*

‘ “**council area**” means a part of the State declared to be a council area

under section 14.’.

(4) Section 6, definition “**by-laws**”, paragraph (a), ‘an area’—  
*omit, insert—*

‘a council area’.

(5) Section 6, definition “**by-laws**”, paragraph (b), ‘of the area’—  
*omit, insert—*

‘of an area’.

(6) Section 6(2)—  
*omit.*

### **Insertion of new s 6A**

5. After section 6—  
*insert—*

#### **‘Meaning of “conclusion” of election for Aboriginal council**

‘6A. The “**conclusion**” of the election of a councillor is—

- (a) if the councillor is elected at an election of all councillors of the Aboriginal council—the day on which the last declaration of a poll conducted in the election is displayed as required under a regulation; or
- (b) if the councillor is elected at a by-election and—
  - (i) a poll is conducted—the day on which the declaration of the poll is displayed as required under a regulation; or
  - (ii) a poll is not conducted—the day after the nomination day for the by-election; or
- (c) if, because the number of candidates nominated for election is the same or less than the number of councillors to be elected, the councillor is elected (other than at a by-election) and—
  - (i) 1 or more polls are conducted in the council’s area—the day on which the last declaration of a poll is displayed as required under a regulation; or

- (ii) a poll is not conducted—6 p.m. on the day that a poll would otherwise have been required under a regulation to be conducted.’.

### **Insertion of new pt 2A**

**6.** After section 13—

*insert—*

## **‘PART 2A—INTERVENTION BY THE STATE**

### *‘Division 1—Powers of intervention*

#### **‘Procedures before exercise of certain powers**

**‘13A.(1)** Before the Governor in Council or Minister exercises a power under this division in relation to an Aboriginal council, the Minister must give written notice of the proposed exercise of the power to the council.

**‘(2)** However, notice need not be given if—

- (a) the power is proposed to be exercised at the Aboriginal council’s request; or
- (b) the Minister considers giving notice—
  - (i) is likely to defeat the purpose of the proposed exercise of the power; or
  - (ii) would serve no useful purpose.

**‘(3)** The notice must state—

- (a) the reasons for the proposed exercise of power; and
- (b) a period within which the Aboriginal council may make submissions to the Minister about the proposed exercise of power.

**‘(4)** Reasons stated in the notice are the only reasons that can be relied on in support of the exercise of the power.

**‘(5)** The Minister must have regard to all submissions made by the Aboriginal council within the stated period.

‘(6) The power may be exercised without further notice to the Aboriginal council if—

- (a) the proposed exercise of power is to proceed despite the council’s submissions; or
- (b) no submissions of the council are received by the Minister within the stated period.

### **‘Revocation and suspension of resolutions and orders**

‘13B.(1) The Governor in Council may, by regulation—

- (a) revoke, or suspend the operation of, a resolution of an Aboriginal council or an order issued by an Aboriginal council to give effect to a resolution; and
- (b) end the suspension of the resolution or order.

‘(2) However, the Governor in Council may make a regulation revoking, or suspending the operation of, a resolution or order of an Aboriginal council only if the Minister is satisfied, on reasonable grounds, that—

- (a) the resolution or order is unlawful; or
- (b) the resolution or order was made for an improper purpose.

‘(3) The suspension may be for a stated period or indefinite.

### **‘Effect of revocation or suspension**

‘13C.(1) A resolution or order of an Aboriginal council that is revoked by regulation—

- (a) ceases to have effect on the day stated by the regulation; or
- (b) if no day is stated—is taken never to have had effect.

‘(2) A resolution or order of an Aboriginal council whose operation is suspended by a regulation does not have effect while it is suspended.

‘(3) The State is not legally liable for any loss or expense incurred by a person because of the revocation or suspension by regulation of an Aboriginal council’s resolution or order.

**‘Overruling by-laws**

**‘13D.(1)** The Governor in Council may, by regulation, declare that a by-law, or a provision of a by-law, ceases to have effect, if the Governor in Council considers that it is necessary to make the declaration to protect State interests.

**‘(2)** The Governor in Council may, by regulation, later declare that the by-law or provision again has effect, if the Governor in Council considers that it is no longer necessary for the declaration under subsection (1) to continue to have effect to protect State interests.

**‘(3)** In this section—

**“State interests”** means—

- (a) interests that affect economic, social or environmental interests of the State or a region; or
- (b) interests in ensuring there is an efficient, effective and accountable system of local government in the council area to which the by-law relates.

**‘Appointment of financial controller**

**‘13E.** The Governor in Council may, by regulation, appoint a financial controller for an Aboriginal council if the Minister is satisfied that the council—

- (a) has made a disbursement from a fund that is not provided for in the council’s budget; or
- (b) has made a disbursement from grant monies for a purpose other than the purpose for which the grant was given; or
- (c) has contravened a provision of part 3, division 1A<sup>1</sup> relating to its budget or another financial matter; or
- (d) has failed to implement adequate financial management strategies for the funds under its control; or
- (e) has acted, or is about to act, in a way that—

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<sup>1</sup> Pt 3 (Local government of areas), div 1A (Financial operations of Aboriginal councils)

- (i) caused, or may cause, a significant deterioration in its financial viability; or
- (ii) will or may cause it to become insolvent.

#### **‘Dissolution of Aboriginal council**

**‘13F.(1)** The Governor in Council may, by regulation, dissolve an Aboriginal council if the Minister is satisfied that the council—

- (a) has acted unlawfully or corruptly; or
- (b) has acted in a way that puts at risk its capacity to exercise properly its jurisdiction of local government; or
- (c) is incompetent or can not properly exercise its jurisdiction of local government.

**‘(2)** Subsection (1) is subject to the *Constitution Act 1867*, section 55.<sup>2</sup>

**‘(3)** On dissolution of the Aboriginal council—

- (a) its councillors go out of office; and
- (b) an administrator must be appointed; and
- (c) the council continues in existence as a body corporate and is constituted by the administrator.<sup>3</sup>

#### **‘Abolition of joint Aboriginal council and its area**

**‘13G.(1)** The Governor in Council may, by regulation, abolish a joint Aboriginal council and its area.

**‘(2)** A regulation may provide for—

- (a) the apportionment of the joint Aboriginal council’s assets and liabilities among its component councils; and
- (b) any other matter for which it is necessary or convenient to make

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<sup>2</sup> Section 55 (Manner of appointing persons to exercise powers, authorities, duties and functions of local government)

<sup>3</sup> For timing of fresh election see section 13Q(2).

provision on the dissolution of the joint Aboriginal council.<sup>4</sup>

### *Division 2—Administrators*

#### **‘When administrator may be appointed**

‘**13H.** If an Aboriginal council is dissolved under section 13F,<sup>5</sup> the Governor in Council must, by gazette notice, appoint a person as administrator of the council.

#### **‘Jurisdiction, powers and duties of administrator**

‘**13I.(1)** The administrator of an Aboriginal council has all the jurisdiction, powers and duties of the council concerned.

‘(2) However—

- (a) a regulation may limit the jurisdiction, powers and duties of the administrator; and
- (b) the administrator does not have a duty of an Aboriginal council appropriate only to a body of persons.

‘(3) If the chairperson of an Aboriginal council is required or permitted by law to exercise a power, the administrator is required or permitted to exercise the power instead of the chairperson.

‘(4) This Act and other Acts apply to the administrator, with all necessary changes, as if the administrator were the Aboriginal council.

#### **‘Title of administrator**

‘**13J.** For the purpose of exercising its jurisdiction of local government, the title of an administrator is ‘Administrator of the (name of the Aboriginal council)’.

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<sup>4</sup> The *Local Government Act 1993*, section 13 provides for the application of certain provisions of the Local Government Act to Aboriginal councils. In particular section 13(2) provides that the provisions of chapter 2, part 2 about joint local governments apply to Aboriginal councils.

<sup>5</sup> Section 13F (Dissolution of Aboriginal council)



**‘Committee to help administrator**

**‘13K.(1)** When an administrator is appointed, the Minister may appoint a committee of persons to help the administrator in exercising the jurisdiction of local government of the Aboriginal council concerned.

**‘(2)** A person may be appointed as a member of a committee for a limited time or indefinitely.

**‘(3)** The administrator is chairperson of the committee and must preside at every meeting of the committee at which the administrator is present.

**‘(4)** If, because of absence or incapacity, the administrator can not perform the functions of chairperson of the committee, the other members of the committee must appoint a member to act as chairperson at meetings of the committee until the administrator is able to perform the functions.

**‘Conditions of appointment as administrator or member of committee**

**‘13L.(1)** An administrator or a member of a committee is entitled to the fees, allowances and expenses decided by the Governor in Council.

**‘(2)** The fees, allowances and expenses are payable by the Aboriginal council concerned.

**‘(3)** A public service officer who is appointed as an administrator or as a member of a committee may hold the appointment as well as the public service office.

**‘Recovery of amounts from Aboriginal councils**

**‘13M.(1)** The Governor in Council may direct an Aboriginal council for which an administrator is appointed to pay to the Minister an amount stated in the direction as the costs and expenses of the administrator.

**‘(2)** The stated amount may include salary and allowances payable to a public service officer who is appointed as administrator or a member of a committee.

**‘(3)** The direction may state a time for payment.

**‘(4)** The stated amount is a debt payable to the State.

**‘Role of committee**

‘13N.(1) An administrator appointed for an Aboriginal council must ensure that every decision of the committee about the exercise of the jurisdiction of local government for the council’s area is implemented as soon as is practicable after the committee’s decision is taken.

‘(2) However, if the administrator considers that implementing a decision of the committee would not be in the best interests of the area, the administrator must refer the issue to the Minister for decision.

‘(3) The referral must be made within 14 days after the administrator becomes aware of the committee’s decision.

**‘Decision by Minister on referral by administrator**

‘13O.(1) If an issue is referred to the Minister by an administrator under section 13N(2), the Minister may cause the chief executive of the department to make the inquiries, investigations and inspections that the Minister considers appropriate.

‘(2) The Minister’s decision on the issue is taken to be the decision of the committee and is final and binding on the administrator and the committee.

‘(3) The administrator must ensure the Minister’s decision is implemented as quickly as practicable.

**‘Procedures of committee**

‘13P.(1) A relevant provision applies to a committee appointed to help an administrator as if—

- (a) the committee were an Aboriginal council; and
- (b) the administrator, or person acting as chairperson of the committee, were the chairperson of the council.

‘(2) In this section—

**“relevant provision”** means a provision of this Act, or a provision of a regulation made under this Act, that deals with any of the following matters for an Aboriginal council—

- (a) the times of its meetings;

- (b) the quorum at its meetings;
- (c) notice of its meetings;
- (d) adjournment of its meetings;
- (e) entitlements of members to vote at its meetings;
- (f) disability of a member to vote because of a pecuniary interest in a matter;
- (g) registers of pecuniary interests disclosures;
- (h) minutes of its proceedings;
- (i) revocation or amendment of its resolutions;
- (j) a matter prescribed under a regulation.

#### **‘Termination of administrator’s appointment**

**‘13Q.(1)** The appointment of an administrator—

- (a) may be terminated by the Governor in Council for any reason; or
- (b) ceases on the conclusion of a fresh election of the councillors of the Aboriginal council concerned.

**‘(2)** It is the intention of the Parliament that a fresh election of the councillors of the Aboriginal council should be held as soon as possible after the appointment of an administrator for the council.

#### **‘Termination of appointment of committee member etc.**

**‘13R.(1)** The appointment of all members or any member of a committee to help an administrator may be terminated by the Minister, for any reason, by written notice signed by the Minister and given to the members or member.

**‘(2)** A committee appointed to help an administrator ceases to exist on the conclusion of a fresh election of councillors of the Aboriginal council concerned.

***Division 3—Financial controller*****‘Functions of financial controller**

**‘13S.(1)** A financial controller appointed for an Aboriginal council is responsible for ensuring the council adheres to its budget.

**‘(2)** Also, the financial controller—

- (a) may give advice about financial management to the Aboriginal council; and
- (b) may undertake other administrative duties requested by the council; and
- (c) must undertake other administrative duties directed by the Minister.

**‘Power of financial controller to revoke and suspend resolutions and orders**

**‘13T.(1)** A financial controller for an Aboriginal council may, by written notice to the council’s clerk—

- (a) revoke, or suspend the operation of, a resolution of the council or an order issued by a council to give effect to a resolution; and
- (b) end the suspension of the resolution or order.

**‘(2)** However, the financial controller may revoke or suspend a resolution or order under subsection (1) only if the financial controller reasonably believes—

- (a) the resolution or order will result in unlawful expenditure by the Aboriginal council; or
- (b) the resolution or order will result in expenditure from grant monies for a purpose other than the purpose for which the grant was given; or
- (c) the resolution or order will cause the council to become insolvent.

**‘(3)** The notice must state the reasons for the revocation or suspension.

**‘(4)** The suspension may be for a stated period or indefinite.

**‘Effect of revocation or suspension**

‘**13U.(1)** A resolution or order of an Aboriginal council that is revoked under section 13T—

- (a) ceases to have effect on the day stated in the notice to the council’s clerk; or
- (b) if no day is stated—is taken never to have had effect.

‘**(2)** A resolution or order of an Aboriginal council whose operation is suspended under section 13T does not have effect while it is suspended.

‘**(3)** Neither the State nor the financial controller is legally liable for any loss or expense incurred by a person because of the revocation or suspension of an Aboriginal council’s resolution or order under section 13T.

**‘Financial controller’s employment conditions**

‘**13V.** A financial controller for an Aboriginal council is to be employed under the *Public Service Act 1996*.

**‘Recovery of amounts from Aboriginal councils**

‘**13W.(1)** The Governor in Council may direct an Aboriginal council for which a financial controller is appointed to pay to the Minister an amount stated in the direction as the costs and expenses of the financial controller.

‘**(2)** The stated amount may include salary and allowances payable to the financial controller as a public service officer.

‘**(3)** The direction may state a time for payment.

‘**(4)** The stated amount is a debt payable to the State.

**‘Termination of financial controller’s appointment**

‘**13X.** The appointment of a financial controller may be terminated by the Governor in Council for any reason.’

**Replacement of s 14 (Requirement of Aboriginal Councils)**

7. Section 14—

*omit, insert—*

**‘Declaration of council areas**

‘14.(1) A regulation may declare a part of the State to be a council area.

‘(2) However, a regulation may not—

- (a) declare more than 1 council area for a part of the State; or
- (b) declare a council area for a part of the State that is, or is included in—
  - (i) a council area under the *Community Services (Torres Strait) Act 1984*; or
  - (ii) a local government area under the *Local Government Act 1993*; or
  - (iii) the area of the City of Brisbane under the *City of Brisbane Act 1924*.

**‘Aboriginal council required for each council area**

‘14A. There must be an Aboriginal council for each council area.

**‘Implementation of council area**

‘14B.(1) A regulation may provide for the implementation of a council area.

‘(2) Without limiting subsection (1), the regulation may provide for—

- (a) holding an election for the Aboriginal council for the council area, including, for example, the date of the election and payment of the cost of the returning officer and election; and
- (b) the appointment of an interim council clerk for the Aboriginal council; and
- (c) notice of the day the council area starts; and
- (d) payment of the expenses incurred by the appointment, or

administrative activities, of the interim council clerk; and

- (e) the adoption of a budget for the Aboriginal council for the period from changeover day until the following 30 June; and
- (f) any other matter for which it is necessary or convenient to provide for the implementation of the council area.

‘(3) If the election for the Aboriginal council concludes less than 18 months before the next triennial elections for Aboriginal councils are held the next triennial election is not required to be held for the area.’

### **Insertion of new pt 3, div 1A hdg, ss 27B and 27C**

8. After section 27A—

*insert—*

#### ***‘Division 1A—Financial operations of Aboriginal councils***

#### **‘Issue of standards**

‘**27B.(1)** The Minister may make accounting standards (“**Aboriginal Council Accounting Standards**”) about—

- (a) the policies and principles to be complied with by Aboriginal councils in financial management, including, for example, internal audit; and
- (b) the content of financial statements by Aboriginal councils; and
- (c) any other matter that is required or permitted to be prescribed by standard.

‘(2) Before making a standard, the Minister must—

- (a) consult with the auditor-general about the standard; and
- (b) have regard to relevant standards made by appropriate professional bodies.

‘(3) The standards may include practice statements if the Minister considers a uniform standard of practice or procedure is necessary or desirable.

‘(4) A standard made under subsection (1) is subordinate legislation.

**‘Standards must be complied with**

‘**27C.** An Aboriginal council must comply with the Aboriginal Council Accounting Standards.’.

**Omission of s 29A (Separate budgets for funds)**

**9.** Section 29A—

*omit.*

**Amendment of s 29C (Framing of budget)**

**10.(1)** Section 29C(1), ‘the budget for the general fund’—

*omit, insert—*

‘its budget’.

**(2)** Section 29C(1)(a) and (b), ‘as prescribed’—

*omit.*

**(3)** Section 29C(4)—

*omit, insert—*

‘**(4)** If, at the end of a year, there is a surplus or deficit in the general fund, the surplus or deficit must be carried forward and taken into account by the Aboriginal council—

(a) in framing the budget for the next year; and

(b) in making and levying rates and charges for the next year.’.

**Insertion of new s 29CA**

**11.** After section 29C—

*insert—*

**‘Amendment of budget**

‘**29CA.** An Aboriginal council may amend its budget for a financial year at any time before the year ends.’.



**Omission of s 29E (Budget provisions apply to other funds)**

**12.** Section 29E—

*omit.*

**Amendment of s 29F (Provisions in respect of loan repayments)**

**13.** Section 29F, ‘the budget in respect of any established fund’—

*omit, insert—*

‘its budget’.

**Amendment of s 29G (Illegal expenditure)**

**14.(1)** Section 29G, ‘from any fund which disbursement’—

*omit, insert—*

‘that’.

**(2)** Section 29G, ‘relating to such fund’—

*omit.*

**(3)** Section 29G, ‘trust area concerned’—

*omit, insert—*

‘council area’.

**(4)** Section 29G, ‘or other such fund’—

*omit.*

**Amendment of s 68 (Power of Aboriginal Council to regulate presence in area)**

**15.(1)** Section 68, ‘the area for which it is established’—

*omit, insert—*

‘its council area’.

**(2)** Section 68(2), ‘Aboriginal land’—

*omit, insert—*

‘land for which it is not trustee’.

(3) Section 68(2)(a)—

*omit, insert—*

‘(a) the council has—

- (i) made a reasonable effort to locate any persons (the **“interested persons”**) who have the right to exclude persons from the land; and
- (ii) has explained the nature, purpose and effect of the proposed by-law to the interested persons; and’.

(4) Section 68(2)(b) and (c), ‘Aboriginal people’—

*omit, insert—*

‘interested persons’.

(5) Section 68(2)(b), ‘, and are generally in agreement with,’—

*omit.*

(6) Section 68(2)—

*insert—*

‘(ba)the interested persons the council has located have consented to the making of the proposed by-law; and’.

(7) Section 68—

*insert—*

‘(4) If land for which the council is not trustee becomes part of the council’s council area after a by-law is made under this section regulating the presence of persons in the area, the by-law does not apply to the land until the council has followed the procedure in subsection (2) in relation to the land.’.

### **Amendment of s 77B (Aborigines’ right to certain forest products and quarry material—non-Aboriginal land)**

16.(1) Section 77B(1), ‘on non-Aboriginal land in a trust area’—

*omit, insert—*

‘in an Aboriginal council’s council area’.

(2) Section 77B(1), ‘the land for use within the area in which the land is situated’—

*omit, insert—*

‘trust land held by the council, for use within the council’s area’.

(3) Section 77B(3), ‘established for an area’—

*omit.*

(4) Section 77B(3), ‘non-Aboriginal land situated in the area for use in the area’—

*omit, insert—*

‘trust land held by the council, for use within the council’s area’.

(5) Section 77B—

*insert—*

‘(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*.’.

### **Insertion of new pt 10**

17. After section 84—

*insert—*

## **‘PART 10—TRANSITIONAL PROVISION**

### **‘Transitional provision for council areas**

‘85.(1) On the commencement, each Aboriginal council’s existing area continues as its council area, under the same name, as if—

- (a) the existing area had been declared to be a council area under a regulation under section 14; and
- (b) the council had been established for the area.

‘(2) To remove any doubt, it is declared that the continuance of an existing area as a council area under this section does not affect anything done in relation to the existing area before the commencement.

‘(3) For example, on the commencement—

- (a) Aboriginal police and authorised officers appointed for an existing area immediately before the commencement continue to be appointed for the area; and
- (b) an Aboriginal Court constituted for an existing area immediately before the commencement continues to be constituted for the area.

‘(4) A regulation under section 14 may declare a part of the State (the “**declared area**”) to be a council area even though all or part of the declared area is a council area because of subsection (1).

‘(5) In this section—

“**commencement**” means the commencement of the *Community Services Legislation Amendment Act 1999*, section 17.

“**existing area**”, for an Aboriginal council, means the area that, immediately before the commencement, was the trust area for which the council was established.’.

## **PART 3—AMENDMENT OF COMMUNITY SERVICES (TORRES STRAIT) ACT 1984**

### **Act amended in pt 3**

**18.** This part amends the *Community Services (Torres Strait) Act 1984*.

### **Amendment of s 6 (Meaning of terms)**

**19.(1)** Section 6, heading—

*omit, insert—*

**‘Definitions’.**

(2) Section 6, definitions “**area**”, “**area of a community**” and “**trust area**”—

*omit.*

(3) Section 6—

*insert—*

“**council area**” means a part of the State declared to be a council area under section 14.’.

(4) Section 6, definition “**by-laws**”, paragraph (b), ‘of the area’—

*omit, insert—*

‘of an area’.

(5) Section 6(2)—

*omit.*

**Insertion of new s 6A**

**20.** After section 6—

*insert—*

**‘Meaning of “conclusion” of election for Island council**

**6A.** The “**conclusion**” of the election of a councillor is—

- (a) if the councillor is elected at an election of all councillors of the Island council—the day on which the last declaration of a poll conducted in the election is displayed as required under a regulation; or
- (b) if the councillor is elected at a by-election and—
  - (i) a poll is conducted—the day on which the declaration of the poll is displayed as required under a regulation; or
  - (ii) a poll is not conducted—the day after the nomination day for the by-election; or
- (c) if, because the number of candidates nominated for election is the same or less than the number of councillors to be elected, the

councillor is elected (other than at a by-election) and—

- (i) 1 or more polls are conducted in the council’s area—the day on which the last declaration of a poll is displayed as required under a regulation; or
- (ii) a poll is not conducted—6 p.m. on the day that a poll would otherwise have been required under a regulation to be conducted.’.

### **Insertion of new pt 2A**

**21.** After section 13—

*insert—*

## **‘PART 2A—INTERVENTION BY THE STATE**

### *‘Division 1—Powers of intervention*

#### **‘Procedures before exercise of certain powers**

**‘13A.(1)** Before the Governor in Council or Minister exercises a power under this division in relation to an Island council, the Minister must give written notice of the proposed exercise of the power to the council.

**‘(2)** However, notice need not be given if—

- (a) the power is proposed to be exercised at the Island council’s request; or
- (b) the Minister considers giving notice—
  - (i) is likely to defeat the purpose of the proposed exercise of the power; or
  - (ii) would serve no useful purpose.

**‘(3)** The notice must state—

- (a) the reasons for the proposed exercise of power; and
- (b) a period within which the Island council may make submissions to the Minister about the proposed exercise of power.

‘(4) Reasons stated in the notice are the only reasons that can be relied on in support of the exercise of the power.

‘(5) The Minister must have regard to all submissions made by the Island council within the stated period.

‘(6) The power may be exercised without further notice to the Island council if—

- (a) the proposed exercise of power is to proceed despite the council’s submissions; or
- (b) no submissions of the council are received by the Minister within the stated period.

#### **‘Revocation and suspension of resolutions and orders**

‘13B.(1) The Governor in Council may, by regulation—

- (a) revoke, or suspend the operation of, a resolution of an Island council or an order issued by an Island council to give effect to a resolution; and
- (b) end the suspension of the resolution or order.

‘(2) However, the Governor in Council may make a regulation revoking, or suspending the operation of, a resolution or order of an Island council only if the Minister is satisfied, on reasonable grounds, that—

- (a) the resolution or order is unlawful; or
- (b) the resolution or order was made for an improper purpose.

‘(3) The suspension may be for a stated period or indefinite.

#### **‘Effect of revocation or suspension**

‘13C.(1) A resolution or order of an Island council that is revoked by regulation—

- (a) ceases to have effect on the day stated by the regulation; or
- (b) if no day is stated—is taken never to have had effect.

‘(2) A resolution or order of an Island council whose operation is suspended by a regulation does not have effect while it is suspended.

‘(3) The State is not legally liable for any loss or expense incurred by a person because of the revocation or suspension by regulation of an Island council’s resolution or order.

### ‘Overruling by-laws

‘13D.(1) The Governor in Council may, by regulation, declare that a by-law, or a provision of a by-law, ceases to have effect, if the Governor in Council considers that it is necessary to make the declaration to protect State interests.

‘(2) The Governor in Council may, by regulation, later declare that the by-law or provision again has effect, if the Governor in Council considers that it is no longer necessary for the declaration under subsection (1) to continue to have effect to protect State interests.

‘(3) In this section—

“State interests” means—

- (a) interests that affect economic, social or environmental interests of the State or a region; or
- (b) interests in ensuring there is an efficient, effective and accountable system of local government in the council area to which the by-law relates.

### ‘Appointment of financial controller

‘13E. The Governor in Council may, by regulation, appoint a financial controller for an Island council if the Minister is satisfied that the council—

- (a) has made a disbursement from a fund that is not provided for in the council’s budget; or
- (b) has made a disbursement from grant monies for a purpose other than the purpose for which the grant was given; or
- (c) has contravened a provision of part 3, division 1A<sup>6</sup> relating to its budget or another financial matter; or

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<sup>6</sup> Pt 3 (Local government of areas), div 1A (Financial operations of Island councils)



- (d) has failed to implement adequate financial management strategies for the funds under its control; or
- (e) has acted, or is about to act, in a way that—
  - (i) caused, or may cause, a significant deterioration in its financial viability; or
  - (ii) will or may cause it to become insolvent.

### **‘Dissolution of Island council**

‘**13F.(1)** The Governor in Council may, by regulation, dissolve an Island council if the Minister is satisfied that the council—

- (a) has acted unlawfully or corruptly; or
- (b) has acted in a way that puts at risk its capacity to exercise properly its jurisdiction of local government; or
- (c) is incompetent or can not properly exercise its jurisdiction of local government.

‘**(2)** Subsection (1) is subject to the *Constitution Act 1867*, section 55.<sup>7</sup>

‘**(3)** On dissolution of the Island council—

- (a) its councillors go out of office; and
- (b) an administrator must be appointed; and
- (c) the council continues in existence as a body corporate and is constituted by the administrator.<sup>8</sup>

### **‘Abolition of joint Island council and its area**

‘**13G.(1)** The Governor in Council may, by regulation, abolish a joint Island council and its area.

‘**(2)** A regulation may provide for—

- (a) the apportionment of the joint Island council’s assets and

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<sup>7</sup> Section 55 (Manner of appointing persons to exercise powers, authorities, duties and functions of local government)

<sup>8</sup> For timing of fresh election see section 13Q(2).

liabilities among its component councils; and

- (b) any other matter for which it is necessary or convenient to make provision on the dissolution of the joint Island council.<sup>9</sup>

### ***Division 2—Administrators***

#### **‘When administrator may be appointed**

**‘13H.** If an Island council is dissolved under section 13F,<sup>10</sup> the Governor in Council must, by gazette notice, appoint a person as administrator of the council.

#### **‘Jurisdiction, powers and duties of administrator**

**‘13I.(1)** The administrator of an Island council has all the jurisdiction, powers and duties of the council concerned.

**‘(2)** However—

- (a) a regulation may limit the jurisdiction, powers and duties of the administrator; and
- (b) the administrator does not have a duty of an Island council appropriate only to a body of persons.

**‘(3)** If the chairperson of an Island council is required or permitted by law to exercise a power, the administrator is required or permitted to exercise the power instead of the chairperson.

**‘(4)** This Act and other Acts apply to the administrator, with all necessary changes, as if the administrator were the Island council.

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<sup>9</sup> The *Local Government Act 1993*, section 13 provides for the application of certain provisions of the Local Government Act to Island councils. In particular, section 13(2) provides that the provisions of chapter 2, part 2 about joint local governments apply to Island councils.

<sup>10</sup> Section 13F (Dissolution of Island council)

**‘Title of administrator**

‘13J. For the purpose of exercising its jurisdiction of local government, the title of an administrator is ‘Administrator of the (name of the Island council)’.

**‘Committee to help administrator**

‘13K.(1) When an administrator is appointed, the Minister may appoint a committee of persons to help the administrator in exercising the jurisdiction of local government of the Island council concerned.

‘(2) A person may be appointed as a member of a committee for a limited time or indefinitely.

‘(3) The administrator is chairperson of the committee and must preside at every meeting of the committee at which the administrator is present.

‘(4) If, because of absence or incapacity, the administrator can not perform the functions of chairperson of the committee, the other members of the committee must appoint a member to act as chairperson at meetings of the committee until the administrator is able to perform the functions.

**‘Conditions of appointment as administrator or member of committee**

‘13L.(1) An administrator or a member of a committee is entitled to the fees, allowances and expenses decided by the Governor in Council.

‘(2) The fees, allowances and expenses are payable by the Island council concerned.

‘(3) A public service officer who is appointed as an administrator or as a member of a committee may hold the appointment as well as the public service office.

**‘Recovery of amounts from Island councils**

‘13M.(1) The Governor in Council may direct an Island council for which an administrator is appointed to pay to the Minister an amount stated in the direction as the costs and expenses of the administrator.

‘(2) The stated amount may include salary and allowances payable to a

public service officer who is appointed as administrator or a member of a committee.

‘(3) The direction may state a time for payment.

‘(4) The stated amount is a debt payable to the State.

### **‘Role of committee**

‘13N.(1) An administrator appointed for an Island council must ensure that every decision of the committee about the exercise of the jurisdiction of local government for the council’s area is implemented as soon as is practicable after the committee’s decision is taken.

‘(2) However, if the administrator considers that implementing a decision of the committee would not be in the best interests of the area, the administrator must refer the issue to the Minister for decision.

‘(3) The referral must be made within 14 days after the administrator becomes aware of the committee’s decision.

### **‘Decision by Minister on referral by administrator**

‘13O.(1) If an issue is referred to the Minister by an administrator under section 13N(2), the Minister may cause the chief executive of the department to make the inquiries, investigations and inspections that the Minister considers appropriate.

‘(2) The Minister’s decision on the issue is taken to be the decision of the committee and is final and binding on the administrator and the committee.

‘(3) The administrator must ensure the Minister’s decision is implemented as quickly as practicable.

### **‘Procedures of committee**

‘13P.(1) A relevant provision applies to a committee appointed to help an administrator as if—

- (a) the committee were an Island council; and
- (b) the administrator, or person acting as chairperson of the committee, were the chairperson of the council.

‘(2) In this section—

“**relevant provision**” means a provision of this Act, or a provision of a regulation made under this Act, that deals with any of the following matters for an Island council—

- (a) the times of its meetings;
- (b) the quorum at its meetings;
- (c) notice of its meetings;
- (d) adjournment of its meetings;
- (e) entitlements of members to vote at its meetings;
- (f) disability of a member to vote because of a pecuniary interest in a matter;
- (g) registers of pecuniary interests disclosures;
- (h) minutes of its proceedings;
- (i) revocation or amendment of its resolutions;
- (j) a matter prescribed under a regulation.

#### **‘Termination of administrator’s appointment**

‘**13Q.(1)** The appointment of an administrator—

- (a) may be terminated by the Governor in Council for any reason; or
- (b) ceases on the conclusion of a fresh election of the councillors of the Island council concerned.

‘(2) It is the intention of the Parliament that a fresh election of the councillors of the Island council should be held as soon as possible after the appointment of an administrator for the council.

#### **‘Termination of appointment of committee member etc.**

‘**13R.(1)** The appointment of all members or any member of a committee to help an administrator may be terminated by the Minister, for any reason, by written notice signed by the Minister and given to the members or member.

‘(2) A committee appointed to help an administrator ceases to exist on the conclusion of a fresh election of councillors of the Island council concerned.

### *‘Division 3—Financial controller*

#### **‘Functions of financial controller**

‘13S.(1) A financial controller appointed for an Island council is responsible for ensuring the council adheres to its budget.

‘(2) Also, the financial controller—

- (a) may give advice about financial management to the Island council; and
- (b) may undertake other administrative duties requested by the Island council; and
- (c) must undertake other administrative duties directed by the Minister.

#### **‘Power of financial controller to revoke and suspend resolutions and orders**

‘13T.(1) A financial controller for an Island council may, by written notice to the council’s clerk—

- (a) revoke, or suspend the operation of, a resolution of the council or an order issued by a council to give effect to a resolution; and
- (b) end the suspension of the resolution or order.

‘(2) However, the financial controller may revoke or suspend a resolution or order under subsection (1) only if the financial controller reasonably believes—

- (a) the resolution or order will result in unlawful expenditure by the Island council; or
- (b) the resolution or order will result in expenditure from grant monies for a purpose other than the purpose for which the grant was given; or

(c) the resolution or order will cause the council to become insolvent.

‘(3) The notice must state the reasons for the revocation or suspension.

‘(4) The suspension may be for a stated period or indefinite.

#### **‘Effect of revocation or suspension**

‘13U.(1) A resolution or order of an Island council that is revoked under section 13T—

(a) ceases to have effect on the day stated in the notice to the council’s clerk; or

(b) if no day is stated—is taken never to have had effect.

‘(2) A resolution or order of an Island council whose operation is suspended under section 13T does not have effect while it is suspended.

‘(3) Neither the State nor the financial controller is legally liable for any loss or expense incurred by a person because of the revocation or suspension of an Island council’s resolution or order under section 13T.

#### **‘Financial controller’s employment conditions**

‘13V. A financial controller for an Island council is to be employed under the *Public Service Act 1996*.

#### **‘Recovery of amounts from Island councils**

‘13W.(1) The Governor in Council may direct an Island council for which a financial controller is appointed to pay to the Minister an amount stated in the direction as the costs and expenses of the financial controller.

‘(2) The stated amount may include salary and allowances payable to the financial controller as a public service officer.

‘(3) The direction may state a time for payment.

‘(4) The stated amount is a debt payable to the State.

**‘Termination of financial controller’s appointment**

‘13X. The appointment of a financial controller may be terminated by the Governor in Council for any reason.’

**Replacement of s 14 (Requirement of Island Councils)**

22. Section 14—

*omit, insert—*

**‘Declaration of council areas**

‘14.(1) A regulation may declare a part of the State to be a council area.

‘(2) However, a regulation may not—

- (a) declare more than 1 council area for a part of the State; or
- (b) declare a council area for a part of the State that is, or is included in—
  - (i) a council area under the *Community Services (Aborigines) Act 1984*; or
  - (ii) a local government area under the *Local Government Act 1993*; or
  - (iii) the area of the City of Brisbane under the *City of Brisbane Act 1924*.

**‘Island council required for each council area**

‘14A. There must be an Island council for each council area.

**‘Implementation of council area**

‘14B.(1) A regulation may provide for the implementation of a council area.

‘(2) Without limiting subsection (1), the regulation may provide for—

- (a) holding an election for an Island council for the council area, including, for example, the date of the election and payment of the cost of the returning officer and election; and



- (b) the appointment of an interim council clerk for the Island council; and
- (c) notice of the day the council area starts; and
- (d) payment of the expenses incurred by the appointment, or administrative activities, of the interim council clerk; and
- (e) the adoption of a budget for the Island council for the period from changeover day until the following 30 June; and
- (f) any other matter for which it is necessary or convenient to provide for the implementation of the council area.

‘(3) If the election for the Island council concludes less than 18 months before the next triennial elections for Island councils are held the next triennial election is not required to be held for the area.’

#### **Amendment of s 23 (Functions of Island Councils)**

**23.(1)** Section 23(1), (2) and (2A), ‘the area for which it is established’—  
*omit, insert—*

‘its council area’.

**(2)** Section 23(3)(c), ‘the area or community for which the council is established’—

*omit, insert—*

‘its council area’.

**(3)** Section 23(3A), ‘an area’—

*omit, insert—*

‘a council area’.

**(4)** Section 23—

*insert—*

‘**(3B)** For the purpose of exercising its powers and discharging its functions, an Island council has the powers to carry on any business enterprise that the council believes can be profitably or effectually carried on.’

**Insertion of new pt 3, div 1A hdg, ss 25B and 25C**

24. After section 25A—

*insert—*

***‘Division 1A—Financial operations of Island councils***

**‘Issue of standards**

**‘25B.(1)** The Minister may make accounting standards (“**Island Council Accounting Standards**”) about—

- (a) the policies and principles to be complied with by Island councils in financial management, including, for example, internal audit; and
- (b) the content of financial statements by Island councils; and
- (c) any other matter that is required or permitted to be prescribed by standard.

**‘(2)** Before making a standard, the Minister must—

- (a) consult with the auditor-general about the standard; and
- (b) have regard to relevant standards made by appropriate professional bodies.

**‘(3)** The standards may include practice statements if the Minister considers a uniform standard of practice or procedure is necessary or desirable.

**‘(4)** A standard made under subsection (1) is subordinate legislation.

**‘Standards must be complied with**

**‘25C.** An Island council must comply with the Island Council Accounting Standards.’.

**Omission of s 27A (Separate budgets for funds)**

25. Section 27A—

*omit.*

**Amendment of s 27C (Framing of budget)**

**26.(1)** Section 27C(1), ‘the budget for the general fund’—

*omit, insert—*

‘its budget’.

**(2)** Section 27C(1)(a) and (b), ‘as prescribed’—

*omit.*

**(3)** Section 27C(4)—

*omit, insert—*

**(4)** If, at the end of a year, there is a surplus or deficit in the general fund, the surplus or deficit must be carried forward and taken into account by the Island council—

(a) in framing the budget for the next year; and

(b) in making and levying rates and charges for the next year.’.

**Insertion of new s 27CA**

**27.** After section 27C—

*insert—*

**‘Amendment of budget**

**‘27CA.** An Island council may amend its budget for a financial year at any time before the year ends.’.

**Omission of s 27E (Budget provisions apply to other funds)**

**28.** Section 27E—

*omit.*

**Amendment of s 27F (Provisions in respect of loan repayments)**

**29.** Section 27F, ‘the budget in respect of any established fund’—

*omit, insert—*

‘its budget’.

**Amendment of s 27G (Illegal expenditure)**

**30.(1)** Section 27G, ‘from any fund which disbursement’—

*omit, insert—*

‘that’.

**(2)** Section 27G, ‘relating to such fund’—

*omit.*

**(3)** Section 27G, ‘trust area concerned’—

*omit, insert—*

‘council area’.

**(4)** Section 27G, ‘or other such fund’—

*omit.*

**Amendment of s 45 (Membership of council)**

**31.(1)** Section 45(1)(b), ‘Tamwoy community’—

*omit, insert—*

‘TRAWQ communities’.

**(2)** Section 45(4)(b), ‘Tamwoy community’—

*omit, insert—*

‘TRAWQ communities’.

**(3)** Section 45—

*insert—*

‘**(6)** In this section—

**“TRAWQ communities”** means the communities living in the suburbs of Tamwoy, Rose Hill, Aplin, Waiben and Quarantine on Thursday Island.’.

**Amendment of s 66 (Power of Island council to regulate presence in area)**

**32.(1)** Section 66, ‘the area for which it is established’—

*omit, insert—*

‘its council area’.

**(2)** Section 66(2), ‘Torres Strait Islander land’—

*omit, insert—*

‘land for which it is not trustee’.

**(3)** Section 66(2)(a)—

*omit, insert—*

‘(a) the council has—

- (i) made a reasonable effort to locate any persons (the **“interested persons”**) who have the right to exclude persons from the land; and
- (ii) explained the nature, purpose and effect of the proposed by-law to the interested persons; and’.

**(4)** Section 66(2)(b) and (c), ‘Islanders’—

*omit, insert—*

‘interested persons’.

**(5)** Section 66(2)(b), ‘, and are generally in agreement with,’—

*omit.*

**(6)** Section 66(2)—

*insert—*

‘(ba) the interested persons the council has located have consented to the making of the proposed by-law; and’.

**(7)** Section 66—

*insert—*

‘**(4)** If land for which the council is not trustee becomes part of the council’s council area after a by-law is made under this section regulating

the presence of persons in the area, the by-law does not apply to the land until the council has followed the procedure in subsection (2) in relation to the land.’.

**Amendment of s 76B (Islanders’ right to certain forest products and quarry material—non-Torres Strait Islander land)**

**33.(1)** Section 76B(1), ‘on non-Torres Strait Islander land in a trust area’—

*omit, insert—*

‘in an Island council’s council area’.

**(2)** Section 76B(1), ‘the land for use within the area in which the land is situated’—

*omit, insert—*

‘trust land held by the council, for use within the council’s area’.

**(3)** Section 76B(3), ‘established for an area’—

*omit.*

**(4)** Section 76B(3), ‘non-Torres Strait Islander land situated in the area for use in the area’—

*omit, insert—*

‘trust land held by the council, for use within the council’s area’.

**(5)** Section 76B—

*insert—*

‘**(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*.’.

**Insertion of new pt 10**

**34.** After section 83—

*insert—*

## **‘PART 10—TRANSITIONAL PROVISION**

### **‘Transitional provision for council areas**

**‘84.(1)** On the commencement, each Island council’s existing area continues as its council area, under the same name, as if—

- (a) the existing area had been declared to be a council area under a regulation under section 14; and
- (b) the council had been established for the area.

**‘(2)** To remove any doubt, it is declared that the continuance of an existing area as a council area under this section does not affect anything done in relation to the existing area before the commencement.

**‘(3)** For example, on the commencement—

- (a) Island police and authorised officers appointed for an existing area immediately before the commencement continue to be appointed for the area; and
- (b) an Island Court constituted for an existing area immediately before the commencement continues to be constituted for the area.

**‘(4)** A regulation under section 14 may declare a part of the State (the **“declared area”**) to be a council area even though all or part of the declared area is a council area because of subsection (1).

**‘(5)** In this section—

**“commencement”** means the commencement of the *Community Services Legislation Amendment Act 1999*, section 34.

**“existing area”**, for an Island council, means the area that, immediately before the commencement, was the trust area for which the council was established.’.

## **PART 4—MINOR AMENDMENTS**

### **Minor amendments**

- 35.** The schedule amends the Acts mentioned in it.



## SCHEDULE

### MINOR AMENDMENTS

section 35

#### COMMUNITY SERVICES (ABORIGINES) ACT 1984

**1. Section 6, definition “Aboriginal land”, ‘section 2.04’—**

*omit, insert—*

‘section 10’.

**2. Section 11(1), ‘trust areas’—**

*omit, insert—*

‘council areas’.

**3. Section 11(2) and (3), ‘a trust area’—**

*omit, insert—*

‘a council area’.

**4. Section 11(2), ‘that trust area’—**

*omit, insert—*

‘the area’.

**5. Section 11(2) and (3), ‘the trust area’—**

*omit, insert—*

‘the area’.

## SCHEDULE (continued)

**6. Section 15(3), ‘trust area’—***omit, insert—*

‘council area’.

**7. Section 17(3), ‘each area’—***omit, insert—*

‘each council area’.

**8. Section 17(3) to (5)—***renumber* as section 17(1) to (3).**9. Section 18, heading, ‘Voters’ roll’—***omit, insert—*

‘Voters roll’.

**10. Section 18, ‘voters’ roll’—***omit, insert—*

‘voters roll’.

**11. Section 18, ‘voters’ rolls’—***omit, insert—*

‘voters rolls’.

**12. Section 19, heading, ‘Aboriginal area’—***omit, insert—*

‘council area’.

## SCHEDULE (continued)

**13. Section 19(1), ‘voters’ roll’—***omit, insert—*

‘voters roll’.

**14. Section 19(1)(a), ‘an area’—***omit, insert—*

‘a council area’.

**15. Sections 20 to 22—***omit.***16. Section 25(1), (2), (2A), ‘the area for which it is established’—***omit, insert—*

‘its council area’.

**17. Section 25(3)(c), ‘the area or community for which the council is established’—***omit, insert—*

‘its council area’.

**18. Section 25(3AA), ‘an area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**19. Section 25(6)(a), '\$500'—***omit, insert—*

'an amount equal to 7 penalty units'.

**20. Section 25(6)(b), '\$50'—***omit, insert—*

'an amount equal to 1 penalty unit'.

**21. Section 26(3), 'area'—***omit, insert—*

'council area'.

**22. Section 26(4A)(a), 'subsection (3)'—***omit, insert—*

'subsections (3) and (3A)'.

**23. Section 27, 'the area for which it is established'—***omit, insert—*

'its council area'.

**24. Section 29B(2), 'the trust area concerned'—***omit, insert—*

'its council area'.

## SCHEDULE (continued)

**25. Section 32(2), ‘area’—***omit, insert—*

‘council area’.

**26. Section 32E(1)(b), ‘trust area’—***omit, insert—*

‘council’s area’.

**27. Section 34(3), ‘section 442’—***omit, insert—*

‘section 526’.

**28. Section 36(1), ‘any area’—***omit, insert—*

‘a council area’.

**29. Section 36(2) to (4), ‘an area’—***omit, insert—*

‘a council area’.

**30. Section 37, heading, ‘trust areas’—***omit, insert—*

‘council areas’.

## SCHEDULE (continued)

**31. Section 37, ‘an area’—***omit, insert—*

‘a council area’.

**32. Section 38, ‘trust areas’—***omit, insert—*

‘council areas’.

**33. Section 38(1)(a), ‘an area’—***omit, insert—*

‘a council area’.

**34. Section 38(1)(b), ‘such an area’—***omit, insert—*

‘a council area’.

**35. Section 39(1), ‘an area’—***omit, insert—*

‘a council area’.

**36. Section 40(1), ‘an area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**37. Section 40(2), ‘the area’—***omit, insert—*

‘a council area’.

**38. Section 41, ‘the area for which the council is established’—***omit, insert—*

‘its council area’.

**39. Section 42(1), ‘area’—***omit, insert—*

‘council area’.

**40. Section 43(1)(b), ‘the area’—***omit, insert—*

‘the council area’.

**41. Section 44, ‘the area’—***omit, insert—*

‘the council area’.

**42. Section 45A(1), ‘the trust area’—***omit, insert—*

‘its council area’.

## SCHEDULE (continued)

**43. Section 45A(2) and (3), ‘the area’—***omit, insert—*

‘the council area’.

**44. Section 45B(1), ‘the area may’—***omit, insert—*

‘the council area for which the officer is appointed may’.

**45. Section 45B(3), penalty, ‘\$200’—***omit, insert—*

‘4 penalty units’.

**46. Section 48(1)(c), ‘trust areas’—***omit, insert—*

‘council areas’.

**47. Section 48(1)(d), ‘a trust area in Queensland’—***omit, insert—*

‘a council area’.

**48. Section 48(2), ‘any area’—***omit, insert—*

‘a council area’.



## SCHEDULE (continued)

**49. Section 50(1), ‘trust areas in Queensland’—***omit, insert—*

‘council areas’.

**50. Section 51(1A), ‘trust areas in Queensland’—***omit, insert—*

‘council areas’.

**51. Section 52(b), ‘a trust area in Queensland’—***omit, insert—*

‘a council area’.

**52. Section 53(1), ‘trust areas’—***omit, insert—*

‘council areas’.

**53. Section 64(1), ‘an area’—***omit, insert—*

‘a council area’.

**54. Section 65, ‘an area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**55. Section 66, ‘an area’—***omit, insert—*

‘a council area’.

**56. Section 67(1), ‘any area’—***omit, insert—*

‘a council area’.

**57. Section 69, ‘an area’—***omit, insert—*

‘a council area’.

**58. Section 70(1), ‘the area for which it is established’—***omit, insert—*

‘its council area’.

**59. Section 75(2), ‘subsection (1) applies’—***omit, insert—*

‘subsections (1) and (1A) apply’.

**60. Section 77(1), ‘an area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**61. Sections 77(1) and 77B(1), ‘sections 57 and 85’—***omit, insert—*

‘sections 62 and 93’.

**62. Section 77A(1), ‘the area’—***omit, insert—*

‘the council area’.

**63. Section 79, ‘\$500’—***omit, insert—*

‘7 penalty units’.

**64. Section 81, ‘an area’—***omit, insert—*

‘a council area’.

**65. Section 81, ‘any area’—***omit, insert—*

‘a council area’.

**66. Section 82(v), ‘the area’—***omit, insert—*

‘the council area’.

## SCHEDULE (continued)

**67. Section 84(2), ‘particular area’—***omit, insert—*

‘particular council area’.

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1984****1. Section 6, definition “Torres Strait Islander land”, ‘section 2.03’—***omit, insert—*

‘section 9’.

**2. Section 11(1), ‘trust areas’—***omit, insert—*

‘council areas’.

**3. Section 11(2), ‘trust area’—***omit, insert—*

‘council area’.

**4. Section 15(3), ‘trust area or community’—***omit, insert—*

‘council area’.

## SCHEDULE (continued)

**5. Section 17(3), ‘each area’—**

*omit, insert—*

‘each council area’.

**6. Section 17(3) to (5)—**

*renumber* as section 17(1) to (3).

**7. Section 18, heading, ‘Voters’ roll’—**

*omit, insert—*

‘Voters roll’.

**8. Section 18, ‘voters’ roll’—**

*omit, insert—*

‘voters roll’.

**9. Section 18, ‘voters’ rolls’—**

*omit, insert—*

‘voters rolls’.

**10. Section 19, heading, ‘Island area’—**

*omit, insert—*

‘council area’.

**11. Section 19(1), ‘voters’ roll’—**

*omit, insert—*

‘voters roll’.

## SCHEDULE (continued)

**12. Section 19(1)(a), ‘an area’—***omit, insert—*

‘a council area’.

**13. Sections 20 to 22—***omit.***14. Section 23(6)(a), ‘\$500’—***omit, insert—*

‘an amount equal to 7 penalty units’.

**15. Section 23(6)(b), ‘\$50’—***omit, insert—*

‘an amount equal to 1 penalty unit’.

**16. Section 24(3), ‘area’—***omit, insert—*

‘council area’.

**17. Section 24(4A)(a), ‘subsection (3)’—***omit, insert—*

‘subsections (3) and (3A)’.

**18. Section 25, ‘the area for which it is established’—***omit, insert—*

‘its council area’.

## SCHEDULE (continued)

**19. Section 27B(2), ‘the trust area concerned’—***omit, insert—*

‘its council area’.

**20. Section 30(2), ‘area’—***omit, insert—*

‘council area’.

**21. Section 30E(1)(b), ‘trust area’—***omit, insert—*

‘council area’.

**22. Section 32(3), ‘section 442’—***omit, insert—*

‘section 526’.

**23. Section 34(1), ‘any area’—***omit, insert—*

‘a council area’.

**24. Section 34(2) to (4), ‘an area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**25. Section 35, heading, ‘trust areas’—***omit, insert—*

‘council areas’.

**26. Section 35, ‘an area’—***omit, insert—*

‘a council area’.

**27. Section 36, ‘trust areas’—***omit, insert—*

‘council areas’.

**28. Section 36(1)(a), ‘an area’—***omit, insert—*

‘a council area’.

**29. Section 36(1)(b), ‘such an area’—***omit, insert—*

‘a council area’.

**30. Section 37(1), ‘an area’—***omit, insert—*

‘a council area’.



## SCHEDULE (continued)

**31. Section 38(1), ‘an area’—***omit, insert—*

‘a council area’.

**32. Section 38(2), ‘the area’—***omit, insert—*

‘a council area’.

**33. Section 38(3), ‘the area’—***omit, insert—*

‘the council area’.

**34. Section 39, ‘the area for which the council is established’—***omit, insert—*

‘its council area’.

**35. Section 40(1), ‘area’—***omit, insert—*

‘council area’.

**36. Section 41(1)(b), ‘the area’—***omit, insert—*

‘the council area’.

## SCHEDULE (continued)

**37. Section 42, ‘the area’—***omit, insert—*

‘the council area’.

**38. Section 43A(1), ‘trust area’—***omit, insert—*

‘council area’.

**39. Section 43A(2) and (3), ‘the area’—***omit, insert—*

‘the council area’.

**40. Section 43B(1), ‘the area may’—***omit, insert—*

‘the council area for which the officer is appointed may’.

**41. Section 43B(3), penalty, ‘\$200’—***omit, insert—*

‘4 penalty units’.

**42. Section 46(2), ‘any area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**43. Section 62(1), ‘an area’—***omit, insert—*

‘a council area’.

**44. Section 63(1) and (2), ‘an area’—***omit, insert—*

‘a council area’.

**45. Section 64, ‘an area’—***omit, insert—*

‘a council area’.

**46. Section 65(1), ‘any area’—***omit, insert—*

‘a council area’.

**47. Section 67, ‘an area’—***omit, insert—*

‘a council area’.

**48. Section 68(1), ‘the area for which it is established’—***omit, insert—*

‘its council area’.

## SCHEDULE (continued)

**49. Section 73(2), ‘subsection (1) applies’—***omit, insert—*

‘subsections (1) and (1A) apply’.

**50. Section 76(1), ‘an area’—***omit, insert—*

‘a council area’.

**51. Sections 76(1) and 76B(1), ‘sections 57 and 85’—***omit, insert—*

‘sections 62 and 93’.

**52. Section 76A(1), ‘the area’—***omit, insert—*

‘the council area’.

**53. Section 78, ‘\$500’—***omit, insert—*

‘7 penalty units’.

**54. Section 79(1)(a), ‘an area’—***omit, insert—*

‘a council area’.

## SCHEDULE (continued)

**55. Section 80(a), ‘an area’—***omit, insert—*

‘a council area’.

**56. Section 80(c), ‘any area’—***omit, insert—*

‘a council area’.

**57. Section 83(2), ‘particular area’—***omit, insert—*

‘particular council area’.