



Queensland

# Aboriginal Communities (Justice and Land Matters) Amendment Regulation (No. 2) 2006

## Subordinate Legislation 2006 No. 69

made under the

*Aboriginal Communities (Justice and Land Matters) Act 1984*

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**1 Short title**

This regulation may be cited as the *Aboriginal Communities (Justice and Land Matters) Amendment Regulation (No. 2) 2006*.

**2 Regulation amended**

This regulation amends the *Aboriginal Communities (Justice and Land Matters) Regulation 1998*.

**3 Amendment of s 2 (Definitions)**

Section 2, ‘schedule 2’—

*omit, insert—*

‘schedule 16’.

**4 Insertion of new s 10**

Part 4, after section 9—

*insert—*

**‘10 Transitional provision for Aboriginal Communities (Justice and Land Matters) Amendment Regulation (No. 2) 2006**

‘For nominating members of a community justice group for schedule 14A, 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.’.

**5 Insertion of new sch 14A**

After schedule 14—

*insert—*

## **‘Schedule 14A Palm Island Community Justice Group**

section 3

### **‘Part 1 Preliminary**

#### **‘1 Definitions for sch 14A**

‘In this schedule—

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

- Manbarra
- Bwgcolman

*special meeting* see section 10(2).

### **‘Part 2 Name of community justice group**

#### **‘2 Name—Act, s 18(2)**

‘The name of the community justice group for the community government area of the Palm Island Shire Council is the Palm Island Community Justice Group.

## **‘Part 3                      Membership**

### **‘3            Number of members**

‘The justice group comprises at least 10 but not more than 40 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) 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; and
- (c) for a person in the main indigenous social grouping called Bwgcolman—
  - (i) lives in the community government area of the Palm Island Shire Council; and
  - (ii) has lived in the area for at least 1 year immediately before the person is nominated as a member.

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

- ‘(1) The main indigenous social grouping called Manbarra must nominate 1 person who is a member of the grouping to be a member of the justice group.
- ‘(2) The main indigenous social grouping called Bwgcolman must nominate at least 9 persons, and may nominate up to 39 persons, who are members of the grouping to be members of the justice group.

- ‘(3) A main indigenous social grouping may, at any time, withdraw a nomination made by it.
- ‘(4) A main indigenous social grouping 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 main indigenous social grouping that nominated or withdrew the nomination of the person.
- ‘(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 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**

- '(1) Subject to subsection (2), 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 earlier of the following—
    - (i) 4 years after the day the member's nomination takes effect;
    - (ii) the day the member's office becomes vacant under section 7(1).
- '(2) If the office of a member (the *former member*) becomes vacant under section 7(1), a person nominated to fill the 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.
- ‘(2) The justice group may only make decisions about business relating to its functions under section 19(1)(a), (c), (d) or (e) 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 6.

### **‘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 question is decided in the negative.’



#### ENDNOTES

1. Made by the Governor in Council on 20 April 2006.
2. Notified in the gazette on 21 April 2006.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Aboriginal and Torres Strait Islander Policy.