



ANNO VICESIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 60 of 1971

**An Act to Provide for the conduct of reserves for Torres Strait Islanders and for the admission thereto of persons who wish to reside there; for the grant of assistance to Torres Strait Islanders who seek it; and for related purposes.**

[ASSENTED TO 16TH DECEMBER, 1971]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title and commencement.** (1) This Act may be cited as the *Torres Strait Islanders Act 1971*.

(2) This Act shall come into operation on a date appointed by the Governor by Proclamation published in the Gazette.

**2. Duration of Act.** (1) Save where this Act otherwise expressly provides, this Act shall cease to be in force upon the expiration of five years from the date of its commencement unless it is continued in force as prescribed by this section.

(3) If at the time and place appointed in the notice to show cause or at any other time or place to which the matter is adjourned, cause is not shown to the satisfaction of the Island Council or, as the case may be, the Director why the permit should not be revoked in respect of any person or persons to whom the notice relates the council or, as the case may be, the Director may revoke the permit in respect of that person or those persons.

(4) A revocation of permit under this section shall be in writing and a copy thereof shall be given to the person or persons affected by the revocation.

**27. Reference from refusal or revocation of permit.** (1) An Islander aggrieved by—

- (a) the withholding by an Island Council of a permit applied for under section 20 of this Act; or
- (b) the revocation by an Island Council or by the Director under section 26 of this Act of a permit granted under section 21 of this Act,

may institute a reference therefrom to the Island Advisory Council.

A reference shall be instituted within twenty-eight days after the decision of the Island Council or, as the case may be, the Director is furnished to the person thereby aggrieved by making application (written or oral) to the Group Representative (in this Part provided for) of the group of reserves that includes the reserve for which the permit was sought or, as the case may be, to which the permit relates.

(2) The due institution of a reference against revocation of a permit shall have the effect of suspending the revocation until the reference is determined or otherwise disposed of.

If the Island Advisory Council is at any time satisfied that a reference against revocation of a permit is not being prosecuted by the person who instituted it, without sufficient reason for such default, it shall strike out and thereby dispose of the reference and thereupon the revocation of the permit shall be restored to full force and effect.

(3) If upon hearing the person aggrieved and a representative of the Island Council concerned or, as the case may require, the Director or his representative, or such of them as desires to be heard, the Island Advisory Council is satisfied, having regard to the provisions of this Part of this Act, that a permit should have been granted or, as the case may be, should not have been revoked it shall, as the case requires, order the Island Council concerned or the Director to take all steps necessary to grant the permit that in its opinion should have been granted or to restore the permit that in its opinion should not have been revoked and its order shall be given effect to accordingly but otherwise the Island Advisory Council shall dismiss the reference.

(4) Neither the institution of a reference nor the decision of the Island Advisory Council therein shall render unlawful any action taken prior to the institution of the reference in reliance on the absence or revocation of a permit.

**28. Further reference concerning refusal or revocation of permit.**

(1) A person aggrieved by the decision of the Island Advisory Council given pursuant to subsection (3) of section 27 of this Act may institute

a further reference therefrom to a Stipendiary Magistrate who constitutes the Magistrates Court in the district in which is situated the reserve for residence on which the permit was sought or, as the case may be, to which the permit related when it was revoked.

A reference shall be instituted within twenty-eight days after the decision of the Island Advisory Council is furnished to the person thereby aggrieved by making application signed by the applicant to the clerk of the court in such district.

(2) The due institution of a reference from a decision that confirms a revocation of a permit shall have the effect of further suspending the revocation until the reference is determined or otherwise disposed of.

If the Stipendiary Magistrate who has jurisdiction to determine the reference is at any time satisfied that a reference from a decision that confirms a revocation is not being prosecuted by the person who instituted it without sufficient reason for such default he shall strike out and thereby dispose of the reference and thereupon the revocation of the permit shall be restored to full force and effect.

(3) The provisions of subsections (3) and (4) of section 27 of this Act apply in respect of a reference instituted under this section and for that purpose shall be construed as if a reference therein to the Island Advisory Council were a reference to the Stipendiary Magistrate who has jurisdiction under this section and the reference therein mentioned were the further reference provided for in this section.

**29. Presence on reserves voluntary.** A person who is on a reserve pursuant to a permit granted under section 21 or 24 of this Act may depart the reserve at any time, save where he is being lawfully detained for any reason, but—

- (a) where a person who resides on a reserve pursuant to a permit granted under section 21 of this Act departs the reserve the permit shall thereupon cease to be of further force or effect in relation to him unless his departure is at all times for the purpose of a temporary absence from the reserve;
- (b) where a person who is on a reserve pursuant to a permit granted under section 24 of this Act departs the reserve the permit shall thereupon cease to be of further force or effect in relation to him unless it shows on its face in respect of that person that his departure from the reserve shall not have the consequence prescribed by this paragraph (b).

**30. Regulation of mining in reserves.** (1) Notwithstanding the provisions of *The Mining Acts 1898 to 1967* or of any Act passed in amendment thereof or in substitution therefor or of any other Act relating to mining—

- (a) a lease that would entitle the lessee to a mining tenement situated on a reserve shall not be granted unless the trustee of the reserve or the Minister has approved;
- (b) a person who holds a miner's right or to whom an authority to prospect or other mining entitlement, other than a mining lease, is granted, whether before or after the date of commencement of this Act, is not thereby entitled to be on a reserve for any purpose of prospecting or mining, and such a right, authority or entitlement shall be construed as including a condition that it is granted subject to this section.

(2) A person who seeks to enter on a reserve for any purpose of prospecting or mining may make application to the trustee of the reserve for a permit in that behalf.

(3) The trustee of a reserve to whom application is made may grant or refuse a permit and at any time may revoke a permit granted by him.

(4) If the trustee of a reserve refuses a permit or revokes a permit the applicant or, as the case may be, permittee may apply to the Minister for a permit to enter on the reserve concerned for any purpose of prospecting or mining.

Upon application made to him the Minister may grant or refuse a permit and he may at any time revoke a permit granted by him.

(5) A person shall not be entitled to be on a reserve for any purpose of prospecting or mining unless—

(a) he is the lessee under a lease, duly granted, that entitles him to a mining tenement situated on that reserve, or he is there bona fide as agent (authorized for that purpose) of such a lessee; or

(b) he is authorised so to be by a subsisting permit granted by the trustee of the reserve or, as prescribed by this section, the Minister, or he is there bona fide as agent (authorized for that purpose) of a person so authorized.

**31. Agreements concerning mining on reserves.** (1) The trustee of a reserve to whom application for a permit is made under section 30 of this Act or the Minister may, as a condition precedent to his granting a permit or otherwise in connexion with his granting a permit, enter into and require the applicant and any other persons to enter into such agreement as the trustee or, as the case may be, the Minister thinks fit.

(2) An agreement shall provide for such terms and conditions as the parties thereto agree upon, and may include provision for participation by the trustee or any other persons in the profits of the mining venture or ventures to be carried on in the reserve, if the permit is granted, for the benefit of Islanders resident on the reserve, or other Islanders as the agreement provides.

**32. This Act paramount in relation to Islanders.** The provisions of section 20 or 23 of the *Aborigines Act* 1971 shall not apply in respect of a person who seeks to reside within or to visit with a community of Islanders established on a reserve within the meaning of that Act.

**33. Supply of beer on reserves.** (1) The Director acting in conjunction with the Island Council established for the reserve may cause to be established and maintained in a reserve premises for the sale and supply of beer to persons lawfully on the reserve.

(2) If the business of selling and supplying beer is conducted at premises established on a reserve it shall be conducted by the Director and his servants and the Director may at any time discontinue such business.

(3) The business of selling and supplying beer from premises established on a reserve and the consumption of beer so sold or supplied shall be in accordance with regulations made under this Act.

(4) The provisions of the *Liquor Act* 1912–1970, other than section 81 thereof, shall not apply in respect of the sale, supply or consumption in a reserve of beer that is sold, supplied or, as the case may be, consumed in accordance with this Act.

**34. Police jurisdiction and power in reserves.** (1) Members of the Police Force of Queensland have and may exercise in any part of the State that is a reserve and in respect of persons therein the functions, duties, and powers imposed or conferred on them by law as if that part were not a reserve and in relation to the performance or exercise therein of any function, duty, or power have the protection accorded by law to a member of the Police Force in the performance or exercise by him of that function, duty, or power elsewhere in the State.

(2) Members of the Police Force of Queensland are authorized to perform such acts and do such things in a reserve as may be authorized or required to be done by Island police under the by-laws of the Island Council established for the reserve as if such by-laws were part of the law of the State and, in relation thereto, have the protection accorded by law to a member of the Police Force of Queensland in the performance or exercise by him of his functions, duties and powers elsewhere in the State.

(3) A member of the Police Force is entitled to enter on and to be in a reserve for the purpose of performing a function or duty or of exercising a power imposed or conferred on him by law or which by this Act he is authorized to perform or exercise under a by-law of an Island Council.

(4) Right of access to or use of any place in a reserve by the general mass of persons resident on a reserve shall be deemed to be right of access or use by the public and where any place would, but for its being in a reserve, be taken to be in law a public place, road, park, or place of any other status or description it shall be taken so to be notwithstanding that it is in a reserve.

#### *Division II—Island Councils*

**35. Local Government by Island Councils.** (1) Every reserve, and the community for Islanders at Bamaga on the Northern Peninsula reserve, and every other community for Islanders established in any part of the State shall be governed by an Island Council.

(2) Where a community for Islanders exists on a reserve within the meaning of the *Aborigines Act* 1971 the Island Council that governs the community has jurisdiction only within that part of the reserve appropriated for the use of the community.

**36. Local Government vested in Island Council.** (1) An Island Council, whether established or constituted before or after the date of commencement of this Act, has and may exercise the functions of local government of the reserve or community for which it is established, and is hereby charged with the good rule and government thereof in accordance with the customs and practices of the Islanders concerned, and, for that purpose, may make by-laws and may cause by-laws lawfully made by it to be observed and enforced.

(2) Without limiting the powers and functions of an Island Council, the council may make by-laws for promoting, maintaining, regulating and controlling the peace, order, discipline, comfort, health, moral safety, convenience, food supply, housing and welfare of the reserve or community for which it is established, for the planning, development and embellishment of the area of the reserve or community, and for the control of the business and working of the local government of the reserve or community.

(3) Matters with respect to which an Island Council may exercise its powers and perform its functions include—

- (a) the provision, construction, maintenance, management, and control of roads, bridges, viaducts, culverts, baths and bathing places; the undertaking and execution of work in connexion therewith; the regulation of the user thereof;
- (b) health, sanitation, cleansing, scavenging and drainage, the removal, suppression and abatement of nuisances, public conveniences, water conservation, agricultural drainage, village planning, subdivision of land, the usage and occupation of land, buildings, the usage and occupation of buildings, protection from fire, boundaries and fences, disposal of the dead, the destruction of weeds and animals;
- (c) works, matters and things that, in its opinion, are necessary or conducive to the good rule and government of the reserve or community for which the council is established or to the well-being of its inhabitants.

(4) The power conferred on an Island Council to regulate or control includes power to license or permit or to refuse to license or permit and to prohibit by by-law made in that behalf.

(5) Fees, charges, fares, rents, and dues may be imposed by by-law or resolution of an Island Council.

**37. Provisions touching making of by-laws of Island Council.** (1) A by-law of an Island Council has no force or effect until it is approved by the Minister whereupon it shall have force and effect on and from the date of the approval or a later date appointed by the Minister until it is repealed or another by-law is made in its stead.

(2) An Island Council shall cause a copy of a by-law made by it and approved by the Minister to be exhibited for a reasonable time in a prominent place within the area of the reserve or community for which it is made.

(3) An Island Council shall cause printed copies of all by-laws having force and effect within the reserve or community for which they are made to be kept at the council's office.

(4) A by-law may prescribe a penalty for a breach of itself or of another by-law, but a pecuniary penalty shall not exceed \$40 and a term of imprisonment shall not exceed three months.

(5) A by-law may be repealed or amended by another by-law at any time.

**38. Suspension of Island Council's resolutions and orders.** The Island Advisory Council may at any time, by notice in writing directed to the chairman of the Island Council concerned, suspend the operation of a resolution or order of an Island Council either for an indefinite period or for a limited period specified by it in the notice.

**39. Reference from suspension to Stipendiary Magistrate.** (1) The chairman of an Island Council whose resolution or order is suspended in its operation by the Island Advisory Council may institute a reference from the suspension by way of application, where the Island Council is established for a reserve or community in the Magistrates Courts District of Somerset, to the Stipendiary Magistrate who constitutes the Magistrates Court in that district or, where the Island Council is established for a reserve or community in a Magistrates Courts District other than Somerset, to the Stipendiary Magistrate who constitutes the Magistrates Court in that other district.

A reference shall be instituted within twenty-eight days after the decision to suspend is made known to the chairman of the Island Council concerned by lodging the application therefor, signed by the applicant, with the clerk of the court in the material district.

(2) The due institution of a reference under subsection (1) of this section shall have the effect of suspending the operation of the suspension by the Island Advisory Council until the reference is determined or otherwise disposed of in accordance with this section.

If the Stipendiary Magistrate who has jurisdiction to determine the reference is at any time satisfied upon the application made on behalf of the Island Advisory Council that the reference is not being prosecuted without sufficient reason for the default, he shall strike out and thereby dispose of the reference and the suspension of the resolution or order shall thereupon be restored to full force and effect.

(3) If upon the hearing of a reference the Stipendiary Magistrate—

- (a) dismisses the reference, the suspension by the Island Advisory Council shall thereupon be restored to full force and effect;
- (b) allows the reference or varies the decision of the Island Advisory Council in issue, the suspension by the Island Advisory Council shall not have any force or effect or, as the case may be, shall have force and effect only as so varied.

**40. Island rate.** An Island Council may make and levy a rate, called an Island rate, upon such basis as is prescribed by by-law of the council or as is otherwise determined by the council.

An Island Council may impose, demand and recover fees, charges, fares, rents and dues in respect of any property, service, matter or thing for the purpose of enabling it to exercise and perform its powers and functions.

An Island Council shall in each year cause to be prepared a true financial statement relating to its affairs for the year then last past and shall keep a copy of the statement at its premises on the reserve available for inspection by the persons who reside on the reserve.

**41. Island police.** (1) An Island Council may appoint policemen for the reserve or community for which it is established.

(2) A policeman appointed under subsection (1) of this section has such powers and functions as are prescribed by by-law of the council that appointed him and, in addition, such powers and functions as are determined by the Group Representative or by the trustee of the reserve.

*Division III—Island Court*

**42. Constitution of Island Court.** (1) An Island Council may constitute itself into a court, called an Island Court, and as such court shall have and may exercise such jurisdiction, powers and authorities in respect of Islanders within the reserve or community for which the council is established as are conferred upon it by this Act or the by-laws of the council.

(2) An Island Court shall be duly constituted if there is present a majority of the persons who at the material time are members of the Island Council and who are entitled under this Act to sit as members of the court.

(3) A member of an Island Council is not entitled to sit as a member of the Island Court constituted to hear and determine a matter in which he has an interest.

**43. Appeals concerning Island Court decisions.** (1) A person aggrieved by a decision of an Island Court or of any person or other body referred to in this section may institute an appeal from that decision as follows:—

- (a) where the decision is that of an Island Court, to the Group Representative of the group of reserves that includes the reserve for which the court is constituted;
- (b) where the decision is that of a Group Representative, to the Island Advisory Council;
- (c) where the decision is that of the Island Advisory Council, to a Stipendiary Magistrate who constitutes the Magistrates Court in the district in which is situated the reserve for which was constituted the Island Court that gave the material decision at first instance.

(2) An appeal shall be instituted within twenty-eight days after the pronouncement of the decision that aggrieves by—

- (a) where the appeal is from a decision of an Island Court, making application (written or oral) to the Group Representative to whom the appeal lies;
- (b) where the appeal is from a decision of a Group Representative, giving him notice (written or oral) that the person aggrieved requires him to submit the matter to the Island Advisory Council;
- (c) where the appeal is from a decision of the Island Advisory Council, lodging an application signed by the applicant with the clerk of the court in the district specified in paragraph (c) of the preceding subsection.

**44. Determination of appeals.** Upon hearing the appellant and a representative of the Island Court concerned, or such of them as desires to be heard the person or body to whom the appeal is instituted may pronounce the decision that, in his or its opinion, the Island Court should have pronounced at first instance whereupon that decision shall be deemed to be the decision of the Island Court, and shall have force and effect accordingly.



(2) The Governor in Council may from time to time, during the continuance in force of this Act, by Proclamation continue the Act or any provision thereof in force for a further period specified therein but not exceeding five years from the date on which the Act or the provision would otherwise have ceased to be in force pursuant to the preceding subsection or, as the case may be, pursuant to a Proclamation made for the purposes of this subsection, and in such case this Act or the provision shall cease to be in force upon the expiration of the period specified in the Proclamation last duly made.

(3) A Proclamation made for the purposes of subsection (2) of this section shall be published in the Gazette and shall, as soon as practicable thereafter, be tabled by the Minister in the Legislative Assembly.

**3. Arrangement of Act.** This Act is arranged in Parts and a Schedule as follows:—

PART I—PRELIMINARY (ss. 1–6);

PART II—ADMINISTRATION (ss. 7–14);

PART III—RESERVES (ss. 15–49)—

*Division I—General Regulation of Reserves;*

*Division II—Island Councils;*

*Division III—Island Court;*

*Division IV—Group Representatives;*

PART IV—ISLAND INDUSTRIES BOARD (ss. 50–59);

PART V—ASSISTANCE SOUGHT BY ISLANDERS (ss. 60–71);

PART VI—GENERAL PROVISIONS (ss. 72–79);

SCHEDULE.

**4. Savings.** (1) An area that, at the date of commencement of this Act, is a reserve or is an area set apart and reserved for Islanders for the purposes of *The Aborigines' and Torres Strait Islanders' Affairs Acts 1965 to 1967* shall be deemed to have been so reserved for the purposes of this Act.

(2) A community for Islanders under *The Aborigines' and Torres Strait Islanders' Affairs Acts 1965 to 1967* that exists at the date of commencement of this Act shall be deemed to have been established under this Act.

(3) Every Island Council constituted pursuant to *The Aborigines' and Torres Strait Islanders' Affairs Acts 1965 to 1967* and existing at the date of commencement of this Act shall, unless it is sooner dissolved in accordance with this Act, continue in existence for the purposes of this Act until the first triennial election of chairman and councillors held pursuant to this Act.

(4) Every by-law, resolution and order lawfully made by an Island Council prior to the date of commencement of this Act that subsists at that date shall continue to have force and effect as if it had been made pursuant to this Act.

(5) Every order and decision made by an Island Court prior to the date of commencement of this Act and that has any operation at that date shall continue to have force and effect as if it were made by that court constituted pursuant to this Act.

(6) An agreement made by the Director as a condition precedent to or otherwise in connexion with his granting a permit under section 36 of *The Aborigines' and Torres Strait Islanders' Affairs Act of 1965* shall be enforceable by and against any party thereto according to its terms and the making by the Director of such an agreement that provides for participation by the Director or any other person in the profits of a mining venture or mining ventures carried on in a reserve is hereby declared to be and shall be deemed to have always been a valid exercise by the Director of his powers and authorities, notwithstanding the provisions of *The Mining Acts 1898 to 1967* or of any Act passed in amendment thereof or in substitution therefor or of any other Act relating to mining.

The provisions of this subsection, as subsequently amended, shall continue in force until they are repealed.

(7) A person who, at the date of commencement of this Act, holds an appointment for the purposes of *The Aborigines' and Torres Strait Islanders' Affairs Acts 1965 to 1967*, if the appointment is material to the purposes of this Act, shall, subject to the conditions of his appointment thereto, continue to hold the appointment for the purposes of this Act.

(8) A management of property of an assisted Islander undertaken under *The Aborigines' and Torres Strait Islanders' Affairs Acts 1965 to 1967* and maintained at the date of commencement of this Act shall be deemed to be a management of property under section 61 of this Act and, unless it is terminated in accordance with this Act, shall be maintained in accordance with this Act.

**5. Meaning of terms.** Save where the contrary appears—

“ Board ” means The Island Industries Board preserved, continued in existence and constituted under this Act;

“ child ” includes any person to whom another stands in *loco parentis*;

“ Corporation ” means the corporation sole preserved, continued in existence and constituted under the *Aborigines Act 1971* by the name and style The Corporation of the Director of Aboriginal and Island Affairs;

“ Director ” means the person who holds the appointment of Director of Aboriginal and Island Affairs under the *Aborigines Act 1971* and includes a person temporarily discharging the functions of the Director;

“ district officer ” includes the Director, the Deputy Director, an assistant district officer, and any person duly acting as district officer;

“ instrument ” means any document of a testamentary nature or otherwise, whereby property or any interest therein is disposed of or charged or is agreed so to be;

“ Islander ” means a person who is a descendant of an indigenous inhabitant of the Torres Strait Islands;

- “ Minister ” means the Minister for Conservation, Marine and Aboriginal Affairs or other Minister of the Crown charged with the administration of this Act and includes a person temporarily performing the duties of the Minister;
- “ premises ” means any land and any building or part thereof;
- “ reserve ” means any land reserved and set apart by the Governor in Council for the benefit of Islanders under the provisions of law relating to Crown lands and includes that part of a reserve within the meaning of the *Aborigines Act 1971* appropriated for the use of a community for Islanders if there is established on that reserve a community for Islanders;
- “ Stipendiary Magistrate ” includes a person duly acting as a Stipendiary Magistrate;
- “ Torres Strait Island ” means an island lying north of 11 degrees South latitude that is part of the State of Queensland.

**6. Abolition of status “ assisted Islander ”.** On and from the date of commencement of this Act a person who immediately before that date was an assisted Islander shall cease to be an assisted Islander.

## PART II—ADMINISTRATION

### 7. Functions of Director. The Director—

- (a) may exercise such powers and perform such functions and duties as are conferred or imposed on him by this Act or as are necessary or expedient to effect the purposes of this Act;
- (b) may of his own motion and shall at the direction of the Minister make or cause to be made such inspections, investigations and inquiries as touch upon matters material to the administration of this Act;
- (c) shall, at least once in each year, inspect every mission conducted by a church, religious body, or secular organization for the benefit of Islanders;
- (d) shall report fully to the Minister on every inspection, investigation, or inquiry made for the purposes of this Act.

**8. Corporation may function for purposes of this Act.** The Corporation may exercise for the purposes of this Act all or any of the powers conferred on it by the *Aborigines Act 1971* in addition to any further powers conferred on it by this Act.

The provisions of this section, as subsequently amended, shall continue in force until they are repealed.

**9. Deputy Director.** The Deputy Director of Aboriginal and Island Affairs under the *Aborigines Act 1971* may exercise for the purposes of this Act such powers and shall for those purposes perform such functions and duties as the Director from time to time directs and, when there is no Director or the Director is not available to exercise and perform his powers and functions, may exercise the powers and shall perform the functions and duties of the Director.

**10. Districts and district officers.** (1) A part of the State that is a Magistrates Courts District for the purposes of *The Justices Acts 1886 to 1968* shall, on and from the date of commencement of this Act, without further or other appointment, be a district called by the same name for the purposes of this Act.

(2) The Governor in Council may appoint a person to be a district officer or an assistant district officer.

A district officer or an assistant district officer may be appointed in relation to one or more districts.

(3) On and from the date of commencement of this Act, unless and until the Governor in Council otherwise appoints—

(a) in relation to the Magistrates Courts District of Somerset, the manager of the Department of Aboriginal and Island Affairs at Thursday Island shall be district officer and each of the persons who hold the appointments Assistant Manager of that department at Thursday Island shall be assistant district officer;

(b) in relation to every other Magistrates Courts District, the person who is clerk of the court for the purposes of *The Justices Acts 1886 to 1968* shall be district officer in relation to the district for which he is such clerk.

(4) A district officer, in respect of his district, may exercise such powers and shall perform such functions and duties as are conferred or imposed on him by this Act or as the Director directs and, subject to the Director, shall be responsible for the administration of this Act within his district.

**11. Visiting justices.** (1) The Governor in Council may appoint a justice to be a visiting justice in relation to one or more reserves.

(2) At least once in every period of three months the visiting justice shall visit every reserve in relation to which he is so appointed and shall—

(a) inspect all premises in the reserve in which Islanders are accommodated;

(b) investigate any complaints by Islanders resident on the reserve concerning the conduct of the reserve;

(c) inspect the record of punishment inflicted on Islanders on the reserve by any court that functions on the reserve;

(d) hear and determine summarily complaints against Islanders on the reserve in cases where a court does not function on the reserve;

(e) report to the Director, as soon as practicable after the completion of his inspection, on—

(i) the condition of all premises inspected by him on the reserve;

(ii) sanitation on the reserve;

(iii) the discipline and general condition of Islanders on the reserve;

- (iv) the conduct of all persons concerned in the management of the reserve;
- (v) such other matters as the Director directs.

**12. Power of delegation.** (1) The Director may, either generally or otherwise as provided by the instrument of delegation, by writing delegate to any person all or any of his powers, functions and duties except this power of delegation.

(2) A power, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) A delegation may be made subject to such terms and limitations as the Director thinks fit including a requirement that the delegate shall report to the Director upon his exercise or performance of the delegated power, function or duty.

(4) Where pursuant to this Act the exercise or performance of any power, function or duty, the subject of a delegation, is made to depend upon the opinion or belief of the Director in relation to any matter, that power, function or duty may be exercised or performed upon the opinion or belief of the delegate who is considering the exercise or performance of that power, function or duty.

(5) The Director may make such and so many delegations of the same power, function or duty and to such number of persons as he considers necessary or desirable.

(6) A delegation is revocable at the will of the Director and does not prevent the exercise of a power or the performance of a function or duty by him.

**13. Conduct of inspections, etc., by Director or his delegate.** (1) For the purpose of making an inspection, investigation or inquiry for the purposes of this Act the Director, his delegate, and any person whom the Director causes to make such an inspection, investigation or inquiry—

- (a) may enter and inspect any premises;
- (b) may exercise and shall have the powers, authorities, protection and jurisdiction of a commission under *The Commissions of Inquiry Acts 1950 to 1954* and of a chairman of such a commission except such as are by those Acts confined to a chairman of such a commission who is a Judge of the Supreme Court.

(2) When the Director causes another person to make an inspection, investigation, or inquiry for the purposes of this Act that person shall, as soon as practicable after its completion, make a full report thereon to the Director.

**14. Annual report by Director.** As soon as practicable after the completion of each year the Director shall report in writing on the administration of this Act during the preceding year to the Minister who shall lay the report before the Legislative Assembly.

## PART III—RESERVES

*Division I—General Regulation of Reserves*

**15. Reserves and managers.** (1) Every reserve shall be conducted and regulated in accordance with this Act.

(2) The Governor in Council—

(a) may appoint a manager of a reserve;

(b) may place a reserve under the management of a religious organization.

(3) A manager of a reserve or, in the case of a reserve placed under the management of a religious organization, the person in charge of that organization within the reserve shall, without further or other appointment be an assistant district officer in relation to the reserve.

A person who is an assistant district officer by virtue of this subsection shall be subject in the administration of this Act to the Minister and the Director but to no other person concerned in the administration of this Act.

**16. Communities.** (1) The Governor in Council may establish on a reserve a community for Islanders and may appoint such officers, resident or visiting, as he thinks necessary for the well-being of the persons within the community.

(2) A community for Islanders may be established under this section in any part of the State that is a reserve within the meaning of the *Aborigines Act 1971*.

**17. Presence on reserve restricted.** (1) A person shall not be on a reserve unless he is entitled under this Act so to be.

Penalty: \$500.

(2) A person who contravenes the preceding subsection, irrespective of whether he is prosecuted in respect thereof, may be ejected (together with his belongings) from the reserve in question by or at the direction of the Island Council established for that reserve or of the Director, with such force as is reasonably necessary to effect the purpose.

(3) A person who, having been convicted of an offence against subsection (1) of this section, persists in or again commits the contravention in respect of the same reserve commits a continuing offence against this Act, may be prosecuted therefor from time to time for as long as his contravention continues, and is liable to a penalty of \$10 for each day during which his contravention continues.

**18. Person entitled to be on reserve without further authority.** (1) The following persons are entitled to be on a reserve for as long as the proper administration of this Act requires their presence thereon—

(a) the Minister;

(b) the Director and the Deputy-Director;

(c) a person who is acting in the exercise of a power or the discharge of a function or duty conferred or imposed on him by or under this Act;

(d) a person who is a member of the household of a person who is for the time being entitled to be on a reserve pursuant to the preceding provision (c).

(2) A person who is empowered or required by or under any law to exercise a power or perform a function or duty and any member of the household of that person is entitled to be on a reserve for as long as the proper exercise or performance of that power, function or duty requires his presence thereon.

**19. Entitlement to be on reserve under authority of permit.** A person specified in a permit duly granted by an Island Council or the Director under this Act or a person who belongs to a class of children specified in such a permit is entitled to be on the reserve to which the permit relates—

(a) for the limited time specified in the permit or, if no time is specified, indefinitely; or

(b) until the permit is revoked in respect of that person,

whichever is the shorter period.

**20. Application for authority to reside on reserve.** (1) Any Islander who desires to reside on a reserve for a period exceeding one month may make application to the chairman of the Island Council established for that reserve.

(2) The chairman of the Island Council to whom application is made under this section shall notify the Director or the district officer in relation to the reserve concerned of the application.

(3) An application may include the applicant's spouse and children under the age of seventeen years and future children but otherwise shall relate to one person only.

**21. Determination of application under s. 20.** (1) A permit to reside on a reserve shall be granted to an applicant if and only if the Island Council for the reserve to which the application relates and the Director are satisfied—

(a) that residence on the reserve is in the best interests of the applicant or, as the case may be, the applicant and the other persons included in the application; and

(b) that such residence by the applicant or, as the case may be, the applicant and of such other persons will not be detrimental to other residents of the reserve or to the reserve itself,

and in all other cases shall be withheld.

(2) A permit to reside on a reserve granted otherwise than in accordance with subsection (1) of this section shall be of no force or effect.

**22. Scope and authority of permit to reside.** A permit to reside on a reserve—

(a) may include within its scope not only the applicant but all or any of the persons properly included in his application;

(b) may be granted, according as the application therefor seeks, for a limited time specified in the permit or for an indefinite period;

(c) shall be deemed to have been granted to each person specified in the permit or belonging to a class of children specified therein.

**23. Permit to visit reserve.** (1) Any person whether an Islander or not, who desires to be on a reserve for a period not exceeding one month may make application to the chairman of the Island Council established for that reserve or to the Director for a permit to visit the reserve.

(2) An application may include any number of persons particularized therein as seeking the permit.

**24. Determination of application under s. 23.** (1) A permit to visit a reserve may be granted to an applicant if the Island Council for the reserve to which the application relates or, where the application is made to the Director, the Director is satisfied that the presence on the reserve of the applicant and of the other persons (if any) included in the application will not be detrimental to the residents of the reserve or to the reserve itself.

(2) In no case shall it be obligatory on an Island Council or the Director to grant a permit to visit a reserve.

(3) A permit, if granted—

- (a) may be granted in respect of all or any of the persons particularized in the application therefor as seeking the permit;
- (b) shall be of force and effect for the limited time specified therein in relation to the reserve specified therein unless it is sooner revoked as prescribed;
- (c) shall be deemed to have been granted to each of the persons in respect of whom it is granted.

**25. Summary revocation of permit.** (1) The Island Council established for the reserve to which the permit relates or the Director may—

- (a) of its or his own motion, revoke a permit granted under section 24 of this Act in respect of all or any of the persons to whom it was granted;
- (b) at the request of a person to whom a permit is granted under section 21 or 24 of this Act, revoke that permit in respect of the person who makes the request and in respect of all or any other persons to whom that permit is granted and the request relates.

For the purpose of exercising the power conferred by this subsection it is immaterial that the permit in question was not granted by an Island Council or, as the case may be, the Director.

(2) A revocation of permit under this section shall be by way of written notice given to the person or persons affected by the revocation.

**26. Revocation of permit by “show cause” procedure.** (1) An Island Council established for a reserve to which the permit relates or the Director may in accordance with this section revoke a permit granted under section 21 of this Act.

For the purpose of exercising the powers conferred by this section it is immaterial that the permit in question was not granted by an Island Council or, as the case may be, the Director.

(2) The Chairman of the Island Council concerned or the Director shall cause to be given to each person in respect of whom the council or, as the case may be, the Director seeks to revoke the permit a notice in writing requiring him to show cause at the time and place therein appointed why the permit should not be revoked in respect of him.

A copy of a notice given by the Chairman of an Island Council shall be given to the Director and a copy of a notice given by the Director shall be given to the chairman of the Island Council established for the reserve to which the permit relates.