



Queensland

*Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*

# **Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008**

**Current as at 30 August 2008**

# Information about this reprint

This regulation is reprinted as at 30 August 2008.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**

## Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'judgement' has replaced 'judgment').

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Queensland

# Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	15
2	Commencement . . . . .	15
3	Definitions . . . . .	15
<b>Part 2</b>	<b>Community justice groups</b>	
4	Continuation of community justice groups—Act, s 18(1) . . . . .	15
<b>Part 3</b>	<b>Community areas</b>	
5	Community area for part 5, division 2 of the Act—Act, s 4, def community area . . . . .	18
<b>Part 4</b>	<b>Transitional provisions from repealed regulation</b>	
<b>Division 1</b>	<b>Purpose</b>	
6	Main purposes of pt 4. . . . .	18
<b>Division 2</b>	<b>Transitional matters for Island Coordinating Council</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
7	Definitions for div 2. . . . .	19
8	References to dissolution day . . . . .	19
<b>Subdivision 2</b>	<b>Role of TSIRC</b>	
9	TSIRC to take over particular functions and powers . . . . .	20
10	Registered provider under Housing Act 2003 . . . . .	20
<b>Subdivision 3</b>	<b>Financial matters</b>	
11	Assets and liabilities of ICC . . . . .	20
12	Allocation report . . . . .	21
13	Failure to give allocation report before the dissolution day. . . . .	21
14	Transfer of grant moneys . . . . .	21
15	Reporting obligations for grant moneys . . . . .	22

Contents

---

16	Application of Financial Administration and Audit Act . . . . .	22
<b>Subdivision 4</b>	<b>Employment matters</b>	
17	Preservation of employees' rights and entitlements . . . . .	22
18	Appointer of employees . . . . .	23
<b>Subdivision 5</b>	<b>General</b>	
19	Documents of ICC . . . . .	24
20	Existing agreements . . . . .	24
21	References to ICC . . . . .	24
22	Legal proceedings . . . . .	24
<b>Division 3</b>	<b>Transitional provisions for regulations commencing before 15 March 2008</b>	
23	Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 3) 2002 . . . . .	25
24	Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 1) 2003 . . . . .	25
25	Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 2) 2003 . . . . .	25
26	Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 3) 2003 . . . . .	26
27	Transitional provision for Aboriginal Communities (Justice and Land Matters) Amendment Regulation (No. 2) 2006 . . . . .	26
<b>Division 4</b>	<b>Transitional provisions for Justice and Other Legislation Amendment Regulation (No. 1) 2008</b>	
28	Existing nominations . . . . .	27
29	Existing membership for Injinoo . . . . .	28
<b>Part 5</b>	<b>Repeal and transitional provisions</b>	
<b>Division 1</b>	<b>Repeal</b>	
30	Repeal . . . . .	28
<b>Division 2</b>	<b>Transitional provisions</b>	
31	Nominations . . . . .	29
32	Members . . . . .	30
33	Coordinators . . . . .	30
34	Selection committee . . . . .	30
35	Other matters . . . . .	30
<b>Schedule 1</b>	<b>Aurukun</b> . . . . .	31
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 1 . . . . .	31

<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	31
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	32
4	Eligibility . . . . .	32
5	Nomination, and withdrawal of nomination, of members . . . . .	32
6	Notification by Minister . . . . .	32
7	Vacation of office . . . . .	33
8	Coordinator to advise Minister of vacancy . . . . .	33
9	Term of membership. . . . .	33
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	34
11	Times and places of special meetings . . . . .	34
12	Quorum for special meeting . . . . .	35
13	Number of members at special meeting. . . . .	35
14	Presiding at special meeting . . . . .	35
15	Voting at special meeting . . . . .	35
<b>Schedule 2</b>	<b>Bamaga</b> . . . . .	36
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 2 . . . . .	36
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	36
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	37
4	Eligibility . . . . .	37
5	Nomination, and withdrawal of nomination, of members . . . . .	37
6	Notification by Minister . . . . .	37
7	Vacation of office . . . . .	38
8	Coordinator to advise Minister of vacancy . . . . .	38
9	Term of membership. . . . .	39
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	39
11	Times and places of special meetings . . . . .	39
12	Quorum for special meeting . . . . .	39
13	Presiding at special meeting . . . . .	40
14	Voting at special meeting . . . . .	40

Contents

---

<b>Schedule 3</b>	<b>Cherbourg</b> .....	41
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 3 .....	41
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name .....	41
<b>Part 3</b>	<b>Membership</b>	
3	Number of members .....	42
4	Eligibility .....	42
5	Nomination, and withdrawal of nomination, of members .....	42
6	Notification by Minister .....	44
7	Vacation of office .....	44
8	Coordinator to advise Minister of vacancy .....	45
9	Term of membership .....	45
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business .....	46
11	Times and places of special meetings .....	46
12	Quorum for special meeting .....	46
13	Presiding at special meeting .....	46
14	Voting at special meeting .....	46
<b>Schedule 4</b>	<b>Doomadgee</b> .....	47
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 4 .....	47
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name .....	48
<b>Part 3</b>	<b>Membership</b>	
3	Number of members .....	48
4	Nomination, and withdrawal of nomination, of members .....	48
5	Notification by Minister .....	49
6	Vacation of office .....	50
7	Coordinator to advise Minister of vacancy .....	50
8	Term of membership .....	50
<b>Part 4</b>	<b>Business and meetings</b>	
9	Conduct of business .....	51
10	Times and places of special meetings .....	51
11	Quorum for special meeting .....	52
12	Presiding at special meeting .....	52

---

13	Voting at special meeting . . . . .	52
<b>Schedule 5</b>	<b>Hope Vale</b> . . . . .	53
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 5 . . . . .	53
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	54
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	54
4	Eligibility . . . . .	54
5	Nomination, and withdrawal of nomination, of members . . . . .	54
6	Notification by Minister . . . . .	55
7	Vacation of office . . . . .	55
8	Coordinator to advise Minister of vacancy . . . . .	56
9	Term of membership. . . . .	56
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	56
11	Times and places of special meetings . . . . .	57
12	Quorum for special meeting . . . . .	57
13	Presiding at special meeting . . . . .	57
14	Voting at special meeting . . . . .	57
<b>Schedule 6</b>	<b>Injinoo</b> . . . . .	59
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 6 . . . . .	59
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	59
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	60
4	Eligibility . . . . .	60
5	Nomination, and withdrawal of nomination, of members . . . . .	60
6	Notification by Minister . . . . .	60
7	Vacation of office . . . . .	61
8	Coordinator to advise Minister of vacancy . . . . .	61
9	Term of membership. . . . .	62
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	62
11	Times and places of special meetings . . . . .	62

---

Contents

---

12	Quorum for special meeting . . . . .	62
13	Presiding at special meeting . . . . .	63
14	Voting at special meeting . . . . .	63
<b>Schedule 7</b>	<b>Kowanyama . . . . .</b>	<b>64</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 7 . . . . .	64
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	64
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	65
4	Eligibility . . . . .	65
5	Nomination, and withdrawal of nomination, of members . . . . .	65
6	Notification by Minister . . . . .	65
7	Vacation of office . . . . .	66
8	Coordinator to advise Minister of vacancy . . . . .	66
9	Term of membership. . . . .	66
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	67
11	Times and places of special meetings . . . . .	67
12	Quorum for special meeting . . . . .	67
13	Presiding at special meeting . . . . .	67
14	Voting at special meeting . . . . .	68
<b>Schedule 8</b>	<b>Lockhart River . . . . .</b>	<b>69</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 8 . . . . .	69
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	70
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	70
4	Eligibility . . . . .	70
5	Nomination, and withdrawal of nomination, of members . . . . .	71
6	Notification by Minister . . . . .	71
7	Vacation of office . . . . .	72
8	Coordinator to advise Minister of vacancy . . . . .	72
9	Term of membership. . . . .	72



<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business . . . . .	73
11	Times and places of special meetings . . . . .	73
12	Quorum for special meeting . . . . .	73
13	Presiding at special meeting . . . . .	73
14	Voting at special meeting . . . . .	73
<b>Schedule 9</b>	<b>Mapoon</b> . . . . .	75
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 9 . . . . .	75
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	76
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	76
4	Eligibility . . . . .	76
5	Nomination, and withdrawal of nomination, of members . . . . .	76
6	Notification by Minister . . . . .	77
7	Vacation of office . . . . .	78
8	Coordinator to advise Minister of vacancy . . . . .	78
9	Term of membership. . . . .	78
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	79
11	Times and places of special meetings . . . . .	79
12	Quorum for special meeting . . . . .	79
13	Presiding at special meeting . . . . .	79
14	Voting at special meeting . . . . .	79
<b>Schedule 10</b>	<b>Mornington</b> . . . . .	81
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 10 . . . . .	81
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	82
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	82
4	Eligibility . . . . .	82
5	Nomination, and withdrawal of nomination, of members . . . . .	83
6	Notification by Minister . . . . .	83
7	Vacation of office . . . . .	84

Contents

---

8	Coordinator to advise Minister of vacancy . . . . .	84
9	Term of membership. . . . .	84
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	85
11	Times and places of special meetings . . . . .	85
12	Quorum for special meeting . . . . .	85
13	Presiding at special meeting . . . . .	86
14	Voting at special meeting . . . . .	86
<b>Schedule 11</b>	<b>Napranum</b> . . . . .	87
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 11 . . . . .	87
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	88
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	88
4	Nomination, and withdrawal of nomination, of members . . . . .	88
5	Notification by Minister . . . . .	89
6	Vacation of office . . . . .	89
7	Coordinator to advise Minister of vacancy . . . . .	90
8	Term of membership. . . . .	90
<b>Part 4</b>	<b>Business and meetings</b>	
9	Conduct of business. . . . .	90
10	Times and places of special meetings . . . . .	90
11	Quorum for special meeting . . . . .	91
12	Presiding at special meeting . . . . .	91
13	Voting at special meeting . . . . .	91
<b>Schedule 12</b>	<b>New Mapoon</b> . . . . .	92
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 12 . . . . .	92
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	92
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	93
4	Eligibility . . . . .	93
5	Nomination, and withdrawal of nomination, of members . . . . .	93
6	Notification by Minister . . . . .	93

---

7	Vacation of office . . . . .	94
8	Coordinator to advise Minister of vacancy . . . . .	94
9	Term of membership. . . . .	95
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	95
11	Times and places of special meetings . . . . .	95
12	Quorum for special meeting . . . . .	95
13	Presiding at special meeting . . . . .	96
14	Voting at special meeting . . . . .	96
<b>Schedule 13</b>	<b>Palm Island</b> . . . . .	97
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 13 . . . . .	97
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	97
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	97
4	Eligibility . . . . .	98
5	Nomination, and withdrawal of nomination, of members . . . . .	98
6	Notification by Minister . . . . .	99
7	Vacation of office . . . . .	99
8	Coordinator to advise Minister of vacancy . . . . .	100
9	Term of membership. . . . .	100
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	100
11	Times and places of special meetings . . . . .	101
12	Quorum for special meeting . . . . .	101
13	Presiding at special meeting . . . . .	101
14	Voting at special meeting . . . . .	101
<b>Schedule 14</b>	<b>Pormpuraaw</b> . . . . .	102
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 14 . . . . .	102
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	102
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	102
4	Eligibility . . . . .	103

---

Contents

---

5	Nomination, and withdrawal of nomination, of members . . . . .	103
6	Notification by Minister . . . . .	103
7	Vacation of office . . . . .	104
8	Coordinator to advise Minister of vacancy . . . . .	104
9	Term of membership. . . . .	104
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	105
11	Times and places of special meetings . . . . .	105
12	Quorum for special meeting . . . . .	105
13	Presiding at special meeting . . . . .	105
14	Voting at special meeting . . . . .	105
<b>Schedule 15</b>	<b>Seisia</b> . . . . .	106
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 15 . . . . .	106
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	106
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	107
4	Eligibility . . . . .	107
5	Nomination, and withdrawal of nomination, of members . . . . .	107
6	Notification by Minister . . . . .	107
7	Vacation of office . . . . .	108
8	Coordinator to advise Minister of vacancy . . . . .	108
9	Term of membership. . . . .	108
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	109
11	Times and places of special meetings . . . . .	109
12	Quorum for special meeting . . . . .	109
13	Presiding at special meeting . . . . .	109
14	Voting at special meeting . . . . .	110
<b>Schedule 16</b>	<b>Umagico</b> . . . . .	111
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 16 . . . . .	111
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	111

<b>Part 3</b>	<b>Membership</b>	
3	Number of members . . . . .	112
4	Eligibility . . . . .	112
5	Nomination, and withdrawal of nomination, of members . . . . .	112
6	Notification by Minister . . . . .	112
7	Vacation of office . . . . .	113
8	Coordinator to advise Minister of vacancy . . . . .	113
9	Term of membership. . . . .	114
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	114
11	Times and places of special meetings . . . . .	114
12	Quorum for special meeting . . . . .	114
13	Presiding at special meeting . . . . .	115
14	Voting at special meeting . . . . .	115
<b>Schedule 17</b>	<b>Woorabinda</b> . . . . .	116
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 17 . . . . .	116
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	116
<b>Part 3</b>	<b>Selection committee</b>	
3	Continuation . . . . .	117
4	Membership . . . . .	117
5	Functions . . . . .	118
6	Conduct of business by selection committee . . . . .	118
<b>Part 4</b>	<b>Membership</b>	
7	Number of members. . . . .	118
8	Eligibility . . . . .	118
9	Nomination, and withdrawal of nomination, of members . . . . .	119
10	Notification by Minister . . . . .	119
11	Vacation of office . . . . .	120
12	Coordinator to advise Minister of vacancy . . . . .	120
13	Term of membership. . . . .	120
<b>Part 5</b>	<b>Business and meetings</b>	
14	Conduct of business. . . . .	120
15	Times and places of special meetings . . . . .	121
16	Quorum for special meeting . . . . .	121

Contents

---

17	Presiding at special meeting . . . . .	121
18	Voting at special meeting . . . . .	121
<b>Schedule 18</b>	<b>Wujal Wujal . . . . .</b>	<b>122</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 18 . . . . .	122
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	123
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	123
4	Eligibility . . . . .	123
5	Nomination, and withdrawal of nomination, of members . . . . .	123
6	Notification by Minister . . . . .	124
7	Vacation of office . . . . .	124
8	Coordinator to advise Minister of vacancy . . . . .	125
9	Term of membership. . . . .	125
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	125
11	Times and places of special meetings . . . . .	125
12	Quorum for special meeting . . . . .	126
13	Presiding at special meeting . . . . .	126
14	Voting at special meeting . . . . .	126
<b>Schedule 19</b>	<b>Yarrabah . . . . .</b>	<b>127</b>
<b>Part 1</b>	<b>Preliminary</b>	
1	Definitions for sch 19 . . . . .	127
<b>Part 2</b>	<b>Name of community justice group</b>	
2	Name . . . . .	128
<b>Part 3</b>	<b>Membership</b>	
3	Number of members. . . . .	128
4	Eligibility . . . . .	128
5	Nomination, and withdrawal of nomination, of members . . . . .	128
6	Notification by Minister . . . . .	129
7	Vacation of office . . . . .	130
8	Coordinator to advise Minister of vacancy . . . . .	130
9	Term of membership. . . . .	130
<b>Part 4</b>	<b>Business and meetings</b>	
10	Conduct of business. . . . .	130

---

11	Times and places of special meetings . . . . .	131
12	Quorum for special meeting . . . . .	131
13	Presiding at special meeting . . . . .	131
14	Voting at special meeting . . . . .	132
<b>Schedule 20</b>	<b>Community areas for part 5, division 2 of the Act . . . . .</b>	<b>133</b>
<b>Schedule 21</b>	<b>Dictionary . . . . .</b>	<b>134</b>
 <b>Endnotes</b>		
1	Index to endnotes . . . . .	136
2	Date to which amendments incorporated . . . . .	136
3	Key . . . . .	136
4	Table of reprints . . . . .	137
5	List of legislation . . . . .	137





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# Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008

[reprinted as in force on 30 August 2008]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008*.

### 2 Commencement

This regulation commences on 30 August 2008.

### 3 Definitions

The dictionary in schedule 21 defines particular words used in this regulation.

## Part 2 Community justice groups

### 4 Continuation of community justice groups—Act, s 18(1)

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

*Notes—*

- 1 The community justice groups named in schedules 6 (Injinoo), 12 (New Mapoon) and 16 (Umagico) were established under section 18 of the Act before the changeover day and, from the changeover day, continued under section 84 of the Act.
  - 2 The community justice groups named in the schedules 2 (Bamaga) and 15 (Seisia) were established under the repealed Torres Strait Act before the changeover day and, from the changeover day, continued under section 85 of the Act.
  - 3 The community justice groups named in other relevant schedules were established under the repealed regulation.
- (2) Subject to subsection (3), each relevant schedule prescribes matters about the community justice group named in the schedule.
- (3) If a relevant schedule states that a main Indigenous social grouping for a community justice group must nominate a minimum number of persons to be members of the justice group, including a minimum number of persons of a particular category, the obligation on the main Indigenous social grouping is to nominate the minimum number of persons to the greatest practicable extent.
- (4) For a community area that is described, in schedule 6, 12 or 16, by reference to an area that, immediately before the changeover day, was the community government area of a local government—
- (a) the reference to the local government is taken to be a reference to the local government as it existed immediately before the changeover day; and
  - (b) the reference to the community government area of the local government is taken to be a reference to the community government area as it was under the *Local Government (Community Government Areas) Act 2004*, as in force immediately before the changeover day.

*Example for subsection (4)—*

In schedule 6, section 1, definition *Injinoo community area*—

- (a) the reference to Injinoo Shire Council is taken to be a reference to Injinoo Shire Council as the council existed immediately before the changeover day; and
- (b) the reference to the community government area of the Injinoo Shire Council is taken to be a reference to the community government area as it was under the *Local Government (Community Government Areas) Act 2004*, as in force immediately before the changeover day.

*Notes—*

- 1 Under the *Local Government (Community Government Areas) Act 2004*, as in force immediately before the changeover day, community government areas were described by reference to the local government areas for the councils, which were described in schedule 2 of that Act, as in force immediately before the changeover day.
- 2 Each map mentioned in the *Local Government (Community Government Areas) Act 2004*, schedule 2, as in force immediately before the changeover day, can be—
  - (a) accessed by members of the public, free of charge, on the website of the department in which the *Justices Act 1886* is administered; or
  - (b) purchased from any office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered.

*Editor's note—*

At the commencement of this section, the website of the department mentioned in note 2(a) was <[www.justice.qld.gov.au](http://www.justice.qld.gov.au)>.

- (5) In this section—

***relevant schedule*** means a schedule of this regulation other than schedule 20 or 21.

## **Part 3 Community areas**

### **5 Community area for part 5, division 2 of the Act—Act, s 4, def *community area***

For part 5, division 2 of the Act, each area stated in schedule 20 is prescribed as a community area for section 4, definition *community area*.

*Editor's note—*

part 5 (Control of possession and consumption of alcohol in community areas), division 2 (Dry places)

## **Part 4 Transitional provisions from repealed regulation**

### **Division 1 Purpose**

#### **6 Main purposes of pt 4**

The main purposes of this part are—

- (a) to provide for the continuation of particular matters previously dealt with under the repealed regulation; and
- (b) to provide convenient access to the relevant transitional provisions.

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## Division 2                      Transitional matters for Island Coordinating Council

### Subdivision 1              Preliminary

#### 7                      Definitions for div 2

In this division—

*allocation report* see section 12.

*dissolution day* means the day the *Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007*, section 46 commenced.

*grant agreement* means an agreement between ICC and the Commonwealth, State or another entity (the *grantor*), entered into before the dissolution day, under which the grantor gives ICC grant money.

*ICC* means the Island Coordinating Council established under the *Community Services (Torres Strait) Act 1984*, part 8.

*local transition committees* means the local transition committees, established under the *Local Government Act 1993*, section 159YR, for the new local government areas of TSIRC and NPARC.

*Editor's note—*

The dictionary in the Act provides that—

- 1    *NPARC* means the Northern Peninsula Area Regional Council.
- 2    *TSIRC* means the Torres Strait Island Regional Council.

#### 8                      References to dissolution day

A matter under this division that happens from the dissolution day happens from the beginning of that day.

## **Subdivision 2      Role of TSIRC**

### **9      TSIRC to take over particular functions and powers**

- (1) This section applies if, under an Act—
  - (a) ICC may perform a function or exercise a power; and
  - (b) ICC started to perform the function or exercise the power, but did not finish performing the function or exercising the power, before the dissolution day.
- (2) TSIRC may, from the dissolution day, continue to perform the function or exercise the power.

### **10     Registered provider under Housing Act 2003**

- (1) This section applies if, immediately before the dissolution day, ICC is a registered provider under the *Housing Act 2003* for providing housing services.
- (2) From the dissolution day, TSIRC—
  - (a) is taken to be a registered provider under that Act for providing housing services; and
  - (b) has, to the greatest practicable extent, the same functions, powers and obligations of ICC in relation to its operation as a registered provider for the services.

## **Subdivision 3      Financial matters**

### **11     Assets and liabilities of ICC**

- (1) Subject to section 14, each asset or liability of ICC becomes the asset or liability of TSIRC on the dissolution day.

*Note—*

Section 14 provides for the transfer of a proportion of unexpended grant moneys from TSIRC to NPARC.

- (2) The registrar of titles or other person responsible for keeping a register for dealings in assets must, if asked by TSIRC in the appropriate form, record the transfer or the vesting of any asset under this section in TSIRC.

## **12 Allocation report**

The local transition committees must—

- (a) jointly prepare a report (an *allocation report*) stating the proposed allocation of any unexpended grant moneys held by ICC between TSIRC and NPARC; and
- (b) give the Minister the allocation report.

## **13 Failure to give allocation report before the dissolution day**

If the local transition committees do not give the Minister the allocation report before the dissolution day, the Minister must decide the apportionment of any unexpended grant moneys held by ICC between TSIRC and NPARC.

## **14 Transfer of grant moneys**

- (1) Subsection (2) applies if the local transition committees give the Minister the allocation report before the dissolution day.
- (2) TSIRC must transfer to NPARC on or before 31 March 2008 the proportion of the unexpended grant moneys that is to be transferred to NPARC under the allocation report.
- (3) Subsection (4) applies if the local transition committees do not give the Minister the allocation report before the dissolution day.
- (4) TSIRC must transfer to NPARC on or before the stated day the proportion of the unexpended grant moneys that the Minister decides is to be transferred to NPARC.
- (5) The stated day for subsection (4) is—

- (a) 31 March 2008; or
- (b) the later day the Minister decides.

## **15 Reporting obligations for grant moneys**

- (1) This section applies to ICC's obligations to report about grant moneys under a grant agreement.
- (2) TSIRC must, from the dissolution day, perform the obligations under the grant agreement.
- (3) Without limiting subsection (2), TSIRC's report must include a report about grant moneys for the period ending on the dissolution day.

## **16 Application of Financial Administration and Audit Act**

TSIRC must, from the dissolution day, comply with the requirements under the *Financial Administration and Audit Act 1977*, part 3, for the financial year starting on 1 July 2007, as if TSIRC were ICC.

*Editor's note—*

*Financial Administration and Audit Act 1977*, part 3 (Financial administration—statutory bodies)

## **Subdivision 4 Employment matters**

### **17 Preservation of employees' rights and entitlements**

- (1) This section applies to a person who, immediately before the dissolution day, was an employee of ICC.
- (2) On the dissolution day, the person is employed by TSIRC on the same conditions on which the person was employed by ICC.
- (3) Employment of the person by TSIRC under subsection (2) does not—



- 
- (a) affect the employee's benefits, entitlements or remuneration; or
  - (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
  - (c) interrupt continuity of service; or
  - (d) constitute a retrenchment or redundancy; or
  - (e) entitle the employee to a payment or other benefit merely because the person is no longer employed by ICC.
- (4) Without limiting subsection (2), if an industrial instrument applies to the person immediately before the dissolution day, the instrument continues to apply to the person.
- (5) A workforce transition code of practice under the *Local Government Act 1993*, section 159ZH, applies to the transition of the employee from ICC to TSIRC as if ICC were, under the *Local Government Act 1993*, chapter 3, part 1B, a merging local government whose local government area is abolished to form part of the new local government area of TSIRC.

*Note—*

The *Local Government (Workforce Transition Code of Practice) Notice 2007* was notified on 29 August 2007.

- (6) In this section—

***industrial instrument*** means a federal award, federal agreement or industrial instrument, as defined under the *Industrial Relations Act 1999*.

## 18 Appointer of employees

For the continuing employment, under section 17, of a person employed by TSIRC, the person is taken to have been appointed by the chief executive officer of TSIRC.

## **Subdivision 5      General**

### **19      Documents of ICC**

- (1) The documents of ICC become the documents of TSIRC on the dissolution day.
- (2) TSIRC must, as soon as practicable after the dissolution day, give NPARC a copy of any agreement in relation to grant moneys transferred to NPARC under section 14.

### **20      Existing agreements**

- (1) This section applies to an agreement to which ICC is a party before the dissolution day.
- (2) From the dissolution day, a reference in the agreement to ICC is taken to be a reference to—
  - (a) if the agreement is a grant agreement—TSIRC and NPARC; or
  - (b) otherwise—TSIRC.
- (3) From the dissolution day, the agreement gives rise to the same rights and liabilities as would have arisen if ICC were not dissolved.

### **21      References to ICC**

Subject to section 20(2), a reference in an Act or document to ICC may, from the dissolution day and if the context permits, be taken to be a reference to TSIRC.

### **22      Legal proceedings**

A legal proceeding that could have been started or continued by or against ICC before the dissolution day, may be started or continued by or against TSIRC from the dissolution day.

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## **Division 3                      Transitional provisions for regulations commencing before 15 March 2008**

### **23                      Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 3) 2002**

For nominating members of the community justice group named in schedule 1, a nomination under schedule 1, section 5(1) includes a nomination made before 30 December 2002 by a main Indigenous social grouping mentioned in the schedule.

*Editor's note—*

Schedule 1 (Aurukun) was schedule 1 of the repealed regulation.

### **24                      Transitional provision for Community Services (Aborigines) Amendment Regulation (No. 1) 2003**

For nominating members of a community justice group for schedule 4 or 11, a nomination under section 4 of the schedule includes a nomination made before 30 May 2003 by a nominating entity mentioned in the schedule.

*Editor's note—*

Schedules 4 (Doomadgee) and 11 (Napranum) were schedules 2 and 3 of the repealed regulation.

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

- (1) For nominating members of a community justice group for schedule 6, 7, 8 or 16 a nomination under section 5 of the schedule includes a nomination made before 28 November 2003 by a nominating entity mentioned in the schedule.

*Editor's note—*

Schedules 6 (Injino), 7 (Kowanyama), 8 (Lockhart River) and 16 (Umagico) were schedules 14, 5, 6 and 14B respectively of the repealed regulation.

- (2) For nominating members of a community justice group for schedule 14, a nomination under section 5 of the schedule includes a nomination made before 28 November 2003 by a main Indigenous social grouping under the schedule.

*Editor's note—*

Schedule 14 (Pormpuraaw) was schedule 7 of the repealed regulation.

**26 Transitional provision for Community Services  
(Aborigines) Amendment Regulation (No. 3) 2003**

For nominating members of a community justice group for schedule 3, 9, 18 or 19, a nomination under section 5 of the schedule includes a nomination made before 19 December 2003 by a nominating entity mentioned in the schedule.

*Editor's note—*

Schedules 3 (Cherbourg), 9 (Mapoon), 18 (Wujal Wujal) and 19 (Yarrabah) were schedules 10 to 13A of the repealed regulation.

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

For nominating members of a community justice group for schedule 13, a nomination under section 5 of the schedule includes a nomination made before 21 April 2006 by a main Indigenous social grouping mentioned in the schedule.

*Editor's note—*

Schedule 13 (Palm Island) was schedule 13B of the repealed regulation.

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## Division 4                      **Transitional provisions for Justice and Other Legislation Amendment Regulation (No. 1) 2008**

### 28        **Existing nominations**

(1) For nominating members of a community justice group for a prescribed schedule, a nomination under section 5 of the prescribed schedule includes a nomination made before 15 March 2008.

(2) However—

(a) for schedules 5 and 10, subsection (1) only applies to a nomination made by a main Indigenous social grouping mentioned in the schedule; and

*Editor's note—*

Schedules 5 (Hope Vale) and 10 (Mornington) were schedules 13C and 13D of the repealed regulation.

(b) for schedules 2, 6, 12, 15 and 16, subsection (1) applies only to a nomination made under the superseded nomination section for the schedule.

*Editor's note—*

Schedules 2 (Bamaga), 6 (Injinoo), 12 (New Mapoon), 15 (Seisia) and 16 (Umagico) were schedules 14C, 14, 14A, 14D and 14B respectively of the repealed regulation.

(3) In this section—

***prescribed schedule*** means schedule 2, 5, 6, 10, 12, 15 and 16.

*Editor's note—*

Schedules 2 (Bamaga), 5 (Hope Vale), 6 (Injinoo), 10 (Mornington), 12 (New Mapoon), 15 (Seisia) and 16 (Umagico) were schedules 14C, 13C, 14, 13D, 14A, 14D and 14B respectively of the repealed regulation.

***superseded nomination section*** means—

[s 29]

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- (a) for schedule 2—the repealed *Community Services (Torres Strait) Regulation 1998*, schedule 1C, section 5; or
- (b) for schedule 6—schedule 4, section 5 of the repealed regulation as in force before 15 March 2008; or
- (c) for schedule 12—schedule 12, section 5 of the repealed regulation as in force before 15 March 2008; or
- (d) for schedule 16—schedule 8, section 5 of the repealed regulation as in force before 15 March 2008; or
- (e) for schedule 15—the repealed *Community Services (Torres Strait) Regulation 1998*, schedule 1B, section 5.

## **29 Existing membership for Injinoo**

The limitation under schedule 6, section 3 that the justice group is comprised of not more than 10 members does not apply until 15 September 2008.

*Editor's note—*

Schedule 6 (Injinoo) was schedule 14 of the repealed regulation.

# **Part 5 Repeal and transitional provisions**

## **Division 1 Repeal**

### **30 Repeal**

The Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 1998, SL No. 192 is repealed.

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## Division 2 Transitional provisions

### 31 Nominations

For nominating members of a community justice group named in a relevant schedule, a nomination under the nomination section of the relevant schedule set out in the table includes a nomination made before 31 August 2008 under the corresponding superseded nomination section of the repealed regulation set out in the table.

#### Table

<b>Nomination section</b>	<b>Superseded nomination section of the repealed regulation</b>
schedule 1, section 5	schedule 1, section 5
schedule 2, section 5	schedule 14C, section 5
schedule 3, section 5	schedule 10, section 5
schedule 4, section 4	schedule 2, section 4
schedule 5, section 5	schedule 13C, section 5
schedule 6, section 5	schedule 14, section 5
schedule 7, section 5	schedule 5, section 5
schedule 8, section 5	schedule 6, section 5
schedule 9, section 5	schedule 11, section 5
schedule 10, section 5	schedule 13D, section 5
schedule 11, section 4	schedule 3, section 4
schedule 12, section 5	schedule 14A, section 5
schedule 13, section 5	schedule 13B, section 5
schedule 14, section 5	schedule 7, section 5
schedule 15, section 5	schedule 14D, section 5
schedule 16, section 5	schedule 14B, section 5
schedule 17, section 9	schedule 9, section 9
schedule 18, section 5	schedule 13, section 5
schedule 19, section 5	schedule 13A, section 5

### **32 Members**

- (1) A person who, immediately before 31 August 2008, was a member of a community justice group mentioned in a relevant schedule holding office for a term continues as a member of the community justice group until the end of the term.
- (2) Subsection (1) applies subject to section 84(2) and 85(2) of the Act.

### **33 Coordinators**

The person who, immediately before 31 August 2008, held appointment as a coordinator for a community justice group named in a relevant schedule is, without further appointment, taken to hold appointment as the coordinator for the community justice group.

### **34 Selection committee**

A person who, immediately before 31 August 2008, held appointment as a member of the Woorabinda Community Justice Group Selection Committee (the *selection committee*) is, without further appointment, taken to hold appointment as a member of the selection committee.

### **35 Other matters**

All other matters relating to a community justice group named in a relevant schedule, including, for example, contracts entered into before 31 August 2008, are not affected by the repeal of the repealed regulation.



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## Schedule 1      Aurukun

section 4

### Part 1              Preliminary

#### 1              Definitions for sch 1

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- 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

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 is comprised of 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 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 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 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*).

*Editor's note—*

Section 19(1)(a), (c), (d) or (e) of the Act—

#### 19 Functions and powers

- (1) The community justice group for a community area has the following functions—
  - (a) taking part in court hearings and sentencing and bail processes as provided for in the *Bail Act 1980*, the *Juvenile Justice Act 1992* and the *Penalties and Sentences Act 1992*;
  - (b) ... ;
  - (c) supporting indigenous victims and offenders at all stages of the legal process;
  - (d) making recommendations to the Minister administering the *Liquor Act 1992*, part 6A, about declarations under that part;
  - (e) carrying out other functions given to it under this or another Act.

### 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 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.

## Schedule 2 Bamaga

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 2

In this schedule—

*Bamaga community area* means the part of the local government area of NPARC that is within the relevant Bamaga area.

*main Indigenous social grouping* means each of the following groups of Indigenous people who live in the Bamaga community area—

- Aboriginal people
- Torres Strait Islanders
- the historical residents of the Bamaga community area
- the traditional owners of the Bamaga community area.

*special meeting* see section 10(2).

### Part 2 Name of community justice group

#### 2 Name

The name of the community justice group for the Bamaga community area is the Bamaga Mina Kodomir (Proper Voice) Community Justice Group.

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## **Part 3                      Membership**

### **3                      Number of members**

The justice group is comprised of at least 5 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 Bamaga community area.

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

- (1) Each main Indigenous social grouping must nominate at least 1 person to be a member of the justice group.
- (2) Each person nominated by a main Indigenous social grouping must be a member of the grouping.
- (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) 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
    - (iv) is absent from 5 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**

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 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 5.

**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.

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## Schedule 3 Cherbourg

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 3

In this schedule—

*council* means the Cherbourg Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- traditional owners of the community government area of the Cherbourg Shire Council
- other Indigenous residents of the community government area of the Cherbourg Shire Council or the local government area of the South Burnett Regional Council.

*nominating entity* see section 5(1).

*special meeting* see section 10(2).

### Part 2 Name of community justice group

#### 2 Name

The name of the community justice group for the community government area of the Cherbourg Shire Council is Barambah Community Justice Group.

## **Part 3                                    Membership**

### **3                    Number of members**

The justice group is comprised of 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 community government area of the Cherbourg Shire Council or the local government area of the South Burnett Regional Council (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 areas mentioned in subsection (1)(b).

### **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 community government area of the Cherbourg Shire Council	1 female person and 1 male person
2 The main Indigenous social grouping that is the other Indigenous residents of the community government area of the Cherbourg Shire Council or the local government area of the South Burnett Regional Council	2 female persons and 2 male persons
3 Cherbourg Elders Group	1 female person and 1 male person
4 Cherbourg Shire 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 Inc 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 the term—
  - (a) starting on the day the member's nomination takes effect under section 5(4); 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 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.
- (3) If the term of office of a member (the *former member*) ends under subsection (1)(b)(i), the former member may continue to act as a member in the office left vacant by the former member until the vacancy is filled.

## **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 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 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.



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## Schedule 4      Doomadgee

section 4

### Part 1                      Preliminary

#### 1                      Definitions for sch 4

In this schedule—

*council* means the Doomadgee Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Gadawa
- Gangalida
- Lardill
- Mingginda
- Waanyi.

*nominating entity* means any of the following—

- (a) a main Indigenous social grouping;
- (b) Doomadgee CDEP Aboriginal Corporation ABN 91 096 896 192;
- (c) the council;
- (d) Warragudja Aboriginal Corporation ABN 38 365 831 274;
- (e) Warrgoobulginda Aboriginal Corporation ABN 17 807 264 224;
- (f) the chief executive of the department in which the *Education (General Provisions) Act 2006* is administered;

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

*special meeting* see section 9(2).

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

### **2**            **Name**

The name of the community justice group for the community government area of the Doomadgee Shire Council is Ngooderi Mabuntha Community Justice Group.

## **Part 3**                      **Membership**

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

The justice group is comprised of at least 5 but not more than 17 members.

### **4**            **Nomination, and withdrawal of nomination, of members**

- (1) Each main Indigenous social grouping must nominate at least 1 person, and may nominate 2 persons, who are members of the grouping to be members of the justice group.
- (2) Also, each of the following entities may nominate 1 person to be a member of the justice group—
  - (a) Doomadgee CDEP Aboriginal Corporation ABN 91 096 896 192;
  - (b) the council;
  - (c) Warragudja Aboriginal Corporation ABN 38 365 831 274;

- (d) Warrgoobulginda Aboriginal Corporation ABN 17 807 264 224;
  - (e) the chief executive of the department in which the *Education (General Provisions) Act 2006* is administered.
- (3) The chief executive of the department in which the *Health Services Act 1991* is administered may nominate 2 persons who are employees of the department to be members 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 5(1) or (2);
    - (b) the day stated in the gazette notice.

## **5 Notification by Minister**

- (1) The Minister must, if satisfied a person nominated under section 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 4.
- (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.

## **6 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 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 4.
- (2) A notice mentioned in subsection (1)(a)(ii) may be given orally or in writing.

## **7 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 6(1)(a), advise the Minister of the vacancy.

## **8 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 4(6); and
  - (b) ending on the earlier of the following—

- (i) 3 years after the day the member's nomination takes effect;
  - (ii) the day the member's office becomes vacant under section 6(1).
- (2) If the office of a member (the *former member*) becomes vacant under section 6(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.
- (3) If the term of office of a member (the *former member*) ends under subsection (1)(b)(i), the former member may continue to act as a member in the office left vacant by the former member until the vacancy is filled.

## **Part 4 Business and meetings**

### **9 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*).

### **10 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.

**11 Quorum for special meeting**

A quorum for a special meeting of the justice group is a majority of its members, at least 3 of whom must each represent a different main Indigenous social grouping.

**12 Presiding at special meeting**

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

**13 Voting at special meeting**

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 5 Hope Vale

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 5

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Binhthi
- Buurnga
- Dharrpa
- Dinggaal
- Gamaay
- Gulaal
- Ngaatha
- Nguurruumunga
- Nguymbaarr Nguymbaarr
- Nugal
- Thanil
- Thiithaar
- Thuubi
- historical residents of the community government area of the Hope Vale Shire Council.

*special meeting* see section 10(2).

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

### **2**            **Name**

The name of the community justice group for the community government area of the Hope Vale Shire Council is Thurrbiil Community Justice Group.

## **Part 3**                      **Membership**

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

The justice group is comprised of at least 14 but not more than 28 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.

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

- (1) Each main Indigenous social grouping must nominate at least 1 person, and may nominate 2 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 in writing 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 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(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 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*).

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## 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 10 or more members of the justice group.

## 12 Quorum for special meeting

A quorum for a special meeting of the justice group is 10 of its members, at least 8 of whom must each represent a different main Indigenous social grouping.

## 13 Presiding at special meeting

- (1) Subsection (2) applies if the justice group has elected a member (the *elected member*) of the group to be the chairperson.
- (2) At a special meeting, the elected member is to preside.
- (3) Subsection (4) applies if—
  - (a) at a special meeting, the elected member is not present;  
or
  - (b) when a special meeting is held, there is no elected member.
- (4) At the special meeting, a 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 represents the grouping (the *voting member*) may vote on a question to be decided at a special meeting.
- (2) If 2 members of a main Indigenous social grouping are 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.

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## Schedule 6 Injinoo

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 6

In this schedule—

*Injinoo community area* means the part of the local government area of NPARC that, immediately before the changeover day, was the community government area of the Injinoo Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

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

*special meeting* see section 10(2).

### Part 2 Name of community justice group

#### 2 Name

The name of the community justice group for the Injinoo community area is Ikama Ikya Community Justice Group.



- (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 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(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 or Island custom.
- (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 5.



**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 7      Kowanyama

section 4

### Part 1                      Preliminary

#### 1                      Definitions for sch 7

In this schedule—

*council* means the Kowanyama Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- 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

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

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## **Part 3                      Membership**

### **3            Number of members**

The justice group is comprised of 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 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 8.

### **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.

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## Schedule 8 Lockhart River

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 8

In this schedule—

*council* means the Lockhart River Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- 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**

The name of the community justice group for the community government area of the Lockhart River Shire Council is Wulpumu Justice Group.

## **Part 3**                      **Membership**

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

The justice group is comprised of 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 community government area of the Lockhart River Shire Council; 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.



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## **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).

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## 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 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.

### 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.

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## Schedule 9      Mapoon

section 4

### Part 1              Preliminary

#### 1              Definitions for sch 9

In this schedule—

*council* means the Mapoon Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Taepathiggi
- Thanakwith
- Tjungundji
- Warrangku
- Yupungathi
- historical residents of the community government area of the Mapoon Shire Council.

*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**

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

## **Part 3**                      **Membership**

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

The justice group is comprised of 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 community government area of the Mapoon Shire Council.

### **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 community government area of the Mapoon Shire Council 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).



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## 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 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 10.

### 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.

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## Schedule 10 Mornington

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 10

In this schedule—

*historical social grouping* means the group of Indigenous people, other than people who are members of a tribal group, who have a historical association with the land that is, or is part of, the Shire of Mornington.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- each of the tribal groups
- the historical social grouping.

*special meeting* see section 10(2).

*tribal group* means each of the following tribal groups of Indigenous people under Aboriginal tradition—

- Kiadilt
- Lardil (Leeward)
- Lardil (Windward)
- Yungal.

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

### **2**            **Name**

The name of the community justice group for the Shire of Mornington is Junkuri Laka Community Justice Group.

## **Part 3**                      **Membership**

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

The justice group is comprised of at least 5 but not more than 15 members.

### **4**            **Eligibility**

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

- (a) is an Aborigine or Torres Strait Islander who is a member of a main Indigenous social grouping; and
- (b) lives in the Shire of Mornington; and
- (c) 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.

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## **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 3 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 in writing 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 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 the term—
  - (a) starting on the day the member's nomination takes effect under section 5(4); and
  - (b) ending on the earlier of the following—
    - (i) 2 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 appointed 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.
- (3) If the term of office of a member (the *former member*) ends under subsection (1)(b)(i), the former member may continue to act as a member in the office left vacant by the former member until the vacancy is filled.

## **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 5 of its members, at least 3 of whom must each represent a different main Indigenous social grouping.

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

- (1) Subsection (2) applies if the justice group has decided that a particular member of the justice group is to be the president of the group.
- (2) At a special meeting, the president is to preside.
- (3) Subsection (4) applies if—
  - (a) at a special meeting, the president is not present; or
  - (b) when a special meeting is held, there is no president.
- (4) At the special meeting, a 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.



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## Schedule 11 Napranum

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 11

In this schedule—

*council* means the Napranum Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Alingith
- Anagoon
- Andoom
- Aurdrang
- Luang
- Peppan
- Thanquith
- Thionton
- Wathayan
- the Torres Strait Islander grouping.

*nominating entity* means either of the following—

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

*special meeting* see section 9(2).

*Torres Strait Islander grouping* means the Indigenous social grouping comprised of Torres Strait Islanders who have a historical association with the community government area of the Napranum Shire Council.

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

### **2**              **Name**

The name of the community justice group for the community government area of the Napranum Shire Council is the Twal Council of Elders Napranum Community Justice Group.

## **Part 3**                      **Membership**

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

The justice group is comprised of at least 10 but not more than 39 members.

### **4**              **Nomination, and withdrawal of nomination, of members**

- (1) Each main Indigenous social grouping other than the Torres Strait Islander 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) The Torres Strait Islander grouping must nominate 1 person, who is a member of the grouping, to be a member of the justice group.
- (3) The council may nominate 1 or 2 councillors of the council to be members 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 5(1) or (2);
- (b) the day stated in the gazette notice.

## **5 Notification by Minister**

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

## **6 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 4.
- (2) A notice mentioned in subsection (1)(a)(ii) may be given orally or in writing.

## **7 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 6(1)(a), advise the Minister of the vacancy.

## **8 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 4(6); and
- (b) ending on the day the member's office becomes vacant under section 6(1).

# **Part 4 Business and meetings**

## **9 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*).

## **10 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.

**11 Quorum for special meeting**

A quorum for a special meeting of the justice group is a majority of its members, at least 5 of whom must each represent a different main Indigenous social grouping.

**12 Presiding at special meeting**

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

**13 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 member of a main Indigenous social grouping or more than 1 member who is a councillor of the council, is present at a special meeting, the members of the justice group who represent the grouping or the council—
  - (a) may decide the grouping's or council'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 or council'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 12      New Mapoon

section 4

### Part 1                      Preliminary

#### 1                      Definitions for sch 12

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Aboriginal people
- Torres Strait Islanders
- traditional owners of the New Mapoon community area.

*New Mapoon community area* means the part of the local government area of NPARC that, immediately before the changeover day, was the community government area of the New Mapoon Shire Council.

*special meeting* see section 10(2).

### Part 2                      Name of community justice group

#### 2                      Name

The name of the community justice group for the New Mapoon community area is Mandthingu Community Justice Group.

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## **Part 3                      Membership**

### **3            Number of members**

The justice group is comprised of 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 New Mapoon community 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) 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 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(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 or Island custom.
- (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 5.

**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 13 Palm Island

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 13

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Manbarra
- Bwgcolman.

*special meeting* see section 10(2).

### Part 2 Name of community justice group

#### 2 Name

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 is comprised of 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.
- (3) If the term of office of a member (the *former member*) ends under subsection (1)(b)(i), the former member may continue to act as a member in the office left vacant by the former member until the vacancy is filled.

# **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.

## Schedule 14 Pormpuraaw

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 14

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Mungkan
- Thayorre.

*special meeting* see section 10(2).

### Part 2 Name of community justice group

#### 2 Name

The name of the community justice group for the community government area of the Pormpuraaw Shire Council is Pormpuraaw Justice Group.

### Part 3 Membership

#### 3 Number of members

The justice group is comprised of 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 community government area of the Pormpuraaw Shire Council; 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).

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## **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 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 15      Seisia

section 4

### Part 1                      Preliminary

#### 1                      Definitions for sch 15

In this schedule—

*main Indigenous social grouping* means the group of Torres Strait Islanders who live in the Seisia community area.

*Seisia community area* means the part of the local government area of NPARC that is within the relevant Seisia area.

*special meeting* see section 10(2).

### Part 2                      Name of community justice group

#### 2                      Name

The name of the community justice group for the Seisia community area is Ibopuydhan Balbygimaipa Community Justice Group.

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## **Part 3                      Membership**

### **3            Number of members**

The justice group is comprised of at least 5 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 the main Indigenous social grouping.

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

- (1) The main Indigenous social grouping must nominate at least 5 persons to be members of the justice group.
- (2) The main Indigenous social grouping may, at any time, withdraw a nomination made by it.
- (3) The 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
    - (iv) is absent from 5 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**

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 Island custom.
- (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 5.

### **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 16 Umagico

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 16

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people who live in the Umagico community area—

- Aboriginal people
- Torres Strait Islanders.

*special meeting* see section 10(2).

*Umagico community area* means the part of the local government area of NPARC that, immediately before the changeover day, was the community government area of the Umagico Shire Council.

### Part 2 Name of community justice group

#### 2 Name

The name of the community justice group for the Umagico community area is the Umagico Community Justice Group.

## **Part 3                      Membership**

### **3            Number of members**

The justice group is comprised of 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 is a member of a main Indigenous social grouping and lives in the Umagico community area.

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

- (1) Each main Indigenous social grouping—
  - (a) must nominate at least 2 persons who are members of the grouping to be members of the justice group; and
  - (b) may nominate up to 8 other persons 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 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(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 or Island custom.
- (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 5.

**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 17      Woorabinda**

section 4

### **Part 1                      Preliminary**

#### **1                      Definitions for sch 17**

In this schedule—

*council* means the Woorabinda Shire Council.

*main Indigenous social grouping* means the group of Aboriginal people who live in the community government area of the Woorabinda Shire Council.

*selection committee* see section 3.

*special meeting* see section 14(2).

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

#### **2                      Name**

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

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## Part 3 Selection committee

### 3 Continuation

The Woorabinda Community Justice Group Selection Committee (the *selection committee*) is continued.

*Note—*

The selection committee was established under schedule 9, section 3 of the repealed regulation.

### 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 community government area of the Woorabinda Shire Council;
  - (c) 1 person who is—
    - (i) a member of the main Indigenous social grouping; and
    - (ii) an employee of an educational institution in the community government area of the Woorabinda Shire Council.
- (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 2006* 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 is comprised of at least 5 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 5, 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 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*).

## **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.

## Schedule 18 Wujal Wujal

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 18

In this schedule—

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Jalungi
- Kuku Nyungkul
- Kuku Yalanji
- traditional owners of the community government area of the Wujal Wujal Shire Council.

*nominating entity* means—

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

*special meeting* see section 10(2).

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

### **2**            **Name**

The name of the community justice group for the community government area of the Wujal Wujal Shire Council is Wujal Wujal Warranga Justice Group.

## **Part 3**                      **Membership**

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

The justice group is comprised of 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 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 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.



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## Schedule 19 Yarrabah

section 4

### Part 1 Preliminary

#### 1 Definitions for sch 19

In this schedule—

*council* means the Yarrabah Shire Council.

*main Indigenous social grouping* means each of the following groups of Indigenous people—

- Gungaandji
- Yindinji
- historical residents of the community government area of the Yarrabah Shire Council.

*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 2006* 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**

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

## **Part 3**                      **Membership**

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

The justice group is comprised of 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 community government area of the Yarrabah Shire Council.

### **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 a member of the justice group as a representative of the council; and
  - (b) must nominate 1 person to be a member 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 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**

- (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.

## **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.

## **Schedule 20      Community areas for part 5, division 2 of the Act**

### section 5

- the Coen area
- the Mossman Gorge area

## Schedule 21 Dictionary

### section 3

**allocation report**, for part 4, division 2, see section 7.

**changeover day** means 15 March 2008.

*Note—*

15 March 2008 is the changeover day declared under the *Local Government Act 1993*, section 159YE(2) for all new, adjusted and continuing local government areas listed in schedule 1A of that Act. See the notice published in the gazette on 23 November 2007 at page 1680.

**Coen area** means the following areas—

- (a) the area shown as the Coen area on plan no. AP19403 held by the department in which the *Land Title Act 1994* is administered;
- (b) an area, prescribed under a regulation, that is adjacent to or contiguous with the area mentioned in paragraph (a).

**councillor**, of a community government, includes the community government's mayor.

**dissolution day**, for part 4, division 2, see section 7.

**grant agreement**, for part 4, division 2, see section 7.

**ICC**, for part 4, division 2, see section 7.

**indictable offence** includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, applies to the indictable offence.

*Editor's note—*

Criminal Code, section 659 (Effect of summary conviction for indictable offences)

**justice group**, for a relevant schedule or schedules 2, 6, 12, 15 and 16, means the community justice group named in the schedule.

**local transition committees**, for part 4, division 2, see section 7.



***Mossman Gorge area*** means the following areas—

- (a) the area shown as the Mossman Gorge area on plan no. AP19404 held by the department in which the *Land Title Act 1994* is administered;
- (b) an area, prescribed under a regulation, that is adjacent to or contiguous with the area mentioned in paragraph (a).

***relevant schedule*** see section 4(5).

***repealed regulation*** means the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 1998*.

***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 of that Act.

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	136
3 Key . . . . .	136
4 Table of reprints . . . . .	137
5 List of legislation . . . . .	137

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfcd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	30 August 2008	

## 5 List of legislation

### **Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Regulation 2008 SL No. 284**

made by the Governor in Council on 28 August 2008

notfd gaz 29 August 2008 pp 2831–5

ss 1–2 commenced on date of notification

remaining provisions commenced 30 August 2008 (see s 2)

exp 1 September 2018 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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