

Queensland



Subordinate Legislation 2002 No. 375

Community Services (Aborigines) Act 1984

**COMMUNITY SERVICES (ABORIGINES)
AMENDMENT REGULATION (No. 3) 2002**

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1 Short title

This regulation may be cited as the *Community Services (Aborigines) Amendment Regulation (No. 3) 2002*.

2 Commencement

This regulation commences on 30 December 2002.

3 Regulation amended

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

4 Insertion of new pt 10A

After section 64A—

insert—

‘PART 10A—COMMUNITY JUSTICE GROUPS

‘64B Establishment of community justice groups—Act, s 86(1)

‘(1) Each community justice group named in a relevant schedule is established for the community area stated for the justice group.

‘(2) Each relevant schedule prescribes matters about the community justice group named in the schedule.’

5 Amendment of pt 12 (Transitional provision)

Part 12, heading, ‘PROVISION’—

omit, insert—

‘PROVISIONS’.

6 Insertion of new s 67

After section 66—

insert—

**‘67 Transitional provision for Community Services (Aborigines)
Amendment Regulation (No. 3) 2002**

‘For nominating members of a community justice group, a nomination under schedule 1B, section 5(1) includes a nomination made by a main indigenous social grouping before the commencement of this section.’.

7 Insertion of new sch 1B

After schedule 1A—

insert—

‘SCHEDULE 1B

‘AURUKUN COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1B

‘In this schedule—

“main indigenous social grouping” means each of the following groups of indigenous persons—

- Archer, Watson and Top Kendall Rivers
- Cape Keerweer
- Kendall and Holroyd Rivers
- Knox River
- Love River
- Ti Tree-Oonyawa
- Upper Kirke River
- Wik Way.

“special meeting” see section 10(2).

‘PART 2—NAME OF COMMUNITY JUSTICE GROUP

‘2 Name—Act, s 86(2)

‘The name of the community justice group for the Shire of Aurukun is Aurukun Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 8 but not more than 40 members.

‘4 Eligibility

‘A person is eligible to be a member of the justice group if the person is a member of a main indigenous social grouping.

‘5 Nomination, and withdrawal of nomination, of members

‘(1) Each main indigenous social grouping must nominate at least 1 person, and may nominate not more than 5 persons, who are members of the grouping to be members of the justice group.

‘(2) A main indigenous social grouping may, at any time, withdraw a nomination made by it.

‘(3) A main indigenous social grouping must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(4) A nomination, or withdrawal of a nomination, takes effect on the later of the following—

- (a) the day the Minister notifies the nomination, or withdrawal of the nomination, by gazette notice under section 6(1) or (2);
- (b) the day stated in the gazette notice.

‘6 Notification by Minister

‘(1) The Minister must, if satisfied a person nominated under section 5(1) is eligible for membership of the justice group, give notice of the nomination by gazette notice.

‘(2) Also, the Minister must, by gazette notice, give notice of a withdrawal of a nomination about which the Minister is advised.

‘(3) The gazette notice must include the following information—

- (a) the name of the person who is nominated or whose nomination is withdrawn;
- (b) the main indigenous social grouping the person represents.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the main indigenous social grouping each member represents.

‘7 Vacation of office

‘(1) The office of a member of the justice group becomes vacant if—

- (a) the member—
 - (i) dies; or
 - (ii) resigns office by notice given to the coordinator for the justice group; or
- (b) the member’s nomination is withdrawn under section 5.

‘(2) A notice mentioned in subsection (1)(a)(ii) may be given orally or in writing.

‘8 Coordinator to advise Minister of vacancy

‘The coordinator for the justice group must, as soon as practicable after a member’s office becomes vacant under section 7(1)(a), advise the Minister of the vacancy.

‘9 Term of membership

‘A member of the justice group holds office for the term—

- (a) starting on the day the member's nomination takes effect under section 5(4); and
- (b) ending on the day the member's office becomes vacant under section 7(1).

‘PART 4—BUSINESS AND MEETINGS

‘10 Conduct of business

‘(1) Subject to this part, the justice group may conduct its business, including its meetings, in the way it considers appropriate, including, for example, by following Aboriginal tradition.

‘(2) The justice group may only make decisions about business relating to its functions under section 87(1)(a), (c), (d) or (e)¹ of the Act at a meeting at which the coordinator for the justice group is present (a “**special meeting**”).

‘11 Times and places of special meetings

‘(1) Special meetings must be held at the times and places the justice group decides.

1 Section 87(1)(a), (c), (d) or (e) of the Act—

87 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 6, division 2; and
 - (b) . . . ; 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; 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.

‘(2) However, the coordinator for the justice group may call a special meeting at any time, and must call a special meeting if asked by a majority of members of the justice group.

‘12 Quorum for special meeting

‘A quorum for a special meeting is 5 members of the justice group, each of whom must be a representative of a different main indigenous social grouping.

‘13 Number of members at special meeting

‘At a special meeting, not more than 2 members of each main indigenous social grouping, who are members of the justice group, may be present.

‘14 Presiding at special meeting

‘At a special meeting, the member of the justice group chosen by the members present is to preside.

‘15 Voting at special meeting

‘(1) Only 1 member (the “**voting member**”) of each main indigenous social grouping may vote on a question to be decided at a special meeting.

‘(2) If more than 1 member of a main indigenous social grouping is present at a special meeting, the members of the justice group who represent the grouping—

- (a) may decide the grouping’s voting member for a question; and
- (b) if more than 1 question is to be decided, may decide that a different member is the grouping’s voting member for different questions.

‘(3) A question at a special meeting is to be decided by a majority of the votes of the voting members for the question and, if the votes are equal, the question is decided in the negative.’.

8 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

‘ **“justice group”**, for a relevant schedule, means the community justice group named in the schedule.

“relevant schedule” means a schedule of this regulation other than schedule 1, 1A or 2.’

ENDNOTES

1. Made by the Governor in Council on 19 December 2002.
2. Notified in the gazette on 20 December 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Aboriginal and Torres Strait Islander Policy.