

# Queensland



## Subordinate Legislation 2003 No. 301

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

# COMMUNITY SERVICES (ABORIGINES) AMENDMENT REGULATION (No. 2) 2003

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## **1 Short title**

This regulation may be cited as the *Community Services (Aborigines) Amendment Regulation (No. 2) 2003*.

## **2 Regulation amended**

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

## **3 Insertion of new s 69**

After section 68—

*insert—*

### **‘69 Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 2) 2003**

‘(1) For nominating members of a community justice group for schedules 1E, 1F, 1G and 1I, a nomination under section 5 of any of the schedules includes a nomination made by a nominating entity under the schedule before the commencement of this section.

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

## **4 Amendment of sch 1D (Napranum Community Justice Group)**

Schedule 1D, section 1, definition “main indigenous social grouping”—  
*omit, insert—*

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

- Alingith
- Anagoon
- Andoom
- Aurdrang
- Luang

- Peppan
- Thanquith
- Thionton
- Wathayan
- the Torres Strait Islander grouping.’.

## **5 Insertion of new schs 1E–1J**

After schedule 1D—

*insert—*

### **‘SCHEDULE 1E**

### **‘INJINOO COMMUNITY JUSTICE GROUP**

section 64B

### **‘PART 1—PRELIMINARY**

#### **‘1 Definitions for sch 1E**

‘In this schedule—

**“council”** means the Injinoo Aboriginal Council.

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

- Angkamuthi
- Atambaya
- Gudang
- Yadhaykenu
- historical residents of the Injinoo Aboriginal Council area.

**“nominating entity”** means—

- (a) a main indigenous social grouping; or

(b) the council.

“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 Injinoo Aboriginal Council area is Ikama Ikya Community Justice Group.

## **‘PART 3—MEMBERSHIP**

### **‘3 Number of members**

‘The justice group comprises at least 5 but not more than 46 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 and lives in the council area.

### **‘5 Nomination, and withdrawal of nomination, of members**

‘(1) Each main indigenous social grouping must nominate 1 person, and may nominate up to 9 persons, who are members of the grouping to be members of the justice group.

‘(2) The council may nominate 1 person to be a member of the justice group.

‘(3) A nominating entity may, at any time, withdraw a nomination made by it.



‘(4) A nominating entity must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(5) 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) or (2) 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 under section 5.

‘(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 nominating entity that nominated the person or withdrew the person’s nomination.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the nominating entity that nominated each member.

## ‘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
  - (iii) ceases to be eligible to be a member of the justice group; or

(iv) is absent from 5 consecutive special meetings of the justice group without the justice group's permission and without reasonable excuse; 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(5); 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 or Island custom.

‘(2) The justice group may only make decisions about business relating to its functions under section 87(1)(a), (c), (d) or (e)<sup>1</sup> 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.

‘(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 of the justice group is a majority of its members.

### ‘13 Presiding at special meeting

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

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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.

#### **‘14 Voting at special meeting**

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

## **‘SCHEDULE 1F**

### **‘KOWANYAMA COMMUNITY JUSTICE GROUP**

section 64B

#### **‘PART 1—PRELIMINARY**

##### **‘1 Definitions for sch 1F**

‘In this schedule—

“**council**” means the Kowanyama Aboriginal Council.

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

- Kikomnjena
- Kokoberra
- Kunjen.

“**nominating entity**” means—

- (a) a main indigenous social grouping; or
- (b) the council.

“**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 Kowanyama Aboriginal Council area is Kowanyama Community Justice Group.

## **‘PART 3—MEMBERSHIP**

### **‘3 Number of members**

‘The justice group comprises at least 15 but not more than 19 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 5 persons, and may nominate 6 persons, who are members of the grouping to be members of the justice group.

‘(2) The council may nominate 1 person to be a member of the justice group.

‘(3) A nominating entity may, at any time, withdraw a nomination made by it.

‘(4) A nominating entity must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(5) 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) or (2) 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 under section 5.

‘(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 nominating entity that nominated the person or withdrew the person’s nomination.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the nominating entity that nominated each member.

#### **‘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(5); 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)<sup>2</sup> 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.

‘(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 of the justice group is 8.

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2 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.



### **‘13 Presiding at special meeting**

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

### **‘14 Voting at special meeting**

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

## **‘SCHEDULE 1G**

### **‘LOCKHART RIVER COMMUNITY JUSTICE GROUP**

section 64B

#### **‘PART 1—PRELIMINARY**

##### **‘1 Definitions for sch 1G**

‘In this schedule—

**“council”** means the Lockhart River Aboriginal Council.

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

- Ankum
- Kaanju
- Kanthanampu
- Kuuku Ya’u
- Ngaympal
- Umpila
- Uupan
- Uutaalnganu
- Wathathi
- Yaawun.

**“nominating entity”** means—

- (a) a main indigenous social grouping; or
- (b) the group of employees of the council who work at the Pytham Women’s Shelter; or
- (c) the council.

**“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 Lockhart River Aboriginal Council area is Walpamu Justice Group.

## **‘PART 3—MEMBERSHIP**

### **‘3 Number of members**

‘The justice group comprises at least 20 but not more than 34 members.

### **‘4 Eligibility**

‘A person is eligible to be a member of the justice group if the person—

- (a) is a member of a main indigenous social grouping; and
- (b) lives in the council area; and
- (c) has lived in the area for at least 1 month before the person is nominated as a member; and
- (d) does not have a conviction, other than a spent conviction, for—
  - (i) an indictable offence; or
  - (ii) another offence, other than an offence involving the non-payment of a fine, for which the penalty imposed was, or included, a period of imprisonment.

### **‘5 Nomination, and withdrawal of nomination, of members**

‘(1) Each main indigenous social grouping must nominate at least 2 persons, and may nominate 3 persons, who are members of the grouping to be members of the justice group.

‘(2) The group of employees of the council who work at the Pytham Women’s Shelter may nominate up to 3 females to be members of the justice group.

‘(3) The council may nominate 1 person who is a councillor of the council to be a member of the justice group.

‘(4) A nominating entity may, at any time, withdraw a nomination made by it.

‘(5) A nominating entity must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(6) 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), (2) or (3) 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 under section 5.

‘(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 nominating entity that nominated the person or withdrew the person’s nomination.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the nominating entity that nominated each member.

#### **‘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
- (iii) ceases to be eligible to be a member; or
- (iv) is absent from 3 consecutive special meetings of the justice group without the justice group's permission and without reasonable excuse; 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(6); 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)<sup>3</sup> 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.

‘(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 at least 6 members of the justice group, each of whom represents a different main indigenous social grouping.

### ‘12 Quorum for special meeting

‘A quorum for a special meeting of the justice group is 7 members, each of whom must represent a different nominating entity.

### ‘13 Presiding at special meeting

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

---

3 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.

#### **‘14 Voting at special meeting**

‘(1) Only 1 member (the “**voting member**”) nominated by each nominating entity that is represented at a special meeting may vote on a question to be decided at the meeting.

‘(2) If more than 1 representative of a nominating entity is present at a special meeting, the members of the justice group who represent the entity—

- (a) may decide the entity’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 entity’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.

## **‘SCHEDULE 1H**

### **‘PORMPURA AW COMMUNITY JUSTICE GROUP**

section 64B

#### **‘PART 1—PRELIMINARY**

##### **‘1 Definitions for sch 1H**

‘In this schedule—

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

- Mungkan
- Thayorre.

“**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 Pormpuraaw Aboriginal Council area is Pormpuraaw Justice Group.

#### **‘PART 3—MEMBERSHIP**

##### **‘3 Number of members**

‘The justice group comprises at least 6 but not more than 12 members.



#### **‘4 Eligibility**

‘A person is eligible to be a member of the justice group if the person—

- (a) is a member of a main indigenous social grouping; and
- (b) lives in the Pormpuraaw Aboriginal Council area; and
- (c) has lived in the area for at least 1 month before the person is nominated as a member.

#### **‘5 Nomination, and withdrawal of nomination, of members**

‘(1) Each main indigenous social grouping must nominate at least 3 persons, and may nominate up to 6 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 under section 5.

‘(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 that nominated the person, or withdrew the person’s nomination.

‘(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 that nominated each member.

#### **‘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
  - (iii) ceases to be eligible to be a member; 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)<sup>4</sup> 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.

‘(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 of the justice group is a majority of its members.

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4 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.

**‘13 Presiding at special meeting**

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

**‘14 Voting at special meeting**

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

## **‘SCHEDULE 1I**

### **‘UMAGICO COMMUNITY JUSTICE GROUP**

section 64B

#### **‘PART 1—PRELIMINARY**

##### **‘1 Definitions for sch 1I**

‘In this schedule—

**“council”** means the Umagico Aboriginal Council.

**“main indigenous social grouping”** means each of the following groups of indigenous persons who live in the council area—

- Aboriginal people
- Torres Strait Islanders.

**“nominating entity”** means—

- (a) a main indigenous social grouping; or
- (b) the council.

**“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 Umagico Aboriginal Council area is the Umagico Community Justice Group.

## **‘PART 3—MEMBERSHIP**

### **‘3 Number of members**

‘The justice group comprises at least 4 but not more than 21 members.

### **‘4 Eligibility**

‘A person is eligible to be a member of the justice group if the person lives in the Umagico Aboriginal Council area.

### **‘5 Nomination, and withdrawal of nomination, of members**

‘(1) Each main indigenous social grouping must nominate at least 2 persons who are members of the grouping to be members of the justice group, and may nominate up to 8 other persons to be members of the justice group.

‘(2) The council may nominate 1 person to be a member of the justice group.

‘(3) A nominating entity may, at any time, withdraw a nomination made by it.

‘(4) A nominating entity must advise the Minister of each nomination, or withdrawal of a nomination, made by it.

‘(5) 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) or (2) 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 under section 5.

‘(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 nominating entity that nominated the person, or withdrew the person’s nomination.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group and the nominating entity that nominated each member.

#### **‘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
  - (iii) ceases to be eligible to be a member of the justice group; or
  - (iv) is absent from 5 consecutive special meetings of the justice group without the justice group’s permission and without reasonable excuse; 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(5); 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 or Island custom.

‘(2) The justice group may only make decisions about business relating to its functions under section 87(1)(a), (c), (d) or (e)<sup>5</sup> 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.

‘(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.

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5 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.



## **‘12 Quorum for special meeting**

‘A quorum for a special meeting of the justice group is a majority of its members.

## **‘13 Presiding at special meeting**

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

## **‘14 Voting at special meeting**

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

## **‘SCHEDULE 1J**

### **‘WOORABINDA COMMUNITY JUSTICE GROUP**

section 64B

#### **‘PART 1—PRELIMINARY**

##### **‘1 Definitions for sch 1J**

‘In this schedule—

“**council**” means the Woorabinda Aboriginal Council.

“**main indigenous social grouping**” means the group of Aboriginal people who live in the council area.

“**selection committee**” see section 3.

“**special meeting**” see section 14(2).

#### **‘PART 2— NAME OF COMMUNITY JUSTICE GROUP**

##### **‘2 Name—Act, s 86(2)**

‘The name of the community justice group for the Woorabinda Aboriginal Council area is Woorabinda Community Justice Group.

#### **‘PART 3—SELECTION COMMITTEE**

##### **‘3 Establishment**

‘The Woorabinda Community Justice Group Selection Committee (the “**selection committee**”) is established.

#### **‘4 Membership**

‘(1) The selection committee consists of the following members—

- (a) 2 persons who are elders of the main indigenous social grouping;
- (b) 1 person who is—
  - (i) a member of the main indigenous social grouping; and
  - (ii) an employee of a health institution in the council area;
- (c) 1 person who is—
  - (i) a member of the main indigenous social grouping; and
  - (ii) an employee of an educational institution in the council area.

‘(2) The members mentioned in subsection (1)(a) are to be appointed by the elders of the main indigenous social grouping.

‘(3) The member mentioned in subsection (1)(b) is to be appointed by the chief executive of the department in which the *Health Services Act 1991* is administered.

‘(4) The member mentioned in subsection (1)(c) is to be appointed by the chief executive of the department in which the *Education (General Provisions) Act 1989* is administered.

#### **‘5 Functions**

‘(1) The functions of the selection committee are—

- (a) to nominate, under section 9(1), persons to be members of the justice group; and
- (b) to perform other functions given to the selection committee under this schedule.

‘(2) For performing its functions, the selection committee is constituted by the number of members of the committee for the time being holding office.

## **‘6 Conduct of business by selection committee**

‘The selection committee may conduct its business, including its meetings, in the way it considers appropriate, including, for example, by following Aboriginal tradition.

## **‘PART 4—MEMBERSHIP**

### **‘7 Number of members**

‘The justice group comprises at least 8 but not more than 20 members.

### **‘8 Eligibility**

‘A person is eligible to be a member of the justice group if the person—

- (a) is a member of the main indigenous social grouping; and
- (b) does not have a conviction, other than a spent conviction, for—
  - (i) an indictable offence; or
  - (ii) another offence, other than an offence involving the non-payment of a fine, for which the penalty imposed was, or included, a period of imprisonment.

### **‘9 Nomination, and withdrawal of nomination, of members**

‘(1) The selection committee must nominate at least 8, and may nominate up to 20, members of the main indigenous social grouping to be members of the justice group.

‘(2) The selection committee may, at any time, withdraw a nomination made by it.

‘(3) The selection committee 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 10(1) or (2);
- (b) the day stated in the gazette notice.

#### **‘10 Notification by Minister**

‘(1) The Minister must, if satisfied a person nominated under section 9(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 under section 9.

‘(3) The gazette notice must include the name of the person who is nominated or whose nomination is withdrawn.

‘(4) The Minister may, from time to time by gazette notice, give notice of the members of the justice group.

#### **‘11 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
  - (iii) ceases to be eligible to be a member; or
- (b) the member’s nomination is withdrawn under section 9.

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

#### **‘12 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 11(1)(a), advise the Minister of the vacancy.

### **‘13 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 9(4); and
- (b) ending on the day the member’s office becomes vacant under section 11(1).

## **‘PART 5—BUSINESS AND MEETINGS**

### **‘14 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)<sup>6</sup> of the Act at a

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6 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.

meeting at which the coordinator for the justice group is present (a “**special meeting**”).

#### **‘15 Times and places of special meetings**

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

‘(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.

#### **‘16 Quorum for special meeting**

‘A quorum for a special meeting of the justice group is 5.

#### **‘17 Presiding at special meeting**

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

#### **‘18 Voting at special meeting**

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

### **6 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

‘ **“indictable offence”** includes an indictable offence dealt with summarily.

**“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<sup>7</sup> of that Act.’.
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#### ENDNOTES

1. Made by the Governor in Council on 27 November 2003.
2. Notified in the gazette on 28 November 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Aboriginal and Torres Strait Islander Policy.

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<sup>7</sup> *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)