

Queensland



Subordinate Legislation 2003 No. 365

Community Services (Aborigines) Act 1984

COMMUNITY SERVICES (ABORIGINES) AMENDMENT REGULATION (No. 3) 2003

TABLE OF PROVISIONS

Section		Page
1	Short title	5
2	Regulation amended	5
3	Insertion of new s 71	5
71	Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 3) 2003	5
4	Insertion of new schs 1K–1O	5
	SCHEDULE 1K	
	CHERBOURG COMMUNITY JUSTICE GROUP	
	PART 1—PRELIMINARY	
1	Definitions for sch 1K	6
	PART 2—NAME OF COMMUNITY JUSTICE GROUP	
2	Name—Act, s 86(2)	6
	PART 3—MEMBERSHIP	
3	Number of members	7
4	Eligibility	7
5	Nomination, and withdrawal of nomination, of members	7
6	Notification by Minister	8
7	Vacation of office	9
8	Coordinator to advise Minister of vacancy	9
9	Term of membership	9

PART 4—BUSINESS AND MEETINGS

10	Conduct of business	10
11	Times and places of special meetings	10
12	Quorum for special meeting	11
13	Presiding at special meeting	11
14	Voting at special meeting	11

SCHEDULE 1L

MAPOON COMMUNITY JUSTICE GROUP

PART 1—PRELIMINARY

1	Definitions for sch 1L	12
---	----------------------------------	----

PART 2—NAME OF COMMUNITY JUSTICE GROUP

2	Name—Act, s 86(2)	13
---	-----------------------------	----

PART 3—MEMBERSHIP

3	Number of members	13
4	Eligibility	13
5	Nomination, and withdrawal of nomination, of members	13
6	Notification by Minister	14
7	Vacation of office	15
8	Coordinator to advise Minister of vacancy	15
9	Term of membership	15

PART 4—BUSINESS AND MEETINGS

10	Conduct of business	16
11	Times and places of special meetings	16
12	Quorum for special meeting	16
13	Presiding at special meeting	17
14	Voting at special meeting	17

SCHEDULE 1M

NEW MAPOON COMMUNITY JUSTICE GROUP

PART 1—PRELIMINARY

1	Definitions for sch 1M	18
---	----------------------------------	----

PART 2—NAME OF COMMUNITY JUSTICE GROUP

2	Name—Act, s 86(2)	18
---	-----------------------------	----

PART 3—MEMBERSHIP

3	Number of members	19
4	Eligibility	19
5	Nomination, and withdrawal of nomination, of members	19
6	Notification by Minister	19
7	Vacation of office	20
8	Coordinator to advise Minister of vacancy	20
9	Term of membership	20

PART 4—BUSINESS AND MEETINGS

10	Conduct of business	21
11	Times and places of special meetings	21
12	Quorum for special meeting	21
13	Presiding at special meeting	22
14	Voting at special meeting	22

SCHEDULE 1N

WUJAL WUJAL COMMUNITY JUSTICE GROUP

PART 1—PRELIMINARY

1	Definitions for sch 1N	23
---	------------------------------	----

PART 2—NAME OF COMMUNITY JUSTICE GROUP

2	Name—Act, s 86(2)	24
---	-------------------------	----

PART 3—MEMBERSHIP

3	Number of members	24
4	Eligibility	24
5	Nomination, and withdrawal of nomination, of members	24
6	Notification by Minister	25
7	Vacation of office	25
8	Coordinator to advise Minister of vacancy	25
9	Term of membership	26

PART 4—BUSINESS AND MEETINGS

10	Conduct of business	26
11	Times and places of special meetings	27
12	Quorum for special meeting	27

13	Presiding at special meeting	27
14	Voting at special meeting	27
SCHEDULE 10		
YARRABAH COMMUNITY JUSTICE GROUP		
PART 1—PRELIMINARY		
1	Definitions for sch 10	28
PART 2—NAME OF COMMUNITY JUSTICE GROUP		
2	Name—Act, s 86(2)	29
PART 3—MEMBERSHIP		
3	Number of members	29
4	Eligibility	29
5	Nomination, and withdrawal of nomination, of members	29
6	Notification by Minister	30
7	Vacation of office	30
8	Coordinator to advise Minister of vacancy	31
9	Term of membership	31
PART 4—BUSINESS AND MEETINGS		
10	Conduct of business	31
11	Times and places of special meetings	32
12	Quorum for special meeting	32
13	Presiding at special meeting	33
14	Voting at special meeting	33

1 Short title

This regulation may be cited as the *Community Services (Aborigines) Amendment Regulation (No. 3) 2003*.

2 Regulation amended

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

3 Insertion of new s 71

After section 70—

insert—

‘71 Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 3) 2003

‘For nominating members of a community justice group for schedules 1K to 1O, 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.’.

4 Insertion of new schs 1K–1O

After schedule 1J—

insert—

‘SCHEDULE 1K

‘CHERBOURG COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1K

‘In this schedule—

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

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

- traditional owners of the council area
- other indigenous residents of the council area or the Kingaroy, Murgon, Nanango or Wondai local government area.

“**nominating entity**” see section 5(1).

“**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 Cherbourg Aboriginal Council area is Barambah Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises 13 members.

‘4 Eligibility

‘(1) 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 or the Kingaroy, Murgon, Nanango or Wondai local government area (the “**relevant area**”); and
- (c) has lived in the relevant area for at least 5 years immediately before the person is nominated to be a member of the justice group.

‘(2) For subsection (1)(c), it is irrelevant whether the person has, for the 5 years, lived in 1 or more of the council areas mentioned in the paragraph.

‘5 Nomination, and withdrawal of nomination, of members

‘(1) Each entity mentioned in column 1 of the following table (a “**nominating entity**”) must nominate the person or persons mentioned in column 2 opposite the entity to be members of the justice group—

Table

	Column 1	Column 2
1.	The main indigenous social grouping that is the traditional owners of the council area	1 female person and 1 male person
2.	The main indigenous social grouping that is the other indigenous residents of the council area or the Kingaroy, Murgon, Nanango or Wondai local government area	2 female persons and 2 male persons

	Column 1	Column 2
3.	Cherbourg Elders Group	1 female person 1 male person
4.	Cherbourg Aboriginal Council	1 elected member of the Council
5.	Cherbourg Elders Family Support Program Inc ABN 89 169 476 479	1 female person
6.	Jundah Aboriginal Corporation ABN 67 108 840 684	1 female person
7.	Cherbourg Primary P&C Association ABN 52 467 302 311	1 person
8.	The chief executive of the department in which the <i>Health Services Act 1991</i> is administered	1 person

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

‘(3) A nominating entity 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 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 3 consecutive 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

‘(1) Subject to subsection (2), a member of the justice group holds office for 4 years starting on the day the member's nomination takes effect under section 5(4).

‘(2) If the office of a member (the “**former member**”) becomes vacant under section 7(1), a person nominated to fill the resulting vacancy holds

office until the day the former member's term would have ended if the former member's office had not become vacant.

‘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)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.

‘(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.

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.

‘12 Quorum for special meeting

‘A quorum for a special meeting of the justice group is 5, at least 1 of whom must be a person who represents a main indigenous social grouping.

‘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 present and, if the votes are equal, the member presiding has a casting vote.

‘SCHEDULE 1L

‘MAPOON COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1L

‘In this schedule—

“council” means the Mapoon Aboriginal Council.

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

- Taepathiggi
- Thanakwith
- Tjungundji
- Warranku
- Yupungathi
- historical residents of the council area.

“nominating entity” means the following entities—

- (a) a main indigenous social grouping;
- (b) the council;
- (c) the Mapoon Women’s group;
- (d) the Mapoon Men’s group;
- (e) Western Cape College ABN 30 531 079 796;
- (f) Mapoon Primary Health Care Centre ABN 66 329 169 412.

“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 Mapoon Aboriginal Council area is Mapoon Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 10 but not more than 37 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 at least 1 person, and may nominate up to 4 persons, who are members of the grouping to be members of the justice group.

‘(2) Each of the following nominating entities must nominate at least 1 person, and may nominate up to 4 persons, to be members of the justice group—

- (a) the Mapoon Women’s group;
- (b) the Mapoon Men’s group.

‘(3) The council—

- (a) must nominate 2 persons who work for the home and community care program in the council area to be members of the justice group; and

(b) may nominate 1 other person to be a member of the justice group.

‘(4) Each of the following nominating entities may nominate 1 person to be a member of the justice group—

(a) Western Cape College ABN 30 531 079 796;

(b) Mapoon Primary Health Care Centre ABN 66 329 169 412.

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

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

‘(7) 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) to (4) 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(7); 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)² 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 10.

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

‘(1) For each main indigenous social grouping, not more than 2 members who represent the grouping (the **“voting members”**) may vote on a question to be decided at a special meeting.

‘(2) For the following nominating entities, not more than 2 members who represent the entity (also the **“voting members”**) may vote on a question to be decided at a special meeting—

- (a) the Mapoon Women’s group;
- (b) the Mapoon Men’s group.

‘(3) The members of the justice group who represent the council (also the **“voting members”**) may vote on a question to be decided at a special meeting.

‘(4) If more than 2 members of a main indigenous social grouping, or more than 2 members of the justice group who represent the Mapoon Women’s group or the Mapoon Men’s group are present at a special meeting, the members of the justice group who represent the grouping or group—

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

‘(5) 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 member presiding has a casting vote.

‘SCHEDULE 1M

‘NEW MAPOON COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1M

‘In this schedule—

“**council**” means the New Mapoon Aboriginal Council.

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

- Aboriginal people
- Torres Strait Islanders
- traditional owners of the 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 New Mapoon Aboriginal Council area is Mandthingu Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 3 but not more than 20 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 at least 1 person who is a member of the grouping to be a member 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
- (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)³ 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.

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.

‘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 1N

‘WUJAL WUJAL COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 1N

‘In this schedule—

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

- Jalungi
- Kuku Nyungkul
- Kuku Yalanji
- traditional owners of the Wujal Wujal Aboriginal Council area.

“**nominating entity**” means—

- (a) a main indigenous social grouping; or
- (b) each of the following groups of indigenous persons in the Wujal Wujal Aboriginal Council area—
 - (i) the elders’ group;
 - (ii) the health group;
 - (iii) the men’s group;
 - (iv) the women’s group.

“**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 Wujal Wujal Aboriginal Council area is Wujal Wujal Warranga Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 16 but not more than 32 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 nominating entity must nominate 2 persons, and may nominate up to 4 persons, to be members of the justice group.

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

‘(3) A nominating entity 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 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) is absent from 5 consecutive special meetings 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(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)⁴ of the Act at a

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.

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 5 members of the justice group who represent at least 5 different nominating entities.

‘12 Quorum for special meeting

‘A quorum for a special meeting is 6, at least 5 of whom must each 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.

‘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 10

‘YARRABAH COMMUNITY JUSTICE GROUP

section 64B

‘PART 1—PRELIMINARY

‘1 Definitions for sch 10

‘In this schedule—

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

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

- Gungaandji
- Yindinji
- historical residents of the council area.

“**nominating entity**” means the following entities—

- (a) a main indigenous social grouping;
- (b) the council;
- (c) Yarrabah Aboriginal Corporation for Women
ABN 24 891 650 266;
- (d) Gurriny Yealamucka (Good Health) Services Aboriginal
Corporation ABN 31 210 982 991;
- (e) Yarrabah Seahawks Rugby League Football and Sports Club
Aboriginal Corporation ABN 53 412 591 075;
- (f) Yarrabah Police Citizens Youth Club;
- (g) the chief executive of the department in which the *Education
(General Provisions) Act 1989* is administered;

(h) the chief executive of the department in which the *Health Services Act 1991* is administered.

“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 Yarrabah Aboriginal Council area is Yarrabah Community Justice Group.

‘PART 3—MEMBERSHIP

‘3 Number of members

‘The justice group comprises at least 13 but not more than 68 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 at least 4 persons, and may nominate up to 20 persons, who are members of the grouping to be members of the justice group.

‘(2) The council—

- (a) may nominate 1 person to be members of the justice group as a representative of the council; and

(b) must nominate 1 person to be members of the justice group as a representative of the Yarrabah Youth Leisure Centre.

‘(3) Each other nominating entity may nominate 1 person 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 of 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(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)⁵ 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

‘(1) A quorum for a special meeting of the justice group is 10.

‘(2) A quorum must include—

- (a) at least 1 representative of each main indigenous social grouping; and
- (b) if the justice group includes a representative of—
 - (i) only 1 other nominating entity—that representative; or
 - (ii) 2 or more other nominating entities—representatives of at least 2 other nominating entities.

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.

‘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

‘(1) For each main indigenous social grouping, only 1 member who represent the grouping (the **“voting member”**) 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 of the justice group 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.’.

ENDNOTES

1. Made by the Governor in Council on 18 December 2003.
2. Notified in the gazette on 19 December 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Aboriginal and Torres Strait Islander Policy.