



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

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Queensland

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

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

**An Act to provide for law and order in, the establishment of community justice groups for, and the regulation of alcohol possession and consumption in, community areas, and entry on trust areas, and for other purposes**

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*.

### 2 Commencement

- (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.
- (2) Except as is provided by subsection (1), this Act shall commence on 31 May 1984 or on such earlier date as is appointed by proclamation.
- (3) The date on which this Act, other than sections 1 and 2 commences as prescribed is in this Act referred to as the *commencement of this Act*.

### 3 Savings

- (1) A management of property of a person that was undertaken when the person was an assisted Aborigine within the meaning of the *Aborigines' and Torres Strait Islanders' Affairs Act 1965* and that is maintained at the commencement of this Act shall be deemed to be a management of property under this Act and, unless it is terminated in accordance with this Act, shall be maintained in accordance with this Act.
- (2) A management of property of an Aborigine that is maintained at the commencement of this Act shall continue to be maintained in accordance with this Act unless it is terminated in accordance with this Act.

### 4 Definitions

In this Act—

***Aboriginal land*** means Aboriginal land under the *Aboriginal Land Act 1991*.

***ACC***, for part 9, division 3, see section 74.

***alcohol*** has the same meaning as *liquor* in the *Liquor Act 1992*.

*Note—*

See the *Liquor Act 1992*, section 4B.

***appropriately qualified***, in relation to a power, includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of standing—*

a person's classification level in the public service

***approved form*** means a form approved under section 70.

***clerk of the court***, for a community area, means the clerk of the court of the Magistrates Court having jurisdiction for the area.

***commencement—***

- (a) for part 9—see section 72; and

(b) for part 11—see section 86.

**community area** means—

- (a) a community government area; or
- (b) the Shire of Aurukun or Mornington; or
- (c) an IRC area, a part of an IRC area, or an IRC division area; or
- (d) another area prescribed under a regulation.

**community government** is an indigenous local government, that is not an indigenous regional council, under the *Local Government Act 2009*.

**community government area** is the local government area of a community government.

**community justice group** means a community justice group established under part 4 for a community area.

**community police officer** means a person appointed under section 12 as a community police officer for a community government area, IRC area or IRC division area.

**coordinator**, for a community justice group, means the person appointed under section 22 by the group to perform the functions of coordinator for the group.

**corporation** means the corporation sole preserved, continued in existence and constituted under this Act by the name and style Aboriginal and Islander Affairs Corporation.

**dry place**, for part 5, see section 27.

**fermenter**, for part 5, see section 27.

**home-brew concentrate**, for part 5, see section 27.

**home-brew kit**, for part 5, see section 27.

**homemade alcohol**, for part 5, see section 27.

**IIB** means the Island Industries Board.

**indigenous local government**, for part 3, division 1, see section 8A.

***indigenous regional council*** means TSIRC or NPARC.

***IRC area*** means the local government area of an indigenous regional council.

***IRC division area*** means a part of an IRC area that, under the *Local Government Act 2009*, is one of the divisions into which the IRC area is divided for electoral purposes.

***liquor provisions*** means—

- (a) section 34; and
- (b) the *Liquor Act 1992*, sections 168B, 169 and 171.

***local law*** has the meaning given in the *Local Government Act 2009*.

***member*** means a member of a community justice group.

***native title holder***, for part 6, see section 48.

***native title rights and interests***, for part 6, see section 48.

***NPARC*** means the Northern Peninsula Area Regional Council.

***police officer in charge***, for a community government area, IRC area or IRC division area, means the police officer in charge of the police station in the area or, if there is no police station in the area, the police officer in charge of the nearest police station.

***possess***, for part 5, see section 27.

***post-amended Act***, for part 11, see section 86.

***pre-amended Act***, for part 11, see section 86.

***prescribed community area***, for part 5, see section 27.

***relevant Bamaga area*** means the area that, immediately before the day that, under the *Local Government Act 1993*, is the changeover day for NPARC, was the Bamaga council area under the repealed Torres Strait Act.

***relevant Seisia area*** means the area that, immediately before the day that, under the *Local Government Act 1993*, is the

changeover day for NPARC, was the Seisia council area under the repealed Torres Strait Act.

**repealed part 8**, for part 9, division 3, see section 74.

**repealed Torres Strait Act** means the *Community Services (Torres Strait) Act 1984* as in force before its repeal under the *Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007*.

**residential premises**, for part 5, see section 27.

**tenant**, for part 5, see section 27.

**Torres Strait Islander land** means Torres Strait Islander land under the *Torres Strait Islander Land Act 1991*.

**trust area**, for part 6, see section 48.

**TSC** means the Torres Shire Council.

**TSIRC** means the Torres Strait Island Regional Council.

## Part 2 Administration

### 5 Corporation

- (1) The corporation sole preserved, continued in existence and constituted under the *Community Services (Aborigines) Act 1984* under the name and style ‘The Corporation of the Under Secretary for Community Services’ is hereby further preserved, continued in existence and constituted under the name and style ‘Aboriginal and Islander Affairs Corporation’.
- (2) The corporation is constituted by the person who at the material time holds the appointment, chief executive, and under the name and style assigned to it by subsection (1)—
  - (a) has perpetual succession and an official seal; and
  - (b) is capable in law of suing and being sued, of compounding or proving in a court of competent jurisdiction all debts and sums of money due to it; and

- (c) is capable in law of acquiring and holding (absolutely or subject to trusts), letting, leasing, hiring, disposing of and otherwise dealing with property real and personal situated within or outside the State and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.
- (3) All courts, judges, justices and persons acting judicially shall take judicial notice of the seal of the corporation affixed to any writing and, until the contrary is proved, shall presume that it was duly affixed thereto.
- (4) With respect to the exercise of any of its powers and with respect to any matter arising in connection therewith the corporation has all the privileges, rights and remedies of the Crown.

## **6 Corporation of chief executive is statutory body**

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the corporation is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the corporation's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **7 Consequences of constitution of corporation**

- (1) A reference in any—
  - (a) Act; or
  - (b) proclamation, order in council, regulation, by-law or other instrument made under any Act; or
  - (c) agreement, contract, deed or other document, instrument or writing of any kind;

to the Corporation of the Director of Aboriginal and Islanders Advancement constituted under the *Aborigines Act 1971* or the Corporation of the Under Secretary for Community Services constituted under the *Community Services*

*(Aborigines) Act 1984* shall be read and construed as a reference to the corporation.

- (2) Any proceeding which prior to the commencement of this section was commenced by or against the Corporation of the Director of Aboriginal and Islanders Advancement or the Corporation of the Under Secretary for Community Services and which is not concluded at such commencement may be continued by or against the corporation.
- (3) The registrar of titles and any other person charged with the keeping of a register of dealings concerning land vested in or held by the Corporation of the Director of Aboriginal and Islanders Advancement or the Corporation of the Under Secretary for Community Services shall without further authority than this section alter the name as shown in such register of the registered proprietor, registered lessee, owner or occupier of land referred to in such register to 'Aboriginal and Islander Affairs Corporation'.

## **8 Delegation by Minister or chief executive**

The Minister or chief executive may delegate his or her powers under this Act to an appropriately qualified officer of the department.

# **Part 3 Law and order in community government and IRC areas**

## **Division 1 Law and order in community government and IRC areas**

### **8A Definitions for div 1**

In this division—

*indigenous local government* means any of the following local governments—

- (a) the Aurukun Shire Council;
- (b) the Mornington Shire Council;
- (c) a community government;
- (d) an indigenous regional council.

***indigenous local government area*** means—

- (a) the local government area for—
  - (i) Aurukun Shire Council; or
  - (ii) Mornington Shire Council; or
- (b) a community government area; or
- (c) an IRC area, including an IRC division area.

## **9 Jurisdiction and powers of police**

- (1) Police officers have and may exercise in an indigenous local government area and in respect of persons therein the functions, duties and powers imposed or conferred on them by law that they have and may exercise in any other part of Queensland.
- (2) In respect of the discharge or exercise in an indigenous local government area of any function, duty or power a police officer has the protection accorded by law to a police officer in the discharge or exercise of that function, duty or power elsewhere in Queensland.
- (3) Police officers are authorised to perform such acts and do such things in an indigenous local government area as may be authorised or required to be done by community police officers under the local laws of the indigenous local government for that area.
- (4) In respect in the performance in an indigenous local government area of any act or thing referred to in subsection (3) a police officer has the protection accorded by law to a police officer in the discharge or exercise by the officer of the officer's functions, duties and powers elsewhere in Queensland.



**10 Entry upon indigenous local government areas etc.**

A police officer is entitled to enter on and to be in an indigenous local government area—

- (a) for the purpose of discharging or exercising a function, duty or power imposed or conferred on the officer by law; or
- (b) for the purpose of performing any act or thing that the officer is by this Act authorised to perform pursuant to an authority or requirement of a local law of an indigenous local government;

and, in the case referred to in paragraph (b), the officer shall be deemed to be acting in the discharge of the officer's duty as a police officer.

**11 Application to indigenous local government areas of laws relating to public places**

- (1) For the purpose only of applying the provisions of laws in force in respect of any public place in Queensland to indigenous local government areas—
  - (a) the right of access to or use of any place in an indigenous local government area by the general body of persons resident in the area is to be taken to have effect in law as if it were a right of access or use by the public; and
  - (b) where any place would, but for its being in an indigenous local government area, be taken in law to be a public place, road, park or place of any other description it is to be taken so to be notwithstanding that it is in the area in question.
- (2) This section is not to be construed as conferring on any person a right of entry to indigenous local government areas.

## 12 Community police officers

- (1) The function of maintaining peace and good order in all parts of an indigenous local government area is that of persons who hold appointments for the time being as community police officers for the area.
- (2) An indigenous local government may appoint such number of persons as it considers necessary for the peace and good order of its area and the indigenous local government shall equip the persons appointed with a uniform and such other marks of authority as it thinks fit to enable them to discharge their function.
- (3) A person appointed under subsection (2) must have the qualifications prescribed under a regulation.
- (4) Subsection (3) does not limit the issues the indigenous local government may consider when deciding whether to appoint someone under subsection (2).
- (5) In this section—  
*qualifications* includes knowledge, skills and experience.

## 13 Discharge of community police officers' functions etc.

- (1) Community police officers appointed for an indigenous local government area shall have and may exercise within that area the functions, duties and powers conferred on them by a local law of the indigenous local government for the area.
- (2) Also, for the administration and enforcement of the liquor provisions in an indigenous local government area, the police officer in charge for the area may authorise a community police officer to exercise in the area the powers of—
  - (a) an investigator under the *Liquor Act 1992*, part 7; or  
*Note—*  
For exercise of powers by community police officers under the *Liquor Act 1992*, part 7, see section 174A of that Act.
  - (b) a police officer under the *Police Powers and Responsibilities Act 2000*, sections 60 to 62.

- (3) For subsection (2)(b), the *Police Powers and Responsibilities Act 2000*, sections 60 to 62, apply as if a reference in the sections to a police officer were a reference to a community police officer.
- (4) If at any time a police officer is, in execution of the officer's duty, stationed in or present in an indigenous local government area for which community police officers are appointed, the community police officers must discharge and exercise their functions, duties and powers subject to the direction and control of that police officer.
- (5) It is lawful for a community police officer to use reasonable force in the discharge of the officer's function of maintaining peace and good order in the area for which the officer is appointed.

#### **14 Other functions of community police officers**

An indigenous local government may by its local laws or otherwise as it thinks fit charge community police officers appointed for its indigenous local government area with responsibility for ambulance services, firefighting services, emergency services and such other services associated with the local government of the area as it thinks fit.

#### **15 Indemnification of community police officer for liability for tort**

- (1) If—
  - (a) a community police officer incurs legal liability for committing a tort while acting, or purporting to act, in the execution of duty as an officer; and
  - (b) the officer acted honestly and without gross negligence;the State may indemnify the officer for the liability.
- (2) If—
  - (a) a community police officer incurs legal liability for helping, directly or indirectly, a person suffering, or

apparently suffering, from illness or injury in circumstances that the officer reasonably considers to be an emergency; and

- (b) the officer acted honestly and without gross negligence; the State must indemnify the officer for the liability.

## **Division 2                      Authorised officers**

### **16            Authorised officers**

- (1) A community government or indigenous regional council may appoint any person to be an authorised officer for its local government area for such period as the community government or indigenous regional council specifies, to protect the natural and cultural resources of the area.
- (2) Subject to subsection (3), an authorised officer appointed under subsection (1) is to perform such functions and duties and may exercise such powers as are prescribed in the local laws for the local government area in which the authorised officer is appointed, which local laws may have regard to Aboriginal tradition or Island custom.
- (3) An authorised officer may only perform a function or exercise a power, in respect of Aboriginal or Torres Strait Islander land in the local government area for which the authorised officer is appointed, under an agreement between the community government or indigenous regional council and the grantees of the land.

### **17            General powers of authorised officers**

- (1) An authorised officer, in addition to such other powers and duties as from time to time devolve upon that officer under this Act or the local laws for the local government area for which the officer is appointed may do the following—
  - (a) call to his or her aid a community police officer for the area where he or she has reasonable cause to apprehend

- any obstruction in the exercise of his or her powers or in the execution of his or her duties;
- (b) be accompanied and aided by any person the officer may think competent to assist him or her in making any inspection or examination for the purposes of the local laws for the area;
  - (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act or the relevant local laws have been or are being complied with by any person or in respect of the area concerned;
  - (d) at any time, stop any vehicle or vessel that he or she suspects on reasonable grounds to be used in the commission of a breach of the local laws for the area and search and examine that vehicle or vessel and all containers or other receptacles for any evidence of such a breach, and for that purpose may require the owner or person in charge thereof to open any such vehicle, vessel, container or other receptacle and expose its contents to view;
  - (e) perform such other functions and duties and exercise such other powers and authorities as may be prescribed in the local laws for the area concerned.
- (2) An authorised officer who—
- (a) finds any person committing or believes on reasonable grounds that any person has committed an offence against this Act or the relevant local laws; or
  - (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act or those local laws has been committed by any person; or
  - (c) is of the opinion that the name, age and address or place of residence of any person is required for the purpose of giving effect to any provision of this Act or the relevant local laws, or for the purpose of enabling the authorised officer to carry out his or her powers and duties under this Act or the relevant local laws;

may require such person to state his or her name, age and address or place of residence, and, if the authorised officer believes on reasonable grounds that any information given in this regard is false, may require evidence of the correctness thereof.

- (3) A person who fails to comply with a request of an authorised officer under subsection (2) commits an offence against this Act.

Maximum penalty—4 penalty units.

## **Part 4                      Community justice groups**

### **Division 1                      Establishment, functions and powers**

#### **18                      Establishment**

- (1) A community justice group for a community area may be established under a regulation.
- (2) The regulation must state the group's name.

#### **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 *Youth Justice Act 1992* and the *Penalties and Sentences Act 1992*;
- (b) developing networks with relevant agencies to ensure crime prevention, justice, community corrections and related issues impacting on indigenous communities are addressed;

- (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.
- (2) The group has power to do all things reasonably necessary to be done for performing its functions.
- (3) Without limiting subsection (2), the group has the powers conferred on it by this or another Act.

## **Division 2                      Provisions about membership of groups and group coordinators**

### **20            Membership**

- (1) The community justice group for a community area comprises the number of members prescribed under a regulation.
- (1A) The members of each community justice group are to be appointed by the Minister by gazette notice.
- (2) A regulation may make provision about the following—
- (a) eligibility of persons to be members;
  - (b) nomination of persons as members;
  - (c) terms on which, and period, a member holds office.
- (3) However, members must, to the greatest practicable extent, include at least 1 representative of each of the main indigenous social groupings in the area.
- (4) Members must be of good standing in the community.
- (4A) The Minister must, by gazette notice, revoke the appointment of a member of a community justice group if the Minister decides the member is no longer eligible or suitable for

appointment to the membership of the community justice group.

(5) In this section—

*indigenous social grouping* means a group of indigenous persons sharing a common basis of social affiliation, including family relationship, language, traditional land ownership and historical association.

## **21 Investigations about suitability of community justice group members**

- (1) The chief executive may make inquiries to decide whether a person is suitable for appointment as, or to continue as, a member of a community justice group.
- (2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for the following information—
  - (a) a written report about the person’s criminal history;
  - (b) a brief description of the circumstances of any conviction mentioned in the criminal history.
- (3) The commissioner of the police service must comply with a request under subsection (2).
- (4) However, the chief executive may make a request about a person under subsection (2) only if the person has given the chief executive written consent for the request.
- (5) If the person does not give the written consent to the chief executive, it is taken that the person is not suitable for appointment as, or to continue as, a member of a community justice group.
- (6) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.
- (7) The chief executive must ensure information given to the chief executive under subsection (3) is destroyed as soon as



practicable after it is no longer needed for the purpose for which it was requested.

- (8) The chief executive must give the person a copy of information given to the chief executive under subsection (3).
- (9) The chief executive may delegate the chief executive's powers under this section to an appropriately qualified public service officer.
- (10) In this section—

*criminal history*, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than for a spent conviction.

*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.

## **21A Guidelines for dealing with suitability information**

- (1) The chief executive must make guidelines, consistent with this Act, for dealing with information obtained by the chief executive under section 21.
- (2) The purpose of the guidelines is to ensure—
  - (a) natural justice is afforded to a person about whom the information is obtained; and
  - (b) only relevant information is used in making decisions about a person's membership of a community justice group (*membership decisions*); and
  - (c) membership decisions, based on the information, are made consistently.
- (3) The chief executive must give a copy of the guidelines to a person on request.

## **22 Coordinator**

- (1) The community justice group for a community area must appoint a coordinator for the community justice group for the area.
- (1A) However, if an incorporated entity has responsibility for the funding arrangements of the community justice group for the community area, the incorporated entity must appoint a coordinator for the community justice group for the area.
- (1B) Before appointing a coordinator for the community justice group for the area under subsection (1A), the incorporated entity must consult with the community justice group about the proposed appointment.
- (2) A regulation may make provision about the eligibility of a person to be appointed as coordinator.
- (3) The coordinator's functions are to—
  - (a) provide administrative support to the group; and
  - (b) attend meetings of the group to advise it on any issue before it; and
  - (c) ensure minutes of the group's meetings are kept; and
  - (d) ensure the reporting requirements under section 25 are complied with.

## **Division 3 Miscellaneous provisions**

### **23 Authentication of documents**

A document made by the community justice group for a community area is sufficiently made if it is signed by the coordinator for the group and a member of the group.

### **25 Reporting requirements**

- (1) Within 90 days after the end of each reporting period, a community justice group must prepare a report on its

activities for the period and give the report to the chief executive.

(2) The report must be in the approved form.

(3) In this section—

*reporting period* means—

(a) the period prescribed under a regulation; or

(b) if a period is not prescribed under paragraph (a)—each quarter of a financial year.

## **Part 5**                      **Control of possession and consumption of alcohol in community areas**

### **Division 1**                **Preliminary**

#### **26**      **Purpose of pt 5**

(1) The purpose of this part is to prevent harm in community areas caused by alcohol abuse and misuse and associated violence.

(2) The purpose is to be achieved by—

(a) prohibiting in certain community areas the possession or supply of homemade alcohol and the possession of certain substances and things used to make homemade alcohol; and

(b) providing for the declaration of places in community areas in which the possession and consumption of all alcohol is prohibited.

#### **27**      **Definitions for pt 5**

In this part—

***dry place*** means residential premises declared under division 2 as a dry place.

***fermenter*** means a container that could be used for the purpose of fermentation.

***home-brew concentrate*** means—

- (a) a substance, that includes malt and hops, ordinarily used for brewing beer; or
- (b) wort; or
- (c) grape concentrate ordinarily used for making wine.

***home-brew kit*** means a kit that includes all the following—

- (a) a fermenter;
- (b) an airlock;
- (c) a thermometer.

***homemade alcohol*** means alcohol made other than under a licence under—

- (a) the *Excise Act 1901* (Cwlth); or
- (b) the *Distillation Act 1901* (Cwlth).

***possess*** alcohol includes—

- (a) have custody or control of the alcohol; and
- (b) have an ability or right to obtain custody or control of the alcohol.

***prescribed community area*** means a community area prescribed under a regulation for section 38(3).

***residential premises*** see the *Residential Tenancies and Rooming Accommodation Act 2008*, section 10.

***tenant***, of residential premises, means—

- (a) if the premises are let under the *Residential Tenancies and Rooming Accommodation Act 2008*—the tenant, of the premises, within the meaning of that term in section 13(1) of that Act; or

- (b) if the premises are let under the *Aboriginal Land Act 1991*, or the *Torres Strait Islander Land Act 1991*, for residential use, and are occupied by the lessee of the premises—the lessee of the premises; or
- (c) if the premises are not let, and are occupied by the owner of the premises—the owner of the premises.

## Division 2                      Dry places

### 28                      Declaration

- (1) The tenant of residential premises in a community area may apply to the clerk of the court for the area for a declaration that the premises are a dry place.
- (2) The application must—
  - (a) be in writing; and
  - (b) be accompanied by documentary evidence that the applicant is the tenant of the premises.
- (3) If the premises have 2 or more tenants, the application must be jointly made by both or all the tenants.
- (4) The clerk must as soon as practicable consider the application, and make the declaration if the clerk is satisfied—
  - (a) the applicant is the tenant of the premises; and
  - (b) if the premises have 2 or more tenants—the application is jointly made by both or all the tenants.
- (5) If the clerk makes the declaration, the clerk must give written notice of the declaration to each of the following—
  - (a) the applicant;
  - (b) the Queensland Police Service.
- (6) The declaration takes effect once notice of the declaration is first displayed under section 29.
- (7) Subject to sections 31 and 32, the declaration remains in force—

- (a) if the application is made by a person mentioned in paragraph (a) of the definition *tenant* in section 27—indefinitely and regardless of a change in the tenant, of the premises, within the meaning of that term in the *Residential Tenancies and Rooming Accommodation Act 2008*, section 13(1); or
  - (b) if the application is made by a person mentioned in paragraph (b) of the definition *tenant* in section 27, while the premises continue to be—
    - (i) let under the *Aboriginal Land Act 1991*, or the *Torres Strait Islander Land Act 1991*, for residential use; and
    - (ii) occupied by the applicant; or
  - (c) if the application is made by a person mentioned in paragraph (c) of the definition *tenant* in section 27, while the premises continue—
    - (i) not to be let; and
    - (ii) to be occupied by the applicant.
- (8) If the clerk refuses to make the declaration, the clerk must give the applicant written notice of the refusal and the reason for the refusal.

## **29 Notice about declaration at premises**

- (1) If residential premises in a community area are declared as a dry place, the tenant of the premises must display a notice of the declaration at or near each entrance to the premises while the declaration is in force.
- (2) The notice must—
  - (a) sufficiently identify the premises; and
  - (b) state that the declaration takes effect once notice of the declaration is first displayed under this section; and
  - (c) state in general terms the effect of section 34 and the penalty for a contravention of the section.

- (3) A failure to continue to display a notice of the declaration under this section does not affect a person's liability to be convicted of an offence against section 34.

### **30 Notice about declaration at police station or on community noticeboard**

- (1) If residential premises in a community area are declared as a dry place and there is a police station in the area, the police officer in charge of the station must display a notice of the declaration in a publicly accessible part of the station while the declaration is in force.
- (2) If residential premises in a community area are declared as a dry place and there is no police station in the area, the police officer in charge of the police station servicing the area must display a notice of the declaration on a community noticeboard in the area while the declaration is in force.
- (3) The notice mentioned in subsection (1) or (2) must—
- (a) sufficiently identify the premises; and
  - (b) state in general terms the effect of section 34 and the penalty for a contravention of the section.
- (4) A failure to display a notice of the declaration under this section does not affect a person's liability to be convicted of an offence against section 34.

### **31 Suspension of declaration**

- (1) The tenant of residential premises in a community area may apply to the clerk of the court for the area to suspend the declaration of the premises as a dry place for a period (the *suspension period*) of not more than 7 days.
- (2) The application must—
- (a) state the suspension period; and
  - (b) be made at least 3 days before the start of the suspension period.

- (3) Section 28(2) to (5) and (8) apply, with all necessary changes, to the application as if it were an application to declare residential premises in a community area as a dry place.
- (4) If the declaration of residential premises in a community area as a dry place is suspended under this section, the tenant of the premises must display a notice detailing the suspension at or near each entrance to the premises while the suspension is in force.
- (5) The suspension takes effect once notices detailing the suspension are first displayed under subsection (4).
- (6) If there is a police station in the area, the police officer in charge of the station must display a notice detailing the suspension in a publicly accessible part of the station while the suspension is in force.
- (7) If there is no police station in the area, the police officer in charge of the police station servicing the area must display a notice detailing the suspension on a community noticeboard in the area while the suspension is in force.

## **32 Revocation of declaration**

- (1) The tenant of residential premises in a community area may apply to the clerk of the court for the area to revoke the declaration of the premises as a dry place.
- (2) Section 28(2) to (5) and (8) apply, with all necessary changes, to the application as if it were an application to declare residential premises in a community area as a dry place.
- (3) If the declaration of residential premises in a community area as a dry place is revoked under this section, the tenant of the premises must remove all notices of the declaration displayed under section 29.
- (4) The revocation takes effect once the notices are removed under subsection (3).
- (5) Once the revocation takes effect, the police officer in charge of the relevant police station for the area must remove the notice of the declaration displayed under section 30.



### **33 Effect of declaration of premises as a dry place**

- (1) This section applies if—
  - (a) under this division, residential premises are declared as a dry place (the *dry place declaration*); and
  - (b) the premises are in a restricted area under the *Liquor Act 1992* to which section 168B of that Act applies because of a declaration under section 173H of that Act (the *restricted area declaration*).
- (2) The dry place declaration applies to the premises despite the restricted area declaration.

### **34 Possession or consumption of alcohol in or on dry place**

A person must not in, or on, a dry place possess or consume alcohol.

Maximum penalty—19 penalty units.

### **35 False or misleading statements**

- (1) A person must not state anything, under this division, to a clerk of the court that the person knows is false or misleading in a material particular.  
Maximum penalty—8 penalty units.
- (2) In a proceeding for an offence against subsection (1), it is enough to state that the statement made was, without specifying which, false or misleading.

### **36 False or misleading documents**

- (1) A person must not give, under this division, to a clerk of the court a document containing information the person knows is false or misleading in a material particular.  
Maximum penalty—8 penalty units.
- (2) Subsection (1) does not apply to a person if the person, when giving the document—

- (a) tells the clerk, to the best of the person's ability, how it is false or misleading; and
  - (b) if the person has, or can reasonably obtain, the correct information—gives the correct information.
- (3) In a proceeding for an offence against subsection (1), it is enough to state that the document was, without specifying which, false or misleading.

### **37 Fee not payable for application**

A fee is not payable for an application under this division—

- (a) to have residential premises in a community area declared as a dry place; or
- (b) to have the declaration of residential premises in a community area as a dry place suspended or revoked.

## **Division 3 Provisions relating to homemade alcohol**

### **38 Offences relating to homemade alcohol**

- (1) Subsection (2) applies if—
- (a) a community area or part of a community area (the *part community area*) is, or is in, a restricted area under the *Liquor Act 1992* to which section 168B of that Act applies because of a declaration under section 173H of that Act; and
  - (b) the prescribed quantity of liquor of any type a person may under that Act possess for the restricted area, other than under the authority of a restricted area permit under that Act, is zero.
- (2) A person must not in the community area or part community area—

- (a) possess a home-brew kit or component of a home-brew kit; or
- (b) possess equipment, or a component of equipment, that is being used, or has been used, to brew alcohol; or
- (c) possess home-brew concentrate; or
- (d) supply homemade alcohol to another person.

Maximum penalty—190 penalty units.

- (3) A person must not in a prescribed community area—
  - (a) possess a home-brew kit or component of a home-brew kit; or
  - (b) possess equipment, or a component of equipment, that is being used, or has been used, to brew alcohol; or
  - (c) possess home-brew concentrate; or
  - (d) possess homemade alcohol; or
  - (e) supply homemade alcohol to another person.

Maximum penalty—190 penalty units.

- (4) In this section—

***component***, of a home-brew kit, means a device that is apparently intended to be part of a home-brew kit.

### **39 Relationship with restricted areas**

- (1) This section applies if a prescribed community area or part of a prescribed community area is, or is in, a restricted area under the *Liquor Act 1992* to which section 168B of that Act applies because of a declaration under section 173H of that Act (the ***restricted area declaration***).
- (2) Section 38(3)(d) applies to the whole of the prescribed community area despite the restricted area declaration.

## Part 6 Entry on trust areas

### 48 Definitions for pt 6

In this part—

*native title holder* see the *Native Title Act 1993* (Cwlth), section 224.

*native title rights and interests* see the *Native Title Act 1993* (Cwlth), section 223.

*trust area* means land within a community government or IRC area that is—

- (a) granted in trust under the *Land Act 1994* for the benefit of Aboriginal or Torres Strait Islander inhabitants or for Aboriginal or Torres Strait Islander purposes; or
- (b) a reserve for Aboriginal or Torres Strait Islander purposes under the *Land Act 1994*; or
- (c) land mentioned in paragraph (a) or (b) that has become Aboriginal or Torres Strait Islander land.

### 49 Entry on trust area only in certain circumstances

A person must not enter, or be in, a trust area other than as permitted under this part.

Maximum penalty—35 penalty units.

### 50 Entry on trust area etc. by non-residents

- (1) A person may, for a lawful purpose, enter and be in a place within a trust area if—
  - (a) the place is an accessible place; or
  - (b) the place is another place that the community government or indigenous regional council for the trust area has decided, by resolution, is a place to which persons who are not residents of the trust area may have access.

- (2) Without limiting subsection (1), a person may enter and be in a place within a trust area that a resident of the trust area may enter and be in if the person enters or is in the place as a guest, or at the request of, a resident of the trust area.
- (3) Despite subsection (1)(a), if immediately before the commencement of this section, a native title holder could have entered and been in a place within a trust area in the exercise of the holder's native title rights and interests in relation to the place, the holder may continue to enter and be in the place in the exercise of the rights and interests.
- (4) A resolution may be made under subsection (1)(b) for a place that is Aboriginal or Torres Strait Islander land only with the written consent of the grantee of the land.
- (5) Subsection (6) applies to a person if—
  - (a) the person—
    - (i) is not a resident of a trust area; and
    - (ii) is permitted under the *Aboriginal Land Act 1991* to enter and be on Aboriginal land (the ***Aboriginal land area***), or is permitted under the *Torres Strait Islander Land Act 1991* to enter and be on Torres Strait Islander land (the ***Torres Strait Islander land area***); and
  - (b) the Aboriginal or Torres Strait Islander land area is situated within the trust area.
- (6) The person may enter and be in another part of the trust area for the purpose of entering the Aboriginal or Torres Strait Islander land area.
- (7) In this section—

***accessible place*** means—

  - (a) a road; or
  - (b) a park; or
  - (c) a boat ramp or landing; or
  - (d) an airport; or

- (e) a building open to the public, whether or not on payment of money.

**airport** includes—

- (a) an aerodrome, airfield and landing strip; and
- (b) another place used for the landing or parking of aircraft; and
- (c) a tarmac.

**landing** includes jetty, pontoon and wharf.

**road** includes a State-controlled road under the *Transport Infrastructure Act 1994*.

## **51 Notice about resolution**

- (1) A community government or indigenous regional council must, as soon as practicable after passing a resolution under section 50(1)(b), display written notice of the resolution in at least 1 prominent place in its trust area for as long as the resolution is in force.
- (2) The notice must—
  - (a) sufficiently identify the place the subject of the resolution; and
  - (b) state the provisions of section 50.

## **52 Community government or indigenous regional council may impose restrictions on entry etc.**

- (1) Subject to subsection (2), a community government or indigenous regional council for a trust area may, by resolution—
  - (a) restrict the number of persons who may enter and be in a place within the trust area under section 50(1)(b) or (2); or
  - (b) restrict the time for which a person may live at a place within the trust area under section 50(1)(b) or (2).

- (2) A community government or indigenous regional council may make a resolution under subsection (1) only if the presence of the persons has resulted, or is likely to result, in an unsustainable use of resources or services in the area including, for example, the water supply or garbage service.

### **53 General authority to enter etc. trust area**

- (1) The following persons are authorised to enter, be in and live in a trust area—
- (a) an Aboriginal person or Torres Strait Islander, or another person, who is a member of the community residing in the trust area;
  - (b) a person who is performing a function, or exercising a power, under this Act or another Act that requires the person to be in the trust area;
  - (c) a person authorised, for the purpose of this paragraph, under a local law by the community government or indigenous regional council for the trust area.
- (2) A local law may be made under subsection (1)(c) for a part of the trust area that is Aboriginal or Torres Strait Islander land only with the written consent of the grantee of the land.
- (3) A local law made under subsection (1)(c) must state the parts of the trust area to which the local law applies.

### **54 Entry on and temporary stay in trust area**

Without limiting section 53, the following persons are authorised to enter, be in and live in a trust area until the purpose of their entry to the area is fulfilled—

- (a) the Governor-General and the Governor for Queensland;
- (b) a person whose purpose in the trust area is to bring to residents of the trust area medical aid;
- (c) a person whose purpose in the trust area is to instruct himself or herself on affairs within the trust area as a member of the Legislative Assembly of Queensland or

of either House of the Parliament of the Commonwealth;

- (d) a person whose purpose in the trust area is to campaign as a candidate for election to the Legislative Assembly of Queensland or either House of the Parliament of the Commonwealth at an election for which a writ that requires its holding has been issued;
- (e) a person who is assisting, or is acting under the direction or control of, a person mentioned in paragraphs (a) to (d), while the person mentioned in the paragraph is in the trust area.

## **55 Removal from trust area**

- (1) A police officer or community police officer may remove from a trust area a person who is not permitted under this part to be in the trust area.
- (2) It is lawful for a community police officer exercising or attempting to exercise a power under subsection (1) against a person, and anyone helping the community police officer, to use reasonably necessary force to exercise the power.

*Note—*

See also the *Police Powers and Responsibilities Act 2000*, section 615.

- (3) The force a community police officer may use under this section does not include force likely to cause grievous bodily harm to a person or the person's death.

# **Part 7 Assistance sought by Aborigines or Torres Strait Islanders**

## **56 Grant of aid**

- (1) Subject to and in accordance with the regulations (if any) applicable to the grant in question, the chief executive may



grant aid to any Aborigine or Torres Strait Islander who applies to the chief executive therefor and, where necessary, may apply therein money appropriated by Parliament for the purpose or money held for the benefit of Aborigines or Torres Strait Islanders generally.

- (2) Subject as prescribed by subsection (1), aid granted under that subsection may be of such a type (in money, in kind, or by way of services) and may be granted in such circumstances, on such terms and conditions and, where granted by way of secured loan, on such security as the chief executive thinks fit.

## **57 Deposit of savings with banker**

- (1) The chief executive is authorised to continue the facilities established as at the commencement of this Act in areas for the acceptance by the chief executive of money deposited by Aborigines or Torres Strait Islanders by way of their savings.
- (1A) Both the chief executive and IIB are separately authorised to establish new facilities similar to those mentioned in subsection (1).
- (2) In this part the person providing such facilities is called *the banker*.
- (3) The banker must deposit money received by the banker under subsection (1) in—
  - (a) the trust fund established as at the commencement of this Act with the Commonwealth Savings Bank of Australia; or
  - (b) another trust fund established by the banker for depositing the money.
- (4) The banker shall cause to be properly kept a separate record and account of all moneys deposited with the banker by each Aborigine or Torres Strait Islander by way of his or her savings and each such account shall be credited at least once in each year with an amount as interest earned by the amount standing to the credit of that account at a rate not less than the

rate of interest payable by the Commonwealth Savings Bank of Australia in respect of its ordinary savings accounts.

- (5) Money deposited with the banker by Aborigines or Torres Strait Islanders by way of their savings together with all interest accrued thereon shall be repayable at call and upon receipt of an authority signed or otherwise attested by the Aborigine or Torres Strait Islander on whose behalf money is so held or by another person authorised in writing by the Aborigine or Torres Strait Islander the chief executive shall arrange the withdrawal of the amount sought from the appropriate trust fund and the payment thereof to the Aborigine or Torres Strait Islander or as otherwise requested by the Aborigine or Torres Strait Islander.

## **58 Continuation of management of money**

- (1) Where at the commencement of this Act property, being money, of an Aborigine is being managed under the *Aborigines Act 1971* the chief executive is authorised to continue that management.
- (2) Moneys of an Aborigine or Torres Strait Islander under the management of the chief executive under subsection (1), or under the repealed Torres Strait Act, section 181(1), is taken to be moneys deposited with the chief executive by the Aborigine or Torres Strait Islander by way of his or her savings and the provisions of section 57 shall apply accordingly.

## **59 Banker is a statutory body**

- (1) The banker is a statutory body for the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the banker's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

**60 Administration of estates of Aborigines and Torres Strait Islanders**

- (1) In the absence of a testamentary instrument duly made by an Aborigine or Torres Strait Islander who has died or is to be presumed to have died and if it should prove impracticable to ascertain the person or persons entitled in law to succeed to the estate of the Aborigine or Torres Strait Islander or any part of it, the chief executive may determine which person or persons shall be entitled to so succeed or whether any person is so entitled.
- (2) The person or persons determined by the chief executive to be entitled to succeed to an estate or to any part of it shall be the only person or persons entitled in law to succeed to the estate or, as the case may be, part and, if more than 1 person is so determined, to succeed in the order and proportions determined by the chief executive.
- (3) A certificate purporting to be signed by the chief executive that the person or persons named therein is or are entitled to succeed to the estate or any part of the estate of the person named therein (being a person to whose estate subsections (1) and (2) apply), or that there is no person so entitled shall be conclusive evidence of the matters contained therein.
- (4) If, so far as can be determined, there is no person entitled to succeed to the estate or a part of the estate of an Aborigine or Torres Strait Islander who has died or is to be presumed to have died the estate or, as the case may be, part shall vest in the chief executive who shall apply the moneys or the proceeds of the sale of any property (less the expenses (if any) of such sale) for the benefit of Aborigines or Torres Strait Islanders generally as provided by section 56.

## **Part 7A**                      **Island Industries Board**

### **60A**    **The IIB**

- (1) The Island Industries Board established under the repealed Torres Strait Act, section 149 is continued in existence under this Act.
- (2) IIB—
  - (a) is a body corporate; and
  - (b) has a seal; and
  - (c) may sue and be sued in its corporate name.

### **60B**    **Functions of IIB**

The IIB has the following functions—

- (a) to act as a commercial enterprise for the general convenience or benefit of the residents of—
  - (i) the local government area of TSIRC; and
  - (ii) the relevant Bamaga area and the relevant Seisia area; and
  - (iii) the local government area of TSC;
- (b) to apply its profits or assets to promote, support and improve its services and the general welfare, including the knowledge and skills, of the Aboriginal and Torres Strait Islander residents of the areas mentioned in paragraph (a);
- (c) from time to time, to investigate, and to report and make recommendations to the chief executive about—
  - (i) any trade, commerce or business carried on by the residents mentioned in paragraph (b); and
  - (ii) markets for the produce of the residents, trade in the produce, and ways of marketing the produce; and

- (iii) the encouragement, development and protection of the trade, commerce and businesses of the residents.

## **60C Membership of IIB**

IIB consists of at least 5, but not more than 8, members appointed by the Governor in Council.

## **60D Appointment to membership of IIB**

- (1) A person is qualified to be nominated by the Minister for appointment as a member of IIB only if the person—
  - (a) has—
    - (i) commercial or management skills and experience; or
    - (ii) other skills and experience relevant to the performance of IIB's functions; and
  - (b) is not disqualified under this part from being a member.
- (2) Subject to subsection (5), IIB must include 2 members from a panel established as follows—
  - (a) at least 5 qualified persons proposed by TSIRC;
  - (b) at least 2 qualified persons proposed by TSC;
  - (c) 1 qualified person proposed by the councillor for the division of NPARC that is the relevant Bamaga area;
  - (d) 1 qualified person proposed by the councillor for the division of NPARC that is the relevant Seisia area.
- (3) For subsection (2)(c) or (d), the qualified person proposed may be the councillor.
- (4) The Minister must give each nominating entity a notice stating a reasonable period within which the nominating entity may propose a person or persons under subsection (2).
- (5) If the panel mentioned in subsection (2) is not complete within the period stated in the notice under subsection (4), the

Minister, in nominating qualified persons for appointment, may limit the nomination of persons included in the incomplete panel to the extent the Minister considers appropriate.

(6) In this section—

*nominating entity* means—

- (a) TSIRC; or
- (b) TSC; or
- (c) the councillor mentioned in subsection (2)(c); or
- (d) the councillor mentioned in subsection (2)(d).

#### **60E Chairperson of IIB**

- (1) The Governor in Council may appoint a member of IIB to be its chairperson.
- (2) A person may be appointed as the chairperson at the same time the person is appointed as a member.
- (3) The chairperson holds office for the term decided by the Governor in Council unless the person's term of office as a member ends sooner than the person's term of office as chairperson ends.
- (4) A person may be appointed as the chairperson for not more than 2 consecutive terms.
- (5) A vacancy arises in the office of chairperson if the person holding the office—
  - (a) resigns the office by signed notice of resignation given to the Minister; or
  - (b) ceases to be a member.
- (6) A person resigning the office of chairperson may continue to be a member.

## **60F Deputy chairperson of IIB**

- (1) IIB must appoint a member of IIB to be its deputy chairperson.
- (2) A vacancy arises in the office of deputy chairperson if—
  - (a) the person holding the office resigns the office by signed notice of resignation given to the chairperson; or
  - (b) the person's term of office as an IIB member ends; or
  - (c) the person otherwise stops being an IIB member.
- (3) However, a person may resign from the office of deputy chairperson and continue to be a member.
- (4) The deputy chairperson must act as chairperson—
  - (a) during a vacancy in the office of chairperson; and
  - (b) during all periods when the chairperson is absent from duty or, for another reason, can not perform the functions of the office.

## **60G Term of appointment**

A member of IIB may be appointed for a term of not more than 4 years.

## **60H Disqualification from membership**

A person can not become, or continue to be, a member of IIB if the person—

- (a) is or becomes an insolvent under administration under the Corporations Act, section 9; or
- (b) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- (c) has been, or is, convicted of an indictable offence; or
- (d) has been, or is, convicted of an offence against this Act.

## **60I Vacation of office**

- (1) A member of IIB is taken to have vacated office as a member if the member—
  - (a) resigns by signed notice of resignation given to the Minister; or
  - (b) under this part, can not continue to be a member; or
  - (c) is absent without IIB's permission from 3 consecutive meetings of IIB of which proper notice has been given; or
  - (d) is absent, in any period of 6 months, and without IIB's permission, from all meetings of IIB of which proper notice has been given.
- (2) If the member attends for a meeting of which proper notice is given, but for which a quorum is not present, the meeting is nevertheless taken to be a meeting at which the member was present.

## **60J When notice of resignation takes effect**

A notice of resignation given under this part takes effect when it is given to the person to whom it is required to be given or, if a later time is stated in the notice, at the later time.

## **60K Conduct of business**

Subject to any other requirement of this part, IIB may conduct its business, including its meetings, in the way it considers appropriate.

## **60L Times and places of meetings**

- (1) IIB's meetings are to be held at the times and places the chairperson decides.
- (2) However, the chairperson must call a meeting if asked in writing to do so by the Minister or by at least the number of members required for a quorum for a meeting of IIB.



## **60M Quorum**

A quorum for a meeting of IIB is the number equal to half of the number of its members or, if that is not a whole number, the next highest whole number.

## **60N Presiding at meetings**

- (1) The chairperson must preside at all meetings of IIB at which the chairperson is present.
- (2) If the chairperson is absent from an IIB meeting or there is a vacancy in the office of chairperson, the deputy chairperson must preside.
- (3) If the chairperson and the deputy chairperson are both absent from an IIB meeting, or if both offices are vacant, a member chosen by the members present must preside.

## **60O Conduct of meetings**

- (1) A question at an IIB meeting is decided by a majority of the votes of the members present.
- (2) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.
- (3) A member present at the meeting who abstains from voting is taken to have voted for the negative.
- (4) IIB may hold meetings, or allow members to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.

*Example of technology allowing reasonably contemporaneous and continuous communication—*

teleconferencing

- (5) A person who takes part in an IIB meeting under subsection (4) is taken to be present at the meeting.

- (6) A resolution is validly made by IIB even if it is not passed at an IIB meeting if—
  - (a) a majority of the IIB members gives written agreement to the resolution; and
  - (b) notice of the resolution is given under procedures approved by IIB.

### **60P Minutes**

- (1) IIB must keep—
  - (a) minutes of its meetings; and
  - (b) valid resolutions passed other than at an IIB meeting.
- (2) Subsection (3) applies if a resolution is passed at an IIB meeting.
- (3) If asked by a member who voted against the passing of the resolution, IIB must record in the minutes of the meeting that the member voted against the resolution.

### **60Q Disclosure of interests**

- (1) This section applies to an IIB member (the *interested person*) if—
  - (a) the interested person has a direct or indirect interest in an issue being considered, or about to be considered, by IIB; and
  - (b) the interest could conflict with the proper performance of the person's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the interested person's knowledge, the person must disclose the nature of the interest to an IIB meeting.
- (3) Unless IIB otherwise directs, the interested person must not—
  - (a) be present when IIB considers the issue; or
  - (b) take part in a decision of IIB about the issue.

- (4) The interested person must not be present when IIB is considering whether to give a direction under subsection (3).
- (5) If there is another person who must, under subsection (2), also disclose an interest in the issue, the other person must not—
  - (a) be present when IIB is considering whether to give a direction under subsection (3) about the interested person; or
  - (b) take part in making the decision about giving the direction.
- (6) If—
  - (a) because of this section, an IIB member is not present at an IIB meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
  - (b) there would be a quorum if the member were present; the remaining persons present are a quorum for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.
- (7) A disclosure under subsection (2) must be recorded in IIB's minutes.

## **60R Officers and employees**

- (1) Subject to any direction given by the Minister, IIB—
  - (a) must appoint an individual as its chief executive officer; and
  - (b) may appoint the administrative and technical officers and clerks, and employ the employees and agents, as it considers necessary for the proper performance of its functions.
- (2) The chief executive officer may—
  - (a) execute documents on behalf of IIB; and
  - (b) fix IIB's seal to any document; and

- (c) perform the duties IIB gives the chief executive officer.

## **60S Powers of IIB**

IIB has the powers of an individual and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) appoint agents and attorneys; and
- (d) charge for, and place conditions on, the supply of goods, services or information it supplies; and
- (e) engage consultants; and
- (f) establish funds to ensure the proper conduct of its enterprises and other activities; and
- (g) carry on any sort of business that is consistent with the performance of its functions; and
- (h) do anything else necessary or convenient to be done in performing its functions.

## **60T IIB is statutory body**

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, IIB is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which IIB's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **60U Audit of IIB's accounts**

- (1) IIB's accounts must be audited by the auditor-general or a person authorised by the auditor-general.
- (2) The person who conducts the audit has, in relation to the audit and the accounts, all the powers of the auditor-general under

the *Auditor-General Act 2009* as if IIB were a department of government.

- (3) For the audit, IIB must pay the fee decided by the auditor-general.
- (4) The auditor-general—
  - (a) must at least once a year, report to the Minister the result of each audit carried out under this section; and
  - (b) may include with the report recommendations to the Minister about IIB's accounts.
- (5) The auditor-general must give IIB's chairperson a copy of the report and any recommendations.
- (6) The chairperson must table the report and any recommendations at IIB's next meeting after the chairperson receives them.
- (7) The Minister and IIB's chairperson must consider the auditor-general's report and any recommendations.

#### **60V Annual report by IIB**

As soon as practicable after 31 January in each year, IIB must give the Minister a full report of its operations during the period of 1 year ending on that day.

#### **60W Administrator may replace IIB members**

- (1) The Governor in Council may at any time, on the recommendation of the Minister, dismiss the members of IIB.
- (2) If the Governor in Council acts under subsection (1)—
  - (a) the members go out of office; and
  - (b) the Governor in Council may appoint in their place an administrator to administer IIB.
- (3) A person appointed as administrator under subsection (2) must administer IIB's affairs for the term, of not more than 2 years, decided by the Governor in Council.

- (4) Subsection (3) does not stop the Governor in Council from revoking the appointment of an administrator for any reason before the term of appointment expires, either to appoint a different person as administrator or to appoint new members of IIB.
- (5) While an administrator's appointment continues, the administrator is taken to constitute IIB instead of the members.

### **60X Applying profits of IIB**

- (1) This section applies in relation to IIB's function of applying its profits to promote, support and improve its services and the general welfare, including the knowledge and skills, of Aboriginal and Torres Strait Islander residents.
- (2) IIB must apply its profits in the way IIB directs, subject to the approval of the Governor in Council.

### **60Y Applying assets of IIB**

- (1) This section applies in relation to IIB's function of applying its assets to promote, support and improve its services and the general welfare, including the knowledge and skills, of Aboriginal and Torres Strait Islander residents.
- (2) IIB must apply its assets in the way IIB directs, subject to the approval of the Governor in Council.
- (3) Subsections (4) to (7) state additional requirements that apply for the application of an asset that is an operating business.
- (4) IIB may, on the written request of a relevant person, enter into arrangements with 1 or more residents, or an incorporated entity controlled by residents, to transfer to the residents or entity an operating business of IIB located at the place where the residents reside or the entity is located.
- (5) In deciding whether to enter into the arrangements, IIB must have regard to—

- (a) the resources, business capability and experience of the residents or incorporated entity; and
  - (b) the impact the arrangements for transfer is likely to have on the services IIB provides generally to residents of the local government areas of TSIRC and TSC and the relevant Bamaga and Seisia areas.
- (6) IIB must not enter into arrangements under subsection (4) unless the Minister has by written notice given to IIB—
- (a) given approval generally to the transfer of the business to the residents or entity; and
  - (b) approved the particular terms of the arrangements.
- (7) In this section—
- arrangements* includes contracts and transactions.
- relevant person* means—
- (a) if the operating business is located in a division of the the local government area of TSIRC—the councillor for the division; or
  - (b) if the operating business is located in the relevant Bamaga area—the councillor for the division of NPARC that is the relevant Bamaga area; or
  - (c) if the operating business is located in the relevant Seisia area—the councillor for the division of NPARC that is the relevant Seisia area.

## Part 8                      General provisions

### 61            Right of Aborigines and Torres Strait Islanders to particular natural resources

- (1) Subject to the *Animal Care and Protection Act 2001* and to sections 62 and 93 of the *Nature Conservation Act 1992*, but despite the provisions of any other Act, a member of a community of Aborigines or Torres Strait Islanders resident in a community government or IRC area shall not be liable to

prosecution as for an offence for taking marine products or fauna by traditional means for consumption by members of the community.

- (2) Subsection (1) shall not be construed to authorise the sale or other disposal for gain of any marine product or fauna taken by traditional means.

**62 Right of Aborigines and Torres Strait Islanders to particular forest products and quarry material—Aboriginal and Torres Strait Islander land**

- (1) If there is no reservation to the Crown of forest products or quarry material, within the meaning of the *Forestry Act 1959*, above, on or below the surface of Aboriginal or Torres Strait Islander land, the community government or indigenous regional council for the community government or IRC area in which the land is situated may, subject to subsection (2), authorise the gathering or digging, and removal, of forest products or quarry material for use in the community government or IRC area.
- (2) A community government or indigenous regional council must not give an authority unless—
- (a) the authority is given under an agreement between the community government or indigenous regional council and the grantees of the land; or
  - (b) failing agreement, the community government or indigenous regional council pays the grantees of the land such compensation as is determined by the Land Court.

**63 Right of Aborigines and Torres Strait Islanders to particular forest products and quarry material—non-Aboriginal and non-Torres Strait Islander land**

- (1) Subject to sections 62 and 93 of the *Nature Conservation Act 1992*, but despite any other Act, a member of a community of Aborigines or Torres Strait Islanders that lives in a community



government or IRC area of a community government or indigenous regional council is not liable to prosecution for an offence for taking forest products or quarry material, within the meaning of the *Forestry Act 1959*, from above, on or below the surface of trust land held by the community government or indigenous regional council, for use within the community government or IRC area of the community government or indigenous regional council.

- (2) Subsection (1) does not authorise the sale or other disposal for gain of forest products or quarry material taken under that subsection.
- (3) Despite the *Forestry Act 1959*, a community government or indigenous regional council may authorise the gathering or digging, and removal of forest products or quarry material from above, on or below the surface of trust land held by the community government or indigenous regional council, for use within the community government or IRC area of the community government or indigenous regional council.
- (4) The forest products or quarry material may be gathered or dug, and removed, under subsection (3) without the payment of royalty.
- (5) In this section—

*trust land* means land that is trust land for the benefit of Aboriginal or Torres Strait Islander inhabitants or for Aboriginal or Torres Strait Islander purposes under the *Land Act 1994*.

### **63A Confidentiality**

- (1) This section applies to a person who has gained, gains, or has access to, protected information through involvement in the administration of this Act.
- (2) The person must not—
  - (a) record or use the information, or intentionally disclose it to anyone, other than under this section; or
  - (b) recklessly disclose the information to anyone.

Maximum penalty—100 penalty units or 2 years imprisonment.

- (3) The person may record, use or disclose the information—
- (a) if expressly permitted or required under an Act to do so; or
  - (b) for statistical purposes, without revealing, or being likely to reveal, the identity of a person to which it relates; or
  - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal.
- (4) In this section—

*protected information* means information obtained by the chief executive under section 21.

## **64 Obstruction, intimidation and assault**

A person shall not assault or wilfully obstruct or intimidate, or attempt so to do, another in the discharge or exercise by that other of the other's functions, duties or powers under this Act.

## **65 General penalty for offence**

A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and, except where another penalty is expressly provided by this Act for that offence is liable to a penalty of 7 penalty units or to imprisonment for 6 months.

## **66 Making of local laws about particular matters**

Without limiting the functions and powers of a community government or indigenous regional council, a community government or indigenous regional council may make local laws—

- (a) not inconsistent with part 5, for the purpose of regulating and controlling the possession or consumption of alcohol in its community government or IRC area; or
- (b) conferring functions on the community justice group for any community area within its community government or IRC area.

## **67 Evidentiary aids**

- (1) In proceedings to enforce a penalty for an offence against this Act—
  - (a) an averment in the complaint that a person named therein is part of the community that resides in a community government or IRC area, or IRC division area, shall be conclusive evidence thereof until the contrary is proved; and
  - (b) it shall not be necessary to prove the appointment or signature of the chief executive or the authority of the complainant to lay the complaint; and
  - (c) it shall not be necessary to prove the limits of a community government area.
- (2) Subsection (3) applies to a proceeding for an offence against section 34.
- (3) A statement in the complaint for the offence that fluid was in a container of a type that usually holds alcohol is evidence that the fluid was alcohol.
- (4) Subsection (5) applies to a proceeding for an offence against section 34 or 38(2)(b), (c) or (d) or (3)(b), (c), (d) or (e).
- (5) A certificate purporting to be signed by an analyst stating the results of an analysis of a fluid or other substance is, on its production, admissible as evidence of the results of the analysis.
- (6) A provision of this section does not limit another provision of the section or of this Act about evidence.

(7) In this section—

*analyst* means a State analyst under the *Health Act 1937*.

*homemade alcohol* has the same meaning as in part 5.

## 68 Evidence of home-brew concentrate by label

(1) This section applies if, in a proceeding for an offence against section 38(2)(c) or (3)(c), it is relevant to prove that a substance in the possession of a person was home-brew concentrate.

(2) In the absence of proof to the contrary, the substance is proved to be home-brew concentrate if—

(a) there is evidence that the container containing the substance had a label indicating the substance was home-brew concentrate; and

(b) a police officer gives evidence that the police officer believes the container contained home-brew concentrate; and

(c) the court considers the belief mentioned in paragraph (b) to be reasonably held.

(3) In this section—

*home-brew concentrate* has the same meaning as in part 5.

*label*, in relation to a container, includes any tag, statement in writing, representation or other descriptive matter on or attached to or used or displayed in connection with the container.

## 69 Evidence of homemade alcohol having regard to belief of police officer

(1) This section applies if, in a proceeding for an offence against section 38(2)(d) or (3)(d) or (e), it is relevant to prove that a substance possessed or supplied by a person was homemade alcohol.

- (2) In the absence of proof to the contrary, the substance is proved to be homemade alcohol if—
- (a) there is evidence by a police officer that the police officer believed the substance was homemade alcohol; and
  - (b) the court considers the belief mentioned in paragraph (a) to be reasonably held by the police officer.
- (3) For subsection (2)(a) it is sufficient for the police officer to believe—
- (a) that the substance was alcohol by having regard to the conditions in which it was found or its odour; and
  - (b) that the alcohol was homemade by having regard to either or both of the following—
    - (i) its odour, or appearance, as compared to that of alcohol usually commercially available in Queensland;
    - (ii) if the alcohol was in a container, that the police officer considers that the container was not of a type in which alcohol was usually commercially available to the public in Queensland.
- (4) For subsection (2)(b), a court may consider a belief formed as mentioned in subsection (3) to be reasonably held.
- (5) Subsection (3) does not limit the matters that may form the basis for a police officer's belief mentioned in subsection (2)(a) or the basis for a court to consider the police officer's belief to be reasonably held.
- (6) In this section—
- homemade alcohol* has the same meaning as in part 5.

## **69A Protection of officials from civil liability**

- (1) An official is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.

(2) If subsection (1) prevents a civil liability attaching to the official, the liability attaches instead to the State.

(3) In this section—

*official* means—

(a) a member; or

(b) the clerk of the court for a community area.

## **70 Approved forms**

The chief executive may approve forms for use under this Act.

## **71 Regulation-making power**

(1) The Governor in Council may make regulations under this Act.

(2) Without limiting subsection (1), a regulation may be made about the following—

(a) the functions, duties and powers of the chief executive and officers of the department, and the manner of discharging or exercising those functions, duties and powers;

(b) the composition of community police forces and conditions of service of community police officers;

(c) the granting of aid to Aborigines and Torres Strait Islanders;

(d) the conditions on which aid may be granted;

(e) the obligations of persons to whom aid is granted;

(f) the business and conduct of meetings of community justice groups, including, for example, about the following—

(i) the times and places of meetings;

(ii) the quorum for meetings;

(iii) the presiding member at meetings;

- (iv) the disclosure of a member's interest before meetings;
- (g) the venue and regularity thereof;
- (h) the access thereto of members of the community of Aborigines and Torres Strait Islanders resident in the community government area of a community government or in the IRC area of an indigenous regional council;
- (i) the establishment, maintenance, management and control of such trust funds and accounts as are necessary or desirable for the care of moneys of Aborigines and Torres Strait Islanders deposited with the chief executive or for the administration of the estates of Aborigines and Torres Strait Islanders or for the disposal of unclaimed money;
- (j) the establishment, maintenance, management and control of funds to indemnify Aborigines and Torres Strait Islanders against loss of or damages to vessels, equipment or machinery, and to compensate Aborigines and Torres Strait Islanders and their dependants for death or personal injury sustained by a person in the course of the person's employment if compensation is not payable under the *Workers' Compensation and Rehabilitation Act 2003*;
- (k) the basis on which such indemnity or compensation is payable;
- (l) the procedure to be adopted in relation to any application to be made under this Act;
- (m) the fees to be paid for the purposes of this Act and the purposes for which they are to be paid;
- (n) penalties for breaches of the regulations not exceeding in any case \$200;
- (o) meetings of IIB and attendances at the meetings;
- (p) the accounts and records to be kept by IIB, either generally or in relation to a particular business of IIB;

- (q) the way IIB's accounts and records are to be kept, including records of the performance of IIB's activities;
- (r) the functions, powers and duties of IIB's officers, clerks and employees;
- (s) the security and protection of IIB's property.

## **Part 9**                      **Transitional provisions for Local Government (Community Government Areas) Act 2004**

### **Division 1**                      **Preliminary**

#### **72**                      **Definition for pt 9**

In this part—

*commencement* means commencement of this section.

### **Division 2**                      **Transitional provision for process for making by-laws or subordinate by-laws**

#### **73**                      **Making by-law or subordinate by-law**

- (1) This section applies if—
  - (a) before the commencement, an Aboriginal council had under repealed part 7 started the process of making a by-law or subordinate by-law under that part; and
  - (b) immediately before the commencement, the process for making the by-law or subordinate by-law had not finished.
- (2) Despite the repeal of repealed part 7, that part and any other provisions necessary for the operation of that part continue to



apply to the making of the by-law or subordinate by-law as if that part had not been repealed.

(3) In this section—

*Aboriginal council* means an Aboriginal council under this Act in existence immediately before the commencement.

*repealed part 7* means part 7 of this Act as in force before its repeal by the *Local Government (Community Government Areas) Act 2004*.

## **Division 3                      Transitional provisions for Aboriginal Coordinating Council**

### **74            Definitions for div 3**

In this division—

*ACC* means the Aboriginal Coordinating Council established under repealed part 8.

*repealed part 8* means part 8 of this Act as in force before its repeal by the *Local Government (Community Government Areas) Act 2004*.

### **75            ACC dissolved**

ACC is dissolved and its members go out of office.

### **76            References to ACC**

A reference in an Act or document to ACC may, if the context permits, be taken as a reference to the State.

### **77            Agreements and proceedings**

(1) An agreement, in force immediately before the commencement, between ACC and another entity is taken to be an agreement between the State and the entity.

- (2) A proceeding that could have been started or continued by or against ACC before the commencement may be started or continued by or against the State.

## **78 Assets and liabilities**

On the commencement, an asset or liability of ACC immediately before the commencement becomes an asset or liability of the State.

# **Part 10 Transitional provisions for Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007**

## **79 Definitions for pt 10**

In this division—

*commencement* means the commencement of this section.

*ICC* means the Island Coordinating Council established under repealed part 8.

*repealed part 8* means part 8 of the repealed Torres Strait Act as in force before the repeal of that Act.

## **80 ICC dissolved**

ICC is dissolved and its members go out of office.

## **81 Regulation to provide for matters relating to dissolution of ICC**

- (1) A regulation may provide for all matters necessary or convenient to provide for the dissolution of ICC.

- (2) Without limiting subsection (1), a regulation under subsection (1) may provide for—
- (a) how references to ICC in any Act or document are to apply after the commencement; and
  - (b) how agreements to which ICC was a party before the commencement are to continue after the commencement; and
  - (c) how proceedings that could have been started or continued by or against ICC before the commencement may be started or continued after the commencement; and
  - (d) how assets and liabilities of ICC before the commencement are to be dealt with after the commencement.

## **82 Aboriginal and Island police officers**

- (1) This section applies to a person if, immediately before the commencement, the person held appointment, in relation to an area, as—
- (a) an Island police officer under the repealed Torres Strait Act; or
  - (b) an Aboriginal police officer under this Act.
- (2) From the commencement, the person, without further appointment, holds appointment as a community police officer under this Act in relation to the same area, and for that purpose—
- (a) is taken to have been appointed under this Act; and
  - (b) subject to any action that may be taken under section 14 in relation to the community police officer's responsibilities, continues to have the same responsibilities with which the person was charged immediately before the commencement.

- (3) A reference in any Act or document to an Aboriginal or Island police officer may, if the context permits, be taken to be a reference to a community police officer.

### **83 Transitional provision for IIB**

- (1) A person who, immediately before the commencement, was a member of the Island Industries Board under the repealed Torres Strait Act continues as a member of IIB until the end of the term for which the member was appointed.
- (2) The person who, immediately before the commencement, was the member of the Island Industries Board under the repealed Torres Strait Act who held appointment as chairperson of the Island Industries Board continues as chairperson of IIB until the end of the term for which the member was appointed as chairperson.
- (3) The person who, immediately before the commencement, was the member of the Island Industries Board under the repealed Torres Strait Act who held appointment as deputy chairperson of the Island Industries Board continues as deputy chairperson of IIB until IIB otherwise decides.
- (4) The provisions of part 7A about disqualification from or vacation of office as a member or chairperson of IIB apply to a member or chairperson mentioned in subsection (1) or (2), including in relation to any period for which the person held appointment before the commencement.
- (5) Subject to part 7A, all other matters relating to the Island Industries Board under the repealed Torres Strait Act, including for example contracts and employment arrangements entered into before the commencement, are not affected by the repeal of that Act and the commencement of part 7A.

### **84 Community justice groups for Injinoo, New Mapoon and Umagico community government areas**

- (1) A community justice group for a relevant community government area, existing immediately before the

commencement, continues as the community justice group for the relevant community area.

- (2) A person who, immediately before the commencement, was a member of a community justice group for a relevant community government area continues as a member of the community justice group for the relevant community area until—
  - (a) the end of the term for which the member was appointed; or
  - (b) the Minister decides the member is no longer eligible or suitable for appointment to the membership of the community justice group and revokes the appointment; or
  - (c) the office of the member is otherwise vacated under a regulation.
- (3) The person who, immediately before the commencement, held appointment as a coordinator for a community justice group for a relevant community government area is, without further appointment, taken to hold appointment as a coordinator for the community justice group for the relevant community area.
- (4) Subject to part 4, all other matters relating to a community justice group for a relevant community government area, including, for example, contracts entered into before the commencement, are not affected by the amendment of part 4.
- (5) In this section—

*relevant community government area* means each of the following community government areas under the *Local Government (Community Government Areas) Act 2004*—

  - (a) Injinoo;
  - (b) New Mapoon;
  - (c) Umagico.

**85 Community justice groups for relevant Bamaga and Seisia areas**

- (1) A community justice group for the relevant Bamaga or Seisia area, existing immediately before the commencement, continues as the community justice group for the relevant community area.
- (2) A person who, immediately before the commencement, was a member of a community justice group for the relevant Bamaga or Seisia area continues as a member of the community justice group for the relevant community area until—
  - (a) the end of the term for which the member was appointed; or
  - (b) the member resigns; or
  - (c) the Minister decides the member is no longer eligible or suitable for appointment to the membership of the community justice group and revokes the appointment.
- (3) The person who, immediately before the commencement, held appointment under the repealed Torres Strait Act as a coordinator for a community justice group for the relevant Bamaga or Seisia area is, without further appointment, taken to hold appointment as a coordinator for the community justice group for the relevant community area.
- (4) Subject to part 4, all other matters relating to a community justice group for the relevant Bamaga or Seisia area under the repealed Torres Strait Act, including for example contracts entered into before the commencement, are not affected by the repeal of that Act.

## **Part 11**

# **Transitional provisions for Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Act 2008**

### **86 Definitions for pt 11**

In this part—

*commencement* means the commencement of this section.

*post-amended Act* means this Act as in force immediately after the commencement.

*pre-amended Act* means this Act as in force before the commencement.

### **87 Existing declaration of a place as a dry place**

A declaration, under section 28 of the pre-amended Act, of a place as a dry place in force immediately before the commencement stops having effect on the commencement.

### **88 Existing application for the declaration of a place as a dry place**

- (1) This section applies to an application, under section 28 of the pre-amended Act, for the declaration of a place as a dry place that is not decided at the commencement.
- (2) The application lapses on the commencement.

### **89 Existing application for the amendment or revocation of a declaration of a place as a dry place**

- (1) This section applies to an application, under section 28 of the pre-amended Act, for the amendment or revocation of a

declaration of a place as a dry place that is not decided at the commencement.

- (2) The application lapses on the commencement.

## **90 Existing application for the suspension of a declaration of a public place as a dry place**

- (1) This section applies to an application, under section 32 of the pre-amended Act, for the suspension of a declaration of a public place as a dry place that is not decided at the commencement.
- (2) The application lapses on the commencement.

## **91 Appeals**

- (1) Subsection (2) applies if—
  - (a) a person has appealed to a Magistrates Court, under section 38 of the pre-amended Act, against an appealable decision; and
  - (b) the appeal has not been decided before the commencement.
- (2) The appeal lapses on the commencement.
- (3) Subsection (4) applies if—
  - (a) immediately before the commencement a person could have appealed to a Magistrates Court, under section 38 of the pre-amended Act, against an appealable decision; and
  - (b) the person has not appealed before the commencement.
- (4) The person may not appeal against the decision.

## **92 Offences**

- (1) Proceedings for an offence against part 5 of the pre-amended Act may be started or continued, and the provisions of the pre-amended Act necessary or convenient to be used in



relation to the proceedings continue to apply, as if the post-amended Act had not commenced.

- (2) For subsection (1), the *Acts Interpretation Act 1954*, section 20 applies, but does not limit the subsection.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations
- 6 Tables of renumbered provisions
- 7 Information about retrospectivity

## 2 Key

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

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
<b>prev</b>	= <b>previous</b>	<b>m</b>	

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1	1994 Act No. 15	10 May 1994	23 May 1994

<b>Reprint No.</b>	<b>Amendments to</b>	<b>Effective</b>	<b>Reprint date</b>
1A	1996 Act No. 75	1 February 1997	12 February 1997
1B	1996 Act No. 75	1 June 1997	17 November 1997
2	1996 Act No. 75	1 June 1997	30 September 1998
2A	1999 Act No. 29	1 July 1999	29 September 1999
2B	1999 Act No. 59	29 November 1999	6 December 1999
2C	1999 Act No. 59	21 January 2000	30 January 2000
3	2000 Act No. 5	23 March 2000	7 April 2000
3A	2000 Act No. 23	1 July 2000	21 July 2000
3B	2000 Act No. 23	28 September 2000	11 October 2000
3C	2001 Act No. 49	28 June 2001	12 July 2001
3D	2001 Act No. 80	26 April 2002	26 April 2002
3E	2001 Act No. 80	6 June 2002	14 June 2002

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
3F	2002 Act No. 46	24 September 2002	
4	—	24 September 2002	Act renumbered
4A	2003 Act No. 27	1 July 2003	
4B rv	2004 Act No. 37	27 October 2004	
4C rv	2004 Act No. 38	8 December 2004	
4D rv	2004 Act No. 37	1 January 2005	
4E rv	2005 Act No. 48	1 December 2005	
5 rv	—	1 December 2005	Act renumbered Revision notice issued for R5

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
5A rv	2000 Act No. 5 (amd 2006 Act No. 26)	21 July 2006	
5B	2007 Act No. 59	14 December 2007	
5C	2007 Act No. 59	15 March 2008	
6	2008 Act No. 30	1 July 2008	
6A	2008 Act No. 66	1 January 2009	
6AA	2009 Act No. 34	31 January 2009	
6B rv	2008 Act No. 73 2009 Act No. 9	1 July 2009	
6C	2009 Act No. 34	29 March 2010	
6D	2009 Act No. 17	1 July 2010	
6E	2011 Act No. 26	9 September 2011	
6F	2012 Act No. 23	21 September 2012	
<b>Current as at</b>		<b>Amendments included</b>	<b>Notes</b>
21 September 2012 rv		2012 Act No. 23	RA ss 35, 44A
1 January 2015		2014 Act No. 45	

## 4 List of legislation

**Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 No. 51 (prev Aboriginal Communities (Justice and Land Matters) Act 1984; orig Community Services (Aborigines) Act 1984)**

date of assent 15 May 1984

ss 1–2 commenced on date of assent

remaining provisions commenced 31 May 1984 (see s 2(2))

amending legislation—

**Liquor Act and Other Acts Amendment Act 1985 No. 81 s 39**

date of assent 20 November 1985

commenced 1 July 1986 (proc pubd gaz 28 June 1986 p 1777)

**Community Services (Aborigines) Act Amendment Act 1986 No. 43**

date of assent 25 September 1986

commenced on date of assent

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 sch 3 pts A, C**

date of assent 14 November 1990

s 3 sch 3 pt A commenced 7 December 1989 (see s 2(4)(a))

remaining provisions commenced 1 December 1990 (see 1991 Act No. 97 s 5 sch 5)

**Referendums Legislation Amendment Act 1990 No. 101 pt 4**

date of assent 12 December 1990

commenced on date of assent

**Community Services (Aborigines) Act Amendment Act 1990 No. 104**

date of assent 18 December 1990

commenced on date of assent

**Justices of the Peace and Commissioners for Declarations Act 1991 No. 50 ss 1–2, pt 5**

date of assent 10 September 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 1 November 1991 (1991 SL No. 113)

**Aboriginal and Torres Strait Islander Land (Consequential Amendments) Act 1991 No. 76 pts 1, 4**

date of assent 21 November 1991

ss 1–2 commenced on date of assent

remaining provisions commenced 21 December 1991 (1991 SL No. 223)

**Nature Conservation Act 1992 No. 20 ss 1–2, 159 sch 2 (this Act is amended, see amending legislation below)**

date of assent 22 May 1992

ss 1–2 commenced on date of assent

remaining provisions commenced 19 December 1994 (1994 SL No. 472)

amending legislation—

**Nature Conservation Amendment Act 1994 No. 42 ss 1–2 sch (amends 1992 No. 20 above)**

date of assent 14 September 1994

commenced on date of assent

**Local Government Act 1993 No. 70 pt 1, s 804 sch**

date of assent 7 December 1993

ss 1–2 commenced on date of assent

remaining provisions commenced 26 March 1994 (see s 2(5))

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 ss 1–3 sch 1**

date of assent 14 December 1993

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1994 No. 15 ss 1–3 sch 1**

date of assent 10 May 1994  
commenced on date of assent

**Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 1996 (1996 SL No. 361)

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch**

date of assent 20 November 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 June 1997 (1997 SL No. 128)

**WorkCover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2**

date of assent 12 December 1996  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 February 1997 (1996 SL No. 442)

**Financial Administration Legislation Amendment Act 1999 No. 29 ss 1–2, 50 sch**

date of assent 16 June 1999  
ss 1–2, 50 commenced on date of assent  
remaining provisions commenced 1 July 1999 (1999 SL No. 122 and see 1999 SL No. 119, 1999 SL No. 70 s 2(3))

**Community Services Legislation Amendment Act 1999 No. 53 pts 1–2, s 35 sch**

date of assent 18 November 1999  
ss 1–2 commenced on date of assent  
remaining provisions commenced 21 January 2000 (2000 SL No. 6)

**Local Government and Other Legislation Amendment Act (No. 2) 1999 No. 59 ss 1, 2(7), pt 5, s 60 sch**

date of assent 29 November 1999  
commenced on date of assent

**Police Powers and Responsibilities Act 2000 No. 5 ss 1–2(1)–(2), 373 sch 2**

date of assent 23 March 2000  
commenced on date of assent (see s 2(1)–(2))

**GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3**

date of assent 23 June 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2000 (see s 2(4))

**Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2**

date of assent 27 June 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced 28 September 2000 (2000 SL No. 248)

**Community Services Legislation Amendment Act 2001 No. 49 pts 1–2**

date of assent 28 June 2001  
ss 1–2 commenced on date of assent  
ss 6(1), 7–8 commenced 26 April 2002 (2002 SL No. 84)  
remaining provisions commenced on date of assent

**Constitution of Queensland 2001 No. 80 ss 1–2, 94 sch 2**

date of assent 3 December 2001  
ss 1–2 commenced on date of assent  
remaining provisions commenced 6 June 2002 (see s 2)

**Community Services Legislation Amendment Act 2002 No. 46 s 1, pt 2, s 3(2) sch**

date of assent 24 September 2002  
commenced on date of assent

**Workers' Compensation and Rehabilitation Act 2003 No. 27 ss 1–2(2), 622 sch 5**

date of assent 23 May 2003  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2003 (see s 2(2))

**Local Government (Community Government Areas) Act 2004 No. 37 ss 1–2, 85–86 sch 1**

date of assent 27 October 2004  
ss 1–2, 85 commenced on date of assent (see s 2)  
remaining provisions commenced 1 January 2005 (2004 SL No. 266)

**Community Services and Other Legislation Amendment Act 2004 No. 38 pts 1–2**

date of assent 27 October 2004  
ss 1–2 commenced on date of assent  
remaining provisions commenced 8 December 2004 (2004 SL No. 267)

**Public Health Act 2005 No. 48 ss 1–2, 492 sch 1**

date of assent 2 November 2005  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 December 2005 (2005 SL No. 280)

**Police Powers and Responsibilities Act 2000 No. 5 s 810 sch 4 (prev s 459A sch 3A) (this Act is amended, see amending legislation below)**

date of assent 23 March 2000  
ss 1–2, 373–377, sch 2 commenced on date of assent (see s 2(2))  
s 211 commenced 24 March 2001 (automatic commencement under AIA s 15DA(2))  
remaining provisions commenced 1 July 2000 (see s 2(1), (3) and 2000 SL No. 174)  
amending legislation—

**Police Powers and Responsibilities and Other Acts Amendment Act 2006 No. 26 ss 1–2, 84, 86 (amends 2000 No. 5 above)**

date of assent 1 June 2006  
ss 1–2 commenced on date of assent  
remaining provisions commenced 21 July 2006 (2006 SL No. 185)

**Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007 No. 59 pts 1–2**

date of assent 22 November 2007  
ss 1–2 commenced on date of assent  
pt 2 hdg, ss 3, 46 (to the extent it omits pt 10 and inserts new pt 10 hdg, s 81) commenced 14 December 2007 (2007 SL No. 336)  
remaining provisions commenced 15 March 2008 (2007 SL No. 336)



**Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) and Other Acts Amendment Act 2008 No. 30 ss 1–2(1), pt 2, s 3 sch**

date of assent 21 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2008 (see s 2(1))

**Penalties and Sentences and Other Acts Amendment Act 2008 No. 66 ss 1–2(1), 4 sch pt 1**

date of assent 1 December 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2009 (see s 2(1))

**Residential Tenancies and Rooming Accommodation Act 2008 No. 73 ss 1–2, 554 sch 1**

date of assent 11 December 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 40)

**Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1**

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

**Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (2010 SL No. 122)

**Juvenile Justice and Other Acts Amendment Act 2009 No. 34 ss 1–2, pt 2, s 45(1) sch pt 1 amdt 1**

date of assent 17 September 2009

ss 1–2 commenced on date of assent

s 45(1) sch pt 1 amdt 1 commenced 29 March 2010 (2010 SL No. 37)

remaining provisions commenced 31 January 2009 (see s 2(1))

**Aboriginal Land and Torres Strait Islander Land and Other Legislation Amendment Act 2011 No. 26 pts 1–2**

date of assent 29 August 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 9 September 2011 (2011 SL No. 173)

**Animal Care and Protection and Other Legislation Amendment Act 2012 No. 23 pts 1–2**

date of assent 21 September 2012

commenced on date of assent

**Aboriginal and Torres Strait Islander Land (Providing Freehold) and Other Legislation Amendment Act 2014 No. 45 ss 1–2(1), 58 sch 1 pt 1**

date of assent 5 September 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2015 (see s 2(1))

## 5 List of annotations

**This reprint has been renumbered—see tables of renumbered provisions in endnote 6.**

**Long title amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 4**

### Short title

s 1 sub 2004 No. 37 s 86 sch 1  
amd 2007 No. 59 s 5

### Savings

s 3 prev s 3 om R1 (see RA s 36)  
pres s 3 amd 1986 No. 43 s 2; 1990 No. 80 s 3 sch 3 pt C; R1 (see RA ss 37, 39);  
1999 No. 29 s 50 sch; 2004 No. 37 s 86 sch 1; 2008 No. 30 s 4

### Definitions

**prov hdg** sub 1999 No. 53 s 4(1)  
**s 4** prev s 4 om R1 (see RA s 40)  
pres s 4 amd 1986 No. 43 s 3(a), (d); 1999 No. 53 s 4(6)  
def *Aboriginal Council Accounting Standards* ins 2001 No. 49 s 4  
om 2004 No. 37 s 86 sch 1  
def *Aboriginal land* ins 1991 No. 76 s 15(1)  
amd 1999 No. 53 s 35 sch  
sub 2007 No. 59 s 6(1)–(2)  
def *Aboriginal police officer* ins 2002 No. 46 s 4  
amd 2004 No. 37 s 86 sch 1  
om 2007 No. 59 s 6(1)  
def *Aborigine* sub 1986 No. 43 s 3(b)–(c); 1990 No. 104 s 3(a)  
om R1 (see RA s 39)  
def *ACC* ins 2004 No. 37 s 86 sch 1  
def *advertised proposed by-law* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *alcohol* ins 2002 No. 46 s 4  
def *amended proposed by-law* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *appealable decision* ins 2002 No. 46 s 4  
om 2008 No. 30 s 5(1)  
def *appropriately qualified* ins 2007 No. 59 s 6(2)  
def *approved form* ins 2002 No. 46 s 4  
def *area* om 1999 No. 53 s 4(2)  
def *by-laws* amd 1999 No. 53 s 4(4)–(5)  
om 2004 No. 37 s 86 sch 1  
def *canteen* ins 2002 No. 46 s 4  
om 2008 No. 30 s 5(1)  
def *certified copy* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *clerk of the court* ins 2008 No. 30 s 5(2)  
def *closing day for objections and submissions* ins 2002 No. 46 s 4  
om 2008 No. 30 s 5(1)

def *commencement* ins 2004 No. 37 s 86 sch 1  
sub 2008 No. 30 s 5(1)–(2)  
def *community area* ins 2002 No. 46 s 4  
amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 6(3)  
sub 2008 No. 30 s 5(1)–(2)  
def *community council* ins 2002 No. 46 s 4  
amd 2004 No. 37 s 86 sch 1  
om 2008 No. 30 s 5(1)  
def *community government* ins 2004 No. 37 s 86 sch 1  
sub 2010 No. 17 s 331 sch 1  
def *community government area* ins 2004 No. 37 s 86 sch 1  
sub 2010 No. 17 s 331 sch 1  
def *community justice group* ins 2002 No. 46 s 4  
def *community police officer* ins 2007 No. 59 s 6(2)  
def *consultation period* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *coordinator* ins 2002 No. 46 s 4  
def *corporation* sub 1990 No. 80 s 3 sch 3 pt C  
def *council area* ins 1999 No. 53 s 4(3)  
om 2004 No. 37 s 86 sch 1  
def *Department* sub 1990 No. 80 s 3 sch 3 pt A  
om R1 (see RA s 39)  
def *Director-General* ins 1990 No. 80 s 3 sch 3 pt A  
om R1 (see RA s 39)  
def *drafting certificate* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *dry place* ins 2002 No. 46 s 4  
def *entity* ins 2002 No. 46 s 4  
om 2008 No. 30 s 5(1)  
def *fermenter* ins 2004 No. 38 s 4  
def *home-brew concentrate* ins 2004 No. 38 s 4  
def *home-brew kit* ins 2004 No. 38 s 4  
def *homemade alcohol* ins 2004 No. 38 s 4  
def *IIB* ins 2007 No. 59 s 6(2)  
def *indigenous local government* ins 2011 No. 26 s 4  
def *indigenous regional council* ins 2007 No. 59 s 6(2)  
def *IRC area* ins 2007 No. 59 s 6(2)  
def *IRC division area* ins 2007 No. 59 s 6(2)  
amd 2010 No. 17 s 331 sch 1  
def *Islander* ins 1990 No. 104 s 3(b)  
om 2007 No. 59 s 6(1)  
def *liquor provisions* ins 2002 No. 46 s 4  
amd 2008 No. 30 s 5(3)  
def *local law* ins 2004 No. 37 s 86 sch 1  
amd 2007 No. 59 s 6(4)  
sub 2010 No. 17 s 331 sch 1  
def *member* ins 2002 No. 46 s 4  
amd 2008 No. 30 s 5(4)

def *Minister* om R1 (see RA s 39)  
def *model by-law* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *native title holder* ins 2004 No. 37 s 86 sch 1  
def *native title rights and interests* ins 2004 No. 37 s 86 sch 1  
def *non-Aboriginal land* ins 1991 No. 76 s 15(1)  
om 2007 No. 59 s 6(1)  
def *notional GST* ins 2000 No. 20 s 29 sch 3  
om 2004 No. 37 s 86 sch 1  
def *NPARC* ins 2007 No. 59 s 6(2)  
def *police officer in charge* ins 2002 No. 46 s 4  
amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 6(5)  
def *possess* ins 2002 No. 46 s 4  
def *post-amended Act* ins 2008 No. 30 s 5(2)  
def *pre-amended Act* ins 2008 No. 30 s 5(2)  
def *prescribed community area* ins 2004 No. 38 s 4  
def *private place* ins 2002 No. 46 s 4  
om 2008 No. 30 s 5(1)  
def *proposed authorising law* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *proposed by-law* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *public place* ins 2002 No. 46 s 4  
om 2008 No. 30 s 5(1)  
def *relevant Bamaga area* ins 2007 No. 59 s 6(2)  
def *relevant Seisia area* ins 2007 No. 59 s 6(2)  
def *repealed part 8* ins 2004 No. 37 s 86 sch 1  
def *repealed Torres Strait Act* ins 2007 No. 59 s 6(2)  
def *required number* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *residential premises* ins 2008 No. 30 s 5(2)  
def *State interest* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *subordinate by-law* ins 2002 No. 46 s 4  
om 2004 No. 37 s 86 sch 1  
def *tenant* ins 2008 No. 30 s 5(2)  
def *Torres Strait Islander land* ins 2007 No. 59 s 6(2)  
def *trust area* amd 1990 No. 80 s 3 sch 3 pt A  
sub 1991 No. 76 s 15(2)  
om 1999 No. 53 s 4(2)  
ins 2004 No. 37 s 86 sch 1  
def *TSC* ins 2007 No. 59 s 6(2)  
def *TSIRC* ins 2007 No. 59 s 6(2)  
def *Under Secretary* om 1990 No. 80 s 3 sch 3 pt A

### **Corporation**

s 5 prev s 5 ins 1999 No. 53 s 5  
om 2004 No. 37 s 86 sch 1  
pres s 5 amd 1990 No. 80 s 3 sch 3 pt A

sub 1990 No. 80 s 3 sch 3 pt C  
amd 2008 No. 30 s 3 sch

**Corporation of chief executive is statutory body**

s 6 prev s 6 amd 1990 No. 80 s 3 sch 3 pt A  
om 2004 No. 37 s 86 sch 1  
pres s 6 ins 1996 No. 54 s 9 sch

**Consequences of constitution of corporation**

s 7 ins 1990 No. 80 s 3 sch 3 pt C

**Delegation by Minister or chief executive**

s 8 amd 1990 No. 80 s 3 sch 3 pt A  
sub 2004 No. 37 s 86 sch 1  
amd 2007 No. 59 s 7

**PART 3—LAW AND ORDER IN COMMUNITY GOVERNMENT AND IRC AREAS**

**pt hdg** prev pt 3 hdg ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres pt 3 hdg sub 2004 No. 37 s 86 sch 1  
amd 2007 No. 59 s 8

**Division 1—Law and order in community government and IRC areas**

**div hdg** prev div 1 hdg ins 1999 No. 53 s 6 (incl in orig pt 3)  
om 2004 No. 37 s 86 sch 1  
pres div 1 hdg amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 8

**Definitions for div 1**

s 8A ins 2007 No. 59 s 9  
sub 2011 No. 26 s 5

**Jurisdiction and powers of police**

s 9 amd 1999 No. 53 s 35 sch; 2002 No. 46 s 3(2) sch; 2004 No. 37 s 86 sch 1; 2007  
No. 59 s 10; 2011 No. 26 s 6

**Entry upon indigenous local government areas etc.**

**prov hdg** amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 11(1);  
2011 No. 26 s 7(1)  
s 10 prev s 10 amd 1990 No. 80 s 3 sch 3 pt A  
om 2004 No. 37 s 86 sch 1  
pres s 10 amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 11(2)–  
(3); 2011 No. 26 s 7(2)–(3)

**Application to indigenous local government areas of laws relating to public places**

**prov hdg** amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 12(1); 2011 No. 26 s 8(1)  
s 11 sub 1990 No. 104 s 15  
amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 12(2); 2011 No.  
26 s 8(2)–(3)

**Community police officers**

**prov hdg** sub 2007 No. 59 s 13(1)  
s 12 prev s 12 amd 1990 No. 80 s 3 sch 3 pt A

sub 1990 No. 104 s 4  
amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
pres s 12 amd 1999 No. 53 s 35 sch; 2002 No. 46 s 3(2) sch; 2004 No. 37 s 86 sch 1;  
2007 No. 59 s 13(2)–(4); 2011 No. 26 s 9

**Discharge of community police officers' functions etc.**

**prov hdg** amd 2002 No. 46 s 3(2) sch; 2007 No. 59 s 14(1)  
**s 13** prev s 13 om 2004 No. 37 s 86 sch 1  
pres s 13 amd 1999 No. 53 s 35 sch; 2002 No. 46 ss 9, 3(2) sch; 2004 No. 37 s 86  
sch 1; 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86); 2007 No. 59 s 14(2)–  
(6); 2011 No. 26 s 10

**Other functions of community police officers**

**prov hdg** amd 2002 No. 46 s 3(2) sch; 2007 No. 59 s 15(1)  
**s 14** prev s 14 amd 1990 No. 80 s 3 sch 3 pt A  
om 2004 No. 37 s 86 sch 1  
pres s 14 amd 1999 No. 53 s 35 sch; 2002 No. 46 s 3(2) sch; 2004 No. 37 s 86 sch 1;  
2007 No. 59 s 15; 2011 No. 26 s 11

**Indemnification of community police officer for liability for tort**

**prov hdg** amd 2007 No. 59 s 16(1)  
**s 15** prev s 15 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 15 ins 1994 No. 15 s 3 sch 1  
amd 2007 No. 59 s 16(2)

**Division 2—Authorised officers**

**div hdg** prev div 2 hdg ins 1999 No. 53 s 6 (incl in orig pt 3)  
om 2004 No. 37 s 86 sch 1  
pres div 2 hdg ins 1990 No. 104 s 17

**Authorised officers**

**s 16** prev s 16 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 16 ins 1990 No. 104 s 17  
amd 1991 No. 76 s 17; 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s  
17

**General powers of authorised officers**

**s 17** prev s 17 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 17 ins 1990 No. 104 s 17  
amd 1999 No. 53 s 35 sch; 2000 No. 5 s 373 sch 2; 2002 No. 46 s 3(2) sch; 2004 No.  
37 s 86 sch 1; 2007 No. 59 s 18; 2008 No. 30 s 3 sch

**Division 3—Financial controller**

**div hdg** ins 1999 No. 53 s 6 (incl in orig pt 3)  
om 2004 No. 37 s 86 sch 1

**PART 4—COMMUNITY JUSTICE GROUPS**

**pt hdg** ins 2002 No. 46 s 10

### **Division 1—Establishment, functions and powers**

**div hdg** prev div 1 hdg om 2004 No. 37 s 86 sch 1 (incl in orig pt 4)  
pres div 1 hdg ins 2002 No. 46 s 10

#### **Establishment**

**s 18** prev s 18 ins 1999 No. 53 s 6  
amd 2002 No. 46 s 5  
om 2004 No. 37 s 86 sch 1  
pres s 18 ins 2002 No. 46 s 10

#### **Functions and powers**

**s 19** prev s 19 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 19 ins 2002 No. 46 s 10  
amd 2007 No. 59 s 19  
sub 2008 No. 30 s 6  
amd 2009 No. 34 s 45(1) sch pt 1 amdt 1

### **Division 2—Provisions about membership of groups and group coordinators**

**div hdg** prev div 2 hdg ins 1999 No. 53 s 8 (incl in orig pt 4)  
om 2004 No. 37 s 86 sch 1  
pres div 2 hdg ins 2002 No. 46 s 10

#### **Membership**

**s 20** orig s 20 om 1999 No. 53 s 35 sch  
prev s 20 ins 1999 No. 53 s 6  
amd 2001 No. 80 s 94 sch 2  
om 2004 No. 37 s 86 sch 1  
pres s 20 ins 2002 No. 46 s 10  
amd 2007 No. 59 s 20

#### **Investigations about suitability of community justice group members**

**s 21** orig s 21 om 1999 No. 53 s 35 sch  
prev s 21 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 21 ins 2002 No. 46 s 10  
sub 2007 No. 59 s 21

#### **Guidelines for dealing with suitability information**

**s 21A** ins 2007 No. 59 s 21

#### **Coordinator**

**s 22** orig s 22 om 1999 No. 53 s 35 sch  
prev s 22 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 22 ins 2002 No. 46 s 10  
amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 22; 2008 No. 30 ss 7, 3 sch

### **Division 3—Miscellaneous provisions**

**div hdg** ins 2002 No. 46 s 10

#### **Authentication of documents**

s 23 orig s 23 amd 1990 No. 80 s 3 sch 3 pt A  
om 1990 No. 104 s 6  
prev s 23 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 23 ins 2002 No. 46 s 10  
amd 2007 No. 59 s 23

**Protection of members from civil liability**

s 24 orig s 24 om 1990 No. 104 s 7  
prev s 24 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
ins 2002 No. 46 s 10  
om 2008 No. 30 s 8

**Reporting requirements**

s 25 prev s 25 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 25 ins 2002 No. 46 s 10

**Division 4—Determination of matters of complaint in areas**

div hdg om 2004 No. 37 s 86 sch 1 (incl in orig pt 4)

**PART 5—CONTROL OF POSSESSION AND CONSUMPTION OF ALCOHOL IN  
COMMUNITY AREAS**

pt hdg ins 2002 No. 46 s 11

**Division 1—Preliminary**

div hdg ins 2002 No. 46 s 11

**Purpose of pt 5**

s 26 orig s 26 amd 1991 No. 76 s 16; 1999 No. 53 s 35 sch  
om 2002 No. 46 s 7  
prev s 26 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 26 ins 2002 No. 46 s 11  
amd 2004 No. 38 s 5

**Definitions for pt 5**

s 27 orig s 27 amd 1999 No. 53 s 35 sch  
om 2002 No. 46 s 7  
prev s 27 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 27 ins 2002 No. 46 s 11  
def *appealable decision* om 2008 No. 30 s 9(1)  
def *closing day for objections and submissions* om 2008 No. 30 s 9(1)  
def *dry place* amd 2008 No. 30 s 9(3)  
def *entity* om 2008 No. 30 s 9(1)  
def *fermenter* ins 2004 No. 38 s 6  
def *home-brew concentrate* ins 2004 No. 38 s 6  
def *home-brew kit* ins 2004 No. 38 s 6  
def *homemade alcohol* ins 2004 No. 38 s 6



def *prescribed community area* ins 2004 No. 38 s 6  
amd 2008 No. 30 s 9(4)  
def *private place* amd 2007 No. 59 s 24  
om 2008 No. 30 s 9(1)  
def *public place* om 2008 No. 30 s 9(1)  
def *residential premises* ins 2008 No. 30 s 9(2)  
amd 2008 No. 73 s 554 sch 1  
def *tenant* ins 2008 No. 30 s 9(2)  
amd 2008 No. 73 s 554 sch 1; 2014 No. 45 s 58 sch 1 pt 1

### **Division 2—Dry places**

**div hdg** ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10

### **Declaration**

**s 28** prev s 28 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 28 ins 2002 No. 46 s 11  
amd 2007 No. 59 s 25  
sub 2008 No. 30 s 10  
amd 2008 No. 73 s 554 sch 1; 2014 No. 45 s 58 sch 1 pt 1

### **Notice about declaration at premises**

**s 29** prev s 29 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 29 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10

### **Separate budgets for funds**

**s 29A** ins 1990 No. 104 s 10  
om 1999 No. 53 s 9

### **Budget provisions apply to other funds**

**s 29E** ins 1990 No. 104 s 10  
om 1999 No. 53 s 12

### **Notice about declaration at police station or on community noticeboard**

**s 30** orig s 30 om 1990 No. 104 s 11  
prev s 30 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 30 ins 2002 No. 46 s 11  
amd 2007 No. 59 s 26  
sub 2008 No. 30 s 10

### **Suspension of declaration**

**s 31** orig s 31 om 1990 No. 104 s 11A  
prev s 30 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 31 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10

### **Revocation of declaration**

s 32 prev s 32 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 32 ins 2002 No. 46 s 11  
amd 2004 No. 38 s 7  
sub 2008 No. 30 s 10

**Effect of declaration of premises as a dry place**

s 33 prev s 33 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 33 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10

**Possession or consumption of alcohol in or on dry place**

s 34 prev s 34 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 34 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10  
amd 2008 No. 66 s 4 sch pt 1

**False or misleading statements**

s 35 prev s 35 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 35 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10  
amd 2008 No. 66 s 4 sch pt 1

**False or misleading documents**

s 36 prev s 36 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 36 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10  
amd 2008 No. 66 s 4 sch pt 1

**Fee not payable for application**

s 37 prev s 37 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 37 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10

**Division 3—Provisions relating to homemade alcohol**

div hdg ins 2002 No. 46 s 11  
amd 2004 No. 38 s 8  
sub 2008 No. 30 s 10

**Offences relating to homemade alcohol**

s 38 prev s 38 ins 1999 No. 53 s 6  
om 2004 No. 37 s 86 sch 1  
pres s 38 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10  
amd 2008 No. 66 s 4 sch pt 1

**Relationship with restricted areas**

s 39 prev s 39 amd 1986 No. 43 s 4; 1990 No. 104 s 5  
sub 1999 No. 53 s 7  
om 2004 No. 37 s 86 sch 1  
pres s 39 ins 2002 No. 46 s 11  
sub 2008 No. 30 s 10

**Division 4—Appeals relating to dry places**

**div hdg** ins 2002 No. 46 s 11  
amd 2004 No. 83 s 9  
om 2008 No. 30 s 10

**Stay of operation of decisions**

s 40 orig s 40 ins 1999 No. 53 s 7  
om 2004 No. 37 s 86 sch 1  
prev s 40 ins 2002 No. 46 s 11  
om 2008 No. 30 s 10

**Powers of Magistrates Court**

s 41 orig s 41 ins 1999 No. 53 s 7  
om 2004 No. 37 s 86 sch 1  
prev s 41 ins 2002 No. 46 s 11  
om 2008 No. 30 s 10

**Constitution of Magistrates Court**

s 42 orig s 42 amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
prev s 42 ins 2002 No. 46 s 11  
om 2008 No. 30 s 10

**Effect of Magistrates Court's decision**

s 43 orig s 43 amd 1999 No. 59 s 60 sch  
om 2004 No. 37 s 86 sch 1  
prev s 43 ins 2002 No. 46 s 11  
om 2008 No. 30 s 10

**Appeal to District Court**

s 44 orig s 44 amd 1986 No. 43 s 5; R1 (see RA s 37); 1999 No. 53 s 35 sch; 1999  
No. 59 s 60 sch; 2001 No. 49 s 5  
om 2004 No. 37 s 86 sch 1  
prev s 44 ins 2002 No. 46 s 11  
om 2008 No. 30 s 10

**Division 5—Provisions relating to homemade alcohol in certain community areas**

**div hdg** ins 2004 No. 38 s 11  
om 2008 No. 30 s 10

**Offences relating to homemade alcohol**

**prov hdg** sub 1999 No. 53 s 35 sch  
s 45 orig s 45 amd 1990 No. 101 s 16; R1 (see RA s 37); 1999 No. 53 s 35 sch; 1999  
No. 59 s 60 sch  
om 2004 No. 37 s 86 sch 1  
prev s 45 ins 2004 No. 38 s 11

om 2008 No. 30 s 10

**Relationship with restricted areas**

**prov hdg** amd R1 (see RA s 23); 1999 No. 53 s 35 sch  
**s 46** orig s 46 amd 1986 No. 43 s 6; 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
prev s 46 ins 2004 No. 38 s 11  
om 2008 No. 30 s 10

**Division 6—Miscellaneous provision**

**div hdg** (prev pt 6, div 5 hdg) ins 2002 No. 46 s 11  
renum 2004 No. 38 s 10  
om 2008 No. 30 s 10

**Making applications**

**s 47** orig s 47 amd 1986 No. 43 s 7; 1990 No. 104 s 8; 1999 No. 53 s 35 sch; 2001  
No. 49 s 6; 2002 No. 46 s 6  
om 2004 No. 37 s 86 sch 1  
prev s 47 ins 2002 No. 46 s 11  
om 2008 No. 30 s 10

**PART 6—ENTRY ON TRUST AREAS**

**pt hdg** ins 2002 No. 46 s 12  
sub 2004 No. 37 s 86 sch 1

**Definitions for pt 6**

**s 48** prev s 48 ins 2001 No. 49 s 7  
om 2004 No. 37 s 86 sch 1  
pres s 48 ins 2002 No. 46 s 12  
sub 2004 No. 37 s 86 sch 1  
def *trust area* amd 2007 No. 59 s 27

**Entry on trust area only in certain circumstances**

**s 49** prev s 49 ins 1990 No. 104 s 9  
om 2004 No. 37 s 86 sch 1  
pres s 49 ins 2002 No. 46 s 12  
sub 2004 No. 37 s 86 sch 1

**Entry on trust area etc. by non-residents**

**s 50** prev s 50 ins 1999 No. 53 s 8  
amd 2000 No. 20 s 29 sch 3; 2001 No. 49 s 8  
om 2004 No. 37 s 86 sch 1  
pres s 50 ins 2002 No. 46 s 12  
sub 2004 No. 37 s 86 sch 1  
amd 2007 No. 59 s 28

**Notice about resolution**

**s 51** prev s 51 ins 1999 No. 53 s 8  
om 2004 No. 37 s 86 sch 1  
pres s 51 ins 2002 No. 46 s 12  
sub 2004 No. 37 s 86 sch 1  
amd 2007 No. 59 s 29

**Community government or indigenous regional council may impose restrictions on entry etc.**

**prov hdg** amd 2007 No. 59 s 30

**s 52** prev s 52 amd 1999 No. 59 s 38

(5)–(6) exp 21 January 2000 (see s 52(6) amd 1999 No. 59 s 38 and 2000 SL No. 6)

om 2004 No. 37 s 86 sch 1

pres s 52 ins 2002 No. 46 s 12

sub 2004 No. 37 s 86 sch 1

amd 2007 No. 59 s 30

**General authority to enter etc. trust area**

**s 53** prev s 53 amd 1990 No. 80 s 3 sch 3 pt A

sub 1990 No. 104 s 10

om 2004 No. 37 s 86 sch 1

pres s 53 ins 2002 No. 46 s 12

sub 2004 No. 37 s 86 sch 1

amd 2007 No. 59 s 31

**Entry on and temporary stay in trust area**

**s 54** prev s 54 ins 1990 No. 104 s 10

amd 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1

pres s 54 ins 2002 No. 46 s 12

sub 2004 No. 37 s 86 sch 1

**Removal from trust area**

**s 55** prev s 55 ins 1990 No. 104 s 10

amd 1999 No. 53 s 10

om 2004 No. 37 s 86 sch 1

pres s 55 ins 2002 No. 46 s 12

sub 2004 No. 37 s 86 sch 1

amd 2007 No. 59 s 32

**PART 7—ASSISTANCE SOUGHT BY ABORIGINES OR TORRES STRAIT ISLANDERS**

**pt hdg** amd 2007 No. 59 s 33

**Grant of aid**

**s 56** prev s 56 ins 1999 No. 53 s 11

om 2004 No. 37 s 86 sch 1

pres s 56 amd 1990 No. 80 s 3 sch 3 pt A; 2007 No. 59 s 34

**Deposit of savings with banker**

**s 57** prev s 57 ins 1990 No. 104 s 10

om 2004 No. 37 s 86 sch 1

pres s 57 amd 1990 No. 80 s 3 sch 3 pt A; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 35

**Continuation of management of money**

**s 58** prev s 58 ins 1990 No. 104 s 10

amd 1999 No. 53 s 13

om 2004 No. 37 s 86 sch 1

pres s 58 amd 1990 No. 80 s 3 sch 3 pt A; 2007 No. 59 s 36

**Banker is a statutory body**

s 59 prev s 59 ins 1990 No. 104 s 10  
amd 1999 No. 53 s 14  
om 2004 No. 37 s 86 sch 1  
pres s 59 sub 1996 No. 54 s 9 sch

**Administration of estates of Aborigines and Torres Strait Islanders**

prov hdg amd 1990 No. 104 s 12(a); 2007 No. 59 s 37(1)  
s 60 prev s 60 amd 1986 No. 43 s 8; 1990 No. 80 s 3 sch 3 pt A; 1990 No. 104 s  
12(b)–(c); 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
pres s 60 amd 1990 No. 80 s 3 sch 3 pt A; 1990 No. 104 s 18; 1999 No. 53 s 35 sch;  
2007 No. 59 s 37(2)–(3)

**Division 1—Preliminary**

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)  
om 2004 No. 37 s 86 sch 1

**Division 2—Publishing model by-laws and power to make subordinate by-laws**

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)  
om 2004 No. 37 s 86 sch 1

**Division 3—Process for making by-laws**

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)  
om 2004 No. 37 s 86 sch 1

**Division 4—Process for making subordinate by-laws**

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)  
om 2004 No. 37 s 86 sch 1

**Division 5—Commencement and status of by-laws and subordinate by-laws**

div hdg ins 2002 No. 46 s 12 (incl in orig pt 7)  
om 2004 No. 37 s 86 sch 1

**PART 7A—ISLAND INDUSTRIES BOARD**

pt hdg ins 2007 No. 59 s 38

**The IIB**

s 60A ins 2007 No. 59 s 38

**Functions of IIB**

s 60B ins 2007 No. 59 s 38

**Membership of IIB**

s 60C ins 2007 No. 59 s 38

**Appointment to membership of IIB**

s 60D ins 2007 No. 59 s 38

**Chairperson of IIB**

s 60E ins 2007 No. 59 s 38

**Deputy chairperson of IIB**

s 60F ins 2007 No. 59 s 38

**Term of appointment**

s 60G ins 2007 No. 59 s 38

**Disqualification from membership**

s 60H ins 2007 No. 59 s 38

**Vacation of office**

s 60I ins 2007 No. 59 s 38

**When notice of resignation takes effect**

s 60J ins 2007 No. 59 s 38

**Conduct of business**

s 60K ins 2007 No. 59 s 38

**Times and places of meetings**

s 60L ins 2007 No. 59 s 38

**Quorum**

s 60M ins 2007 No. 59 s 38

**Presiding at meetings**

s 60N ins 2007 No. 59 s 38

**Conduct of meetings**

s 60O ins 2007 No. 59 s 38

**Minutes**

s 60P ins 2007 No. 59 s 38

**Disclosure of interests**

s 60Q ins 2007 No. 59 s 38

**Officers and employees**

s 60R ins 2007 No. 59 s 38

**Powers of IIB**

s 60S ins 2007 No. 59 s 38

**IIB is statutory body**

s 60T ins 2007 No. 59 s 38

**Audit of IIB's accounts**

s 60U ins 2007 No. 59 s 38  
amd 2009 No. 9 s 136 sch 1

**Annual report by IIB**

s 60V ins 2007 No. 59 s 38  
sub 2009 No. 34 s 4 (retro)

**Administrator may replace IIB members**

s 60W ins 2007 No. 59 s 38

**Applying profits of IIB**

s **60X** ins 2007 No. 59 s 38

**Applying assets of IIB**

s **60Y** ins 2007 No. 59 s 38

**PART 8—ABORIGINAL COORDINATING COUNCIL**

pt **hdg** prev pt 8 hdg om 2004 No. 37 s 86 sch 1

**Right of Aborigines and Torres Strait Islanders to particular natural resources**

prov **hdg** amd 2007 No. 59 s 39(1)

s **61** prev s 61 ins 2002 No. 46 s 8

om 2004 No. 37 s 86 sch 1

pres s 61 sub 1986 No. 43 s 17

amd 1991 No. 76 s 19; 1992 No. 20 s 159 sch 2 (amd 1994 No. 42 s 2 sch); 1999 No.  
53 s 35 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 39(2); 2012 No. 23 s 3

**Right of Aborigines and Torres Strait Islanders to particular forest products and  
quarry material—Aboriginal and Torres Strait Islander land**

prov **hdg** amd 2007 No. 59 s 40(1)–(2)

s **62** prev s 62 ins 1990 No. 104 s 13

om 2004 No. 37 s 86 sch 1

pres s 62 ins 1991 No. 76 s 20

amd 1999 No. 53 s 35 sch; 2004 No. 37 s 86 sch 1; 2007 No. 59 s 40(3)–(6)

**Right of Aborigines and Torres Strait Islanders to particular forest products and  
quarry material—non-Aboriginal and non-Torres Strait Islander land**

prov **hdg** sub 2007 No. 59 s 41(1)

s **63** prev s 63 ins 1990 No. 104 s 13

om 2004 No. 37 s 86 sch 1

pres s 63 ins 1991 No. 76 s 20

amd 1992 No. 20 s 159 sch 2 (amd 1994 No. 42 s 2 sch); 1999 No. 53 s 16; 2004 No.  
37 s 86 sch 1; 2007 No. 59 s 41(2)–(8)

**Confidentiality**

s **63A** ins 2007 No. 59 s 42

**Auditor-general to audit accounts of council**

s **64** prev s 64 ins 1990 No. 104 s 13

om 2004 No. 37 s 86 sch 1

**General penalty for offence**

s **65** prev s 65 ins 1990 No. 104 s 13

om 2004 No. 37 s 86 sch 1

pres s 65 amd R1 (see RA s 39); 1999 No. 53 s 35 sch

**Making of local laws about particular matters**

s **66** prev s 66 ins 1990 No. 104 s 13

amd 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1

pres s 66 amd 1990 No. 80 s 3 sch 3 pt A

sub 1993 No. 76 s 3 sch 1; 2004 No. 37 s 86 sch 1

amd 2007 No. 59 s 43



### **Evidentiary aids**

**s 67** prev s 67 ins 1990 No. 104 s 13  
om 2004 No. 37 s 86 sch 1  
pres s 67 amd 1990 No. 80 s 3 sch 3 pt A; 1999 No. 53 s 35 sch; 2002 No. 46 s 13;  
2004 No. 38 s 12; 2004 No. 37 s 86 sch 1; 2005 No. 48 s 492 sch 1; 2007 No. 59  
s 44; 2008 No. 30 s 11

### **Evidence of home-brew concentrate by label**

**s 68** prev s 68 ins 1990 No. 104 s 13  
om 2004 No. 37 s 86 sch 1  
pres s 68 ins 2004 No. 38 s 13  
amd 2008 No. 30 s 12

### **Evidence of homemade alcohol having regard to belief of police officer**

**s 69** prev s 69 ins 1990 No. 104 s 13  
om 2004 No. 37 s 86 sch 1  
pres s 69 ins 2004 No. 38 s 13  
amd 2008 No. 30 s 13

### **Protection of officials from civil liability**

**s 69A** ins 2008 No. 30 s 14

### **Approved forms**

**s 70** prev s 70 sub 1986 No. 43 s 9  
amd 1990 No. 104 s 14  
om 2004 No. 37 s 86 sch 1  
pres s 70 ins 2002 No. 46 s 14

### **Regulation-making power**

**prov hdg** sub 2002 No. 46 s 15(1)  
**s 71** prev s 71 sub 1993 No. 70 s 804 sch; 1996 No. 54 s 9 sch  
amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
pres s 71 amd 1985 No. 81 s 39(1)(b); 1986 No. 43 s 18; 1990 No. 80 s 3 sch 3 pt A;  
1990 No. 104 s 20; R1 (see RA s 39); 1996 No. 75 s 535 sch 2; 1999 No. 53 s 35  
sch; 2002 No. 46 ss 15(2), 3(2) sch; 2003 No. 27 s 622 sch 5; 2004 No. 37 s 86  
sch 1; 2007 No. 59 s 45; 2008 No. 30 ss 15, 3 sch

## **PART 9—TRANSITIONAL PROVISIONS FOR LOCAL GOVERNMENT (COMMUNITY GOVERNMENT AREAS) ACT 2004**

**pt hdg** prev pt 9 hdg om 2004 No. 37 s 86 sch 1  
pres pt 9 hdg sub 2004 No. 37 s 86 sch 1

### **Division 1—Preliminary**

**div hdg** ins 2004 No. 37 s 86 sch 1

### **Definition for pt 9**

**s 72** orig s 72 om 1996 No. 54 s 9 sch  
prev s 72 ins 2000 No. 20 s 29 sch 3  
om 2004 No. 37 s 86 sch 1  
pres s 72 amd 1990 No. 80 s 3 sch 3 pt A  
sub 2004 No. 37 s 86 sch 1

**Division 2—Transitional provision for process for making by-laws or subordinate by-laws**

**div hdg** ins 2004 No. 37 s 86 sch 1

**Making by-law or subordinate by-law**

s 73 amd 1990 No. 80 s 3 sch 3 pt A; 1999 No. 53 s 35 sch; 2001 No. 84 s 12  
sub 2004 No. 37 s 86 sch 1

**Division 3—Transitional provisions for Aboriginal Coordinating Council**

**div hdg** ins 2004 No. 37 s 86 sch 1

**Definitions for div 3**

s 74 ins 1999 No. 53 s 17  
sub 2004 No. 37 s 86 sch 1

**ACC dissolved**

s 75 ins 2002 No. 46 s 16  
sub 2004 No. 37 s 86 sch 1

**References to ACC**

s 76 prev s 76 om 1985 No. 81 s 39(1)(a)  
pres s 76 ins 2004 No. 37 s 86 sch 1

**Agreements and proceedings**

s 77 ins 2004 No. 37 s 86 sch 1

**Assets and liabilities**

s 78 ins 2004 No. 37 s 86 sch 1

**PART 10—TRANSITIONAL PROVISIONS FOR LOCAL GOVERNMENT AND  
OTHER LEGISLATION (INDIGENOUS REGIONAL COUNCILS)  
AMENDMENT ACT 2007**

**pt hdg** prev pt 10 hdg om 2004 No. 37 s 86 sch 1  
pres pt 10 hdg ins 1999 No. 59 s 39  
sub 2007 No. 59 s 46

**Definitions for pt 10**

s 79 ins 2004 No. 37 s 85  
sub 2007 No. 59 s 46

**ICC dissolved**

s 80 prev s 80 amd 1986 No. 43 s 10; 1991 No. 50 s 5.01(2); 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
pres s 80 ins 2007 No. 59 s 46

**Regulation to provide for matters relating to dissolution of ICC**

s 81 prev s 81 amd 1986 No. 43 s 11; 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1  
pres s 81 ins 2007 No. 59 s 46

**Aboriginal and Island police officers**

s 82 prev s 82 amd 1986 No. 43 s 12  
sub 1990 No. 104 s 16  
amd 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1  
pres s 82 ins 2007 No. 59 s 46

**Transitional provision for IIB**

s 83 prev s 83 om 2004 No. 37 s 86 sch 1  
pres s 83 ins 2007 No. 59 s 46

**Community justice groups for Injinoo, New Mapoon and Umagico community government areas**

s 84 ins 2007 No. 59 s 46

**Community justice groups for relevant Bamaga and Seisia areas**

s 85 ins 2007 No. 59 s 46

**PART 11—TRANSITIONAL PROVISIONS FOR ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES (JUSTICE, LAND AND OTHER MATTERS) AND OTHER ACTS AMENDMENT ACT 2008**

pt hdg ins 2008 No. 30 s 16

**Definitions for pt 11**

s 86 ins 2008 No. 30 s 16

**Existing declaration of a place as a dry place**

s 87 prev s 87 ins 2002 No. 46 s 17  
om R4 (see RA s 37)  
pres s 87 ins 2008 No. 30 s 16

**Existing application for the declaration of a place as a dry place**

s 88 ins 2008 No. 30 s 16

**Existing application for the amendment or revocation of a declaration of a place as a dry place**

s 89 ins 2008 No. 30 s 16

**Existing application for the suspension of a declaration of a public place as a dry place**

s 90 ins 2008 No. 30 s 16

**Appeals**

s 91 ins 2008 No. 30 s 16

**Offences**

s 92 ins 2008 No. 30 s 16

**Step 5—accept and consider all submissions**

s 122 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 6—decide whether to proceed with making proposed by-law**

s 123 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 7—again ensure proposed by-law satisfactorily deals with any State interest**

s 124 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 8—make proposed by-law**

s 125 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 9—give public notice of law**

s 126 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Subordinate by-law process**

s 127 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 1—propose a subordinate by-law**

s 128 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 2—consultation about proposed subordinate by-law**

s 129 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 3—give access to proposed subordinate by-law**

s 130 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 4—accept and consider all submissions**

s 131 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 5—make proposed subordinate by-law**

s 132 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Step 6—give public notice of subordinate by-law**

s 133 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Early start for subordinate by-law making process**

s 134 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Commencement of by-laws and subordinate by-laws**

s 135 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Effect of by-laws**

s 136 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**Extent to which subordinate by-law is binding**

s 137 ins 2002 No. 46 s 12  
om 2004 No. 37 s 86 sch 1

**When subordinate by-laws cease to have effect**

s 138 ins 2002 No. 46 s 12

om 2004 No. 37 s 86 sch 1

**Proof of by-laws and subordinate by-laws**

s 139 ins 2002 No. 46 s 12

om 2004 No. 37 s 86 sch 1

**By-law and subordinate by-law presumed to be within power**

s 140 ins 2002 No. 46 s 12

om 2004 No. 37 s 86 sch 1

**Continuation and incorporation of Aboriginal Coordinating Council**

s 141 om 2004 No. 37 s 86 sch 1

**Membership of council**

s 142 sub 1986 No. 43 s 13

amd 1999 No. 59 s 60 sch

om 2004 No. 37 s 86 sch 1

**Functions of council**

s 143 amd 1986 No. 43 s 14; 1990 No. 80 s 3 sch 3 pt A; 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1

**Meetings of council**

s 144 om 2004 No. 37 s 86 sch 1

**Divisions of Aboriginal communities**

s 145 amd 1999 No. 53 s 35 sch; 2001 No. 49 s 9

om 2004 No. 37 s 86 sch 1

**Selection of board members**

s 146 amd 1999 No. 53 s 35 sch; 2001 No. 49 s 10

om 2004 No. 37 s 86 sch 1

**Casual vacancy in office of selected member**

s 147 amd 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1

**Particular functions of council**

s 148 amd 1999 No. 53 s 35 sch

om 2004 No. 37 s 86 sch 1

**Budget of Aboriginal Coordinating Council**

s 149 ins 1986 No. 43 s 15

amd 1993 No. 76 s 3 sch 1

sub 1996 No. 54 s 9 sch

om 2004 No. 37 s 86 sch 1

**Declaration that Aboriginal Coordinating Council is statutory body**

s 150 ins 1986 No. 43 s 15

sub 1996 No. 54 s 9 sch

om 2004 No. 37 s 86 sch 1

**The board**

s 151 om 2004 No. 37 s 86 sch 1

**Membership of board**

s 152 amd 1986 No. 43 s 16; 1990 No. 80 s 3 sch 3 pt A  
om 2004 No. 37 s 86 sch 1

**Casual vacancy in appointed members of board**

s 153 om 2004 No. 37 s 86 sch 1

**Board meetings**

s 154 om 2004 No. 37 s 86 sch 1

**Officers and employees of board**

s 155 amd 1996 No. 37 s 147 sch 2  
om 2004 No. 37 s 86 sch 1

**Powers of board**

s 156 amd 1990 No. 80 s 3 sch 3 pt A; 1996 No. 54 s 9 sch; 2000 No. 23 s 293 sch 2  
om 2004 No. 37 s 86 sch 1

**Profits of board**

s 157 om 2004 No. 37 s 86 sch 1

**Board is statutory body**

s 158 ins 1996 No. 54 s 9 sch  
om 2004 No. 37 s 86 sch 1

**Audits of board's accounts**

s 159 om 2004 No. 37 s 86 sch 1

**Annual report by board**

s 160 om 2004 No. 37 s 86 sch 1

**Administrator may replace board members**

s 161 om 2004 No. 37 s 86 sch 1

**Relinquishment of board's assets to local control**

s 162 amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1

**Entry upon public parts of areas**

s 163 amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1

**General authority to be in area**

s 164 amd 1999 No. 53 s 35 sch; 2001 No. 49 s 11  
om 2004 No. 37 s 86 sch 1

**Entry upon and temporary stay in areas**

s 165 amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1

**Power of Aboriginal council to regulate presence in area**

s 166 amd 1991 No. 76 s 18; 1999 No. 53 s 15  
om 2004 No. 37 s 86 sch 1

**Excluded person entitled to reason**

s 167 amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1

**Power of Aboriginal council to eject**

s 168 amd 1999 No. 53 s 35 sch  
om 2004 No. 37 s 86 sch 1

**PART 12—PROVISION FOR REPRINTING ACT**

**pt hdg** ins 2002 No. 46 s 17  
om R4 (see RA s 7(1)(k))

**PART 14—TRANSITIONAL PROVISIONS**

**pt hdg** ins 1999 No. 53 s 17  
sub 2002 No. 46 s 3(2) sch  
om 2004 No. 37 s 86 sch 1

**Division 1—Transitional provision for Community Services Legislation Amendment Act 1999**

**div hdg** ins 2002 No. 46 s 3(2) sch (incl in orig pt 14)  
om 2004 No. 37 s 86 sch 1

**Division 2—Transitional provision for Community Services Legislation Amendment Act 2002**

**div hdg** ins 2002 No. 46 s 16 (incl in orig pt 14)  
om 2004 No. 37 s 86 sch 1

**Validation of particular rates**

s 187 ins 1999 No. 59 s 39  
om 2004 No. 37 s 86 sch 1

**PART 16—PROVISION FOR REPRINTING ACT**

**pt hdg** ins 2004 No. 37 s 86 sch 1  
om R5 (see RA s 7(1)(k))

**Numbering and renumbering of Act**

s 189 ins 2004 No. 37 s 86 sch 1  
om R5 (see RA s 37)

## **6 Tables of renumbered provisions**

under the Reprints Act 1992 s 43 as required by the Aboriginal Communities (Justice and Land Matters) Act 1984 s 189 [Reprint No. 5]

**Previous Renumbered as**

7 5

8 6

9 7

**Previous Renumbered as**

11 8

pt 4 pt 3

div 3 div 1

73 9

74 10

75 11

76 12

77 13

78 14

79 15

div 5 div 2

84 16

85 17

pt 5 pt 4

86 18

87 19

88 20

89 21

90 22

91 23

92 24

93 25

pt 6 pt 5

94 26



**Previous Renumbered as**

95 27

96 28

97 29

98 30

99 31

100 32

101 33

102 34

103 35

104 36

105 37

106 38

107 39

108 40

109 41

110 42

111 43

112 44

112A 45

112B 46

113 47

pt 7 pt 6

114 48

115 49

**Previous Renumbered as**

116 50

116(4A) 50(5)

116(4B) 50(6)

116(5) 50(7)

117 51

118 52

119 53

120 54

121 55

pt 11 pt 7

169 56

170 57

171 58

172 59

173 60

pt 12 pt 8

174 61

175 62

176 63

177 64

178 65

179 66

180 67

180A 68

**Previous Renumbered as**

180B 69

181 70

182 71

182(2)(n) 71(2)(b)

182(2)(o) 71(2)(c)

182(2)(p) 71(2)(d)

182(2)(q) 71(2)(e)

182(2)(t) 71(2)(f)

182(2)(u) 71(2)(g)

182(2)(v) 71(2)(h)

182(2)(w) 71(2)(i)

182(2)(x) 71(2)(j)

182(2)(y) 71(2)(k)

182(2)(z) 71(2)(l)

182(2)(zg) 71(2)(m)

182(2)(zh) 71(2)(n)

182(2)(zi) 71(2)(o)

pt 13 pt 9

183 72

184 73

185 74

186 75

186A 76

186B 77

**Previous Renumbered as**

186C 78

pt 15 pt 10

188 79

under the Reprints Act 1992 s 43 as required by the Community Services (Aborigines) Act  
1984 s 87 [Reprint No. 4]

**Previous Renumbered as**

5 3

5(3) 3(2)

5(4) 3(3)

5(5) 3(4)

5(6) 3(5)

5(7) 3(6)

5(8) 3(7)

5(9) 3(8)

5(10) 3(9)

5(11) 3(10)

5(12) 3(11)

6 4

6A 5

7 6

8 7

8AA 8

8A 9

9 10

10 11

**Previous Renumbered as**

11 12

11(4A) 12(5)

11(5) 12(6)

12 13

13 14

pt 2A pt 3

13A 15

13B 16

13C 17

13D 18

13E 19

13F 20

13G 21

13H 22

13I 23

13J 24

13K 25

13L 26

13M 27

13N 28

13O 29

13P 30

13Q 31

13R 32

**Previous Renumbered as**

13S 33

13T 34

13U 35

13V 36

13W 37

13X 38

pt 3 pt 4

14 39

14A 40

14B 41

15 42

16 43

17 44

18 45

19 46

25 47

25(1A) 47(2)

25(2) 47(3)

25(2A) 47(4)

25(3) 47(5)

25(3)(aa) 47(5)(b)

25(3)(ab) 47(5)(c)

25(3)(b) 47(5)(d)

25(3)(ba) 47(5)(e)

**Previous Renumbered as**

25(3)(c) 47(5)(f)

25(3)(d) 47(5)(g)

25(3AA) 47(6)

25(3A) 47(7)

25(4) 47(8)

25(5) 47(9)

25(6) 47(10)

25(7) 47(11)

27AA 48

27A 49

div 1A div 2

27B 50

27B(1)(ba) 50(1)(c)

27B(1)(c) 50(1)(d)

27B(1)(d) 50(1)(e)

27C 51

28 52

29 53

29B 54

29C 55

29CA 56

29D 57

29D(1A) 57(2)

29D(2) 57(3)

**Previous Renumbered as**

29F 58

29G 59

32 60

32AA 61

32A 62

32B 63

32C 64

32D 65

32E 66

32E(3) 66(2)

32F 67

32G 68

32H 69

33 70

34 71

35 72

div 2 div 3

36 73

37 74

38 75

39 76

40 77

40(1A) 77(2)

40(1B) 77(3)



**Previous Renumbered as**

40(2) 77(4)

40(3) 77(5)

41 78

41A 79

div 3 div 4

42 80

43 81

44 82

45 83

div 4 div 5

45A 84

45B 85

pt 3A pt 5

45C 86

45D 87

45E 88

45F 89

45G 90

45H 91

45I 92

45J 93

pt 3B pt 6

45K 94

45L 95

**Previous Renumbered as**

45M 96

45N 97

45O 98

45P 99

45Q 100

45R 101

45S 102

45T 103

45U 104

45V 105

45W 106

45X 107

45Y 108

45Z 109

45ZA 110

45ZB 111

45ZC 112

45ZD 113

pt 3C pt 7

45ZE 114

45ZF 115

45ZG 116

45ZH 117

45ZI 118

**Previous Renumbered as**

45ZJ 119

45ZK 120

45ZL 121

45ZM 122

45ZN 123

45ZO 124

45ZP 125

45ZQ 126

45ZR 127

45ZS 128

45ZT 129

45ZU 130

45ZV 131

45ZW 132

45ZX 133

45ZY 134

45ZZ 135

45ZZA 136

45ZZB 137

45ZZC 138

45ZZD 139

45ZZE 140

pt 4 pt 8

46 141

**Previous Renumbered as**

47 142

48 143

49 144

50 145

51 146

51(1A) 146(2)

51(2) 146(3)

51(3) 146(4)

51(4) 146(5)

52 147

53 148

53A 149

53B 150

pt 5 pt 9

54 151

55 152

55(1A) 152(2)

55(2) 152(3)

55(3) 152(4)

56 153

57 154

58 155

59 156

60 157

**Previous Renumbered as**

60A 158

61 159

61(1A) 159(2)

61(2) 159(3)

61(2A) 159(4)

61(3) 159(5)

62 160

63 161

64 162

pt 6 pt 10

65 163

66 164

67 165

68 166

68(2)(ba) 166(2)(c)

68(2)(c) 166(2)(d)

69 167

70 168

70(2A) 168(3)

70(3) 168(4)

pt 7 pt 11

71 169

72 170

**Previous Renumbered as**

72(1A) 170(2)

72(2) 170(3) 72(3) 170(4)

72(4) 170(5)

73 171

74 172

75 173

75(1A) 173(2)

75(2) 173(3)

75(3) 173(4)

pt 8 pt 12

77 174

77A 175

77B 176

78 177

79 178

80 179

81 180

81A 181

82 182

pt 9 pt 13

83 183

84 184

pt 10 pt 14

85 185

**Previous Renumbered as**

85A 186

pt 11 pt 15

86 187

## **7 Information about retrospectivity**

Retrospective amendments that have been consolidated are noted in the list of legislation and list of annotations. Any retrospective amendment that has not been consolidated is noted in an editor's note to the text.

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