

- (b) every legal proceeding commenced by or against the Board and subsisting at the commencement of this Act may be continued as if this Act had not been passed.

(3) The members, officers and employees of the Board at the commencement of this Act shall be deemed to have been appointed under and for the purposes of this Act.

- (4) (a) The Board shall be composed of—
- (i) the district officer for the time being of the district of Somerset who shall be chairman of the Board;
 - (ii) two persons appointed by the Governor in Council by notification published in the *Gazette*; and
 - (iii) the three group representatives from time to time elected pursuant to this Act.

The members of the Board appointed by the Governor in Council shall hold office at the pleasure of the Governor in Council.

(b) At any meeting of the Board the chairman thereof and one other member thereof shall constitute a quorum.

The chairman of the Board shall preside at every meeting of the Board.

(c) In the event of a vacancy occurring in the office of a member of the Board appointed by him the Governor in Council shall appoint another person who shall hold office at the pleasure of the Governor in Council.

(5) The Board shall be a corporation under the name of "The Island Industries Board" and by that name shall have perpetual succession and an official seal which shall be judicially noticed.

The Board shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts or sums of money due to it, of acquiring, holding, alienating, conveying and otherwise dealing with property within and outside the State and of doing and suffering all such other acts and things as bodies corporate may in law do and suffer.

55. Appointment of officers and employees of Board. (1) Subject to the direction of the Minister in that behalf the Board—

- (a) shall appoint a secretary to the Board; and
- (b) may appoint such administrative and technical officers, clerks and other officers as the Board considers necessary for the proper administration of this Part.

(2) The Board may employ such employees or agents as it considers necessary for carrying into effect this Part.

(3) The secretary to the Board may execute documents on behalf of the Board and may affix the official seal of the Board to any document requiring the same to be affixed and shall exercise such other powers and perform such duties as the Board from time to time appoints.

(4) Unless he has been appointed to his position pursuant to "The Public Service Acts, 1922 to 1963," every secretary to the Board and every officer, clerk, agent or employee of the Board shall hold office or be so employed at the pleasure of the Board.

56. (1) Acquisition of land and property. The Board may acquire by purchase, lease, grant, or otherwise and hold land for carrying out any of the purposes of this Part and Schedule I to this Act, and may also purchase, construct, maintain, and alter such buildings, warehouses, vessels, wharves, tramways, plant, machinery, and other works, improvements, and things as it shall consider necessary or desirable for the purposes of this Part and Schedule I to this Act.

(2) **Powers with respect to property.** The Board shall, with respect to any of its property and any estate or interest therein, have the power—

- (a) to sell, lease, exchange, or make partition;
- (b) to accept or make surrender of leases;
- (c) to assign, reconvey, or discharge mortgages, securities, or other obligations, either wholly or in part;
- (d) to enter into, modify, or alter any contract or agreement with any person for all or any of the purposes of this Part and Schedule I to this Act; and
- (e) generally to exercise all other rights, powers, functions, and authorities thereover.

(3) Any such property may from time to time be sold or disposed of upon such terms and conditions in all respects as the Board thinks proper.

57. Other powers of the Board. Subject to this Part and to the provisions contained in Schedule I to this Act, the Board shall have and may exercise all the rights, powers, duties, and obligations set out in Schedule I to this Act.

58. Annual report of Board. The Board shall at the end of each year furnish to the Minister a full report of its operations.

In this section the term “year” means the period of time from and including the first day of April in any calendar year to and including the last day of March in the next succeeding calendar year.

59. Audit of Board's accounts. At least once in each year the accounts of the Board shall be audited by the Auditor-General who shall have, with respect to such audit and accounts, all the powers and authorities conferred upon him by “*The Audit Acts, 1874 to 1963,*” and who shall report thereon.

PART VIII—REGULATIONS AND SPECIAL RULES

60. Power to make regulations. The Governor in Council may from time to time make regulations not inconsistent with this Act which are necessary, desirable or convenient for carrying this Act into effect or for achieving or for better achieving the objects and purposes of this Act, and without in any way limiting the generality of the foregoing powers may make such regulations conferring, providing for, and regulating in relation to all or any of the following matters:—

- (1) The powers, authorities, duties and functions of the Director, district officers and other officers appointed for the purposes of this Act and the exercise or performance of such powers, authorities, duties and functions;
- (2) The establishment of Aboriginal courts, the constitution, jurisdiction, powers, authorities, duties and procedures of such courts, the carrying out of sentences imposed by such courts,

- the enforcement and appropriation of penalties imposed by such courts and the institution of appeals from decisions of such courts;
- (3) The jurisdiction, powers, authorities, duties and procedures of Island courts, the carrying out of sentences imposed by such courts, the enforcement and appropriation of penalties imposed by such courts, appeals from decisions of such courts and the review of sentences and penalties imposed by such courts;
 - (4) The preservation, development, assimilation, integration, education, training and employment of assisted Aborigines and assisted Islanders;
 - (5) Matters relating to the health and medical treatment, both preventive and curative, of assisted Aborigines and assisted Islanders;
 - (6) The discipline and good order of reserves and the control of assisted Aborigines and assisted Islanders on reserves;
 - (7) The establishment on reserves for Aborigines of Aboriginal councils, the composition of such councils, the method by which such councils are to be constituted, the powers, duties and functions of such councils and the rules pertaining to the conduct of meetings of such councils;
 - (8) The inspection of reserves;
 - (9) The establishment of police on reserves for Aborigines, the composition of and terms of service in such police and the powers, authorities, duties and functions of such police;
 - (10) The establishment of Aboriginal gaols and Island gaols on reserves, the discipline and control of such gaols and the serving therein of sentences imposed on assisted Aborigines and assisted Islanders;
 - (11) The employment of assisted Aborigines and assisted Islanders on vessels and elsewhere;
 - (12) The granting of aid (in money or in kind) to assisted Aborigines and assisted Islanders and descendants of Aborigines or Islanders, the conditions upon which such aid may be granted and the liabilities to be incurred by any person to whom such aid is granted;
 - (13) The care of children of assisted Aborigines or assisted Islanders other than such children who are in the care, protection or control of the Director of the State Children Department;
 - (14) The employment and apprenticeship of children of assisted Aborigines or assisted Islanders other than such children who are in the care, protection or control of the Director of the State Children Department;
 - (15) The establishment and maintenance of a welfare fund to be known as the Aborigines' Welfare Fund for the general benefit of persons having a strain of Aboriginal blood, the payments into and disbursements from such fund and the management and control of such fund;
 - (16) The establishment of such trust funds as may be necessary or desirable for the management and control of property of assisted Aborigines or assisted Islanders and the estates of deceased or missing assisted Aborigines or assisted Islanders and unclaimed moneys;

- (17) The powers, authorities and duties of the Director in relation to the administration of estates of deceased or missing assisted Aborigines or assisted Islanders;
- (18) The classes of persons who should succeed to the estates of deceased or missing assisted Aborigines or assisted Islanders where it proves impracticable to ascertain the person or persons entitled in law to so succeed and the order and proportions in which members of such classes shall so succeed;
- (19) The management and control of the Island Fund and the payments into and disbursements from such fund;
- (20) The customs and practices of assisted Aborigines and assisted Islanders which, in the opinion of the Director, are likely to be injurious to the health or well-being of any person;
- (21) The harbouring of assisted Aborigines or assisted Islanders in or upon premises or vessels;
- (22) Trading in or parting with possession of property of the State on issue to an assisted Aborigine or assisted Islander;
- (23) The entry upon reserves by persons other than assisted Aborigines or assisted Islanders resident upon such reserves and the visiting of camps of Aborigines by persons other than Aborigines;
- (24) The framing of an annual budget by an Island council or any community council, the form in which such budget shall be framed, the books of account to be kept by an Island council or any community council and the operation of such a council under an annual budget;
- (25) The establishment and the management and control of insurance funds to indemnify assisted Islanders against loss or damage to vessels or plant and to compensate assisted Islanders and their dependants in respect of death or personal injury suffered by any person in the course of his employment in cases where compensation therefor is not payable under "*The Workers' Compensation Acts, 1916 to 1964*," the basis on which such indemnity or compensation is to be paid and the manner in which such funds shall be maintained;
- (26) The procedure and form of election of chairman, deputy chairman, councillors and group representatives held pursuant to this Act and the appointment of returning officers in respect of such elections;
- (27) The procedure and rules to govern the meetings of Island councils or of group representatives;
- (28) The appointment of a clerk of an Island council and other officers of an Island council;
- (29) The furnishing by an Island council of returns and information touching any matter within the jurisdiction of such a council and the inspection of the records of an Island council by or on behalf of the district officer;
- (30) The holding and conduct of meetings of the Board;
- (31) The keeping of books of account and records by the Board either generally or in relation to any business, trade or occupation, the manner in which and the persons by whom such books and records are to be kept;
- (32) The manner in which the Board may perform its activities under this Act;

- (33) The powers, authorities and duties of officers, employees and agents of the Board and the conduct of such persons and all other persons in, on and about the property of the Board;
- (34) Trespass, or damage to property of the Board;
- (35) Penalties for breaches of regulations made under this Act and the court before which any such penalty may be recovered;
- (36) The forms to be used in or for the purpose of any application, reference, appeal or other proceeding made or instituted pursuant to this Act and the procedures to be followed therein;
- (37) Fees to be paid under this Act and the purposes for which such fees shall be payable;
- (38) All matters and things which are by this Act required or permitted to be prescribed and in respect of which the method by which they are to be prescribed is not otherwise provided.

For the purposes of this Act the power to regulate includes the power to prohibit.

61. Special rules. The Governor in Council may from time to time make special rules not inconsistent with this Act which are necessary, desirable or convenient for carrying this Act into effect or for achieving or for better achieving the objects and purposes of this Act and without in any way limiting the generality of the foregoing powers may make such special rules in relation to all or any of the matters and purposes set forth in the last preceding section as subject-matter for regulations.

62. (1) Application of regulations. Regulations may be made under this Act so as to apply to all assisted Aborigines or all assisted Islanders or both or in relation to all reserves for Aborigines or all reserves for Islanders or both.

(2) Application of special rules. Special rules may be made under this Act so as to apply to one or some assisted Aborigines or one or some assisted Islanders or both or in relation to one or some reserves for Aborigines or one or some reserves for Islanders or both.

A special rule may be made under this Act so as to exclude the application of a regulation in the case or cases specified in such rule.

(3) Regulations and rules made on passing of Act. Regulations and special rules may be made upon the passing of this Act.

63. Publication of Orders in Council, regulations and special rules.

(1) Every Order in Council, regulation and special rule made under this Act shall—

- (a)** be published in the *Gazette*;
- (b)** upon such publication be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (c)** take effect on and from the date of such publication unless a later date is specified in such Order in Council, regulation or special rule for its commencement when in such event, it shall take effect on and from that later date; and
- (d)** be laid before the Legislative Assembly within fourteen sitting days after such publication if the Legislative Assembly is in session and, if not, then within fourteen sitting days after the commencement of the next session of the Legislative Assembly.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after an Order in Council, regulation or special rule has been laid before it disallowing

such Order in Council, regulation or special rule or any part thereof, that Order in Council, regulation or special rule or, as the case may require, part shall thereupon cease to have effect but without prejudice to the validity of anything done or omitted to be done in the meantime or to the making of a further Order in Council, regulation or special rule as the case may be.

PART IX—GENERAL PROVISIONS

64. Offences. Any person who—

- (a) does or omits to do or attempts to do or to omit to do any act for the purpose of enabling or aiding an assisted Aborigine or an assisted Islander to commit an offence against this Act; or
- (b) does any act or attempts to do any act for the purpose of counselling or procuring an assisted Aborigine or an assisted Islander to commit an offence against this Act; or
- (c) assaults, resists, intimidates or wilfully obstructs any district officer or other officer appointed under or for the purposes of this Act or any other person in the exercise of his powers or in the discharge of his duties under this Act, or who attempts so to do, commits an offence against this Act.

65. Institution of proceedings. All actions and proceedings against any person for the recovery of wages alleged to be due to an assisted Aborigine or an assisted Islander or for any breach of an agreement entered into by such person pursuant to this Act may be instituted and carried on by and in the name of a district officer or any person authorized in writing in that behalf by the Director.

66. Evidentiary aids. (1) In any proceeding to enforce a penalty under this Act—

- (a) the averment in a complaint that any person named therein is an assisted Aborigine or, as the case may require, an assisted Islander shall be evidence of the fact averred until the contrary be proved;
- (b) the averment in a complaint that an assisted Aborigine or, as the case may be, an assisted Islander was transferred to or is or was, at the time referred to therein, residing on a reserve pursuant to this Act, shall be evidence of the fact or facts averred until the contrary be proved;
- (c) it shall not be necessary to prove the signature of the Director or that any person is a district officer, regional district officer or assistant district officer;
- (d) it shall not be necessary to prove the limits of any reserve.

(2) A certificate purporting to be signed by the Director that any person named therein is, or was at the time specified therein, an assisted Aborigine or assisted Islander or that in relation to any such person a certificate of entitlement has been and remains cancelled shall for all purposes be sufficient evidence of the fact so certified until the contrary be proved.

67. Powers of Stipendiary Magistrate upon an application or reference.

(1) A Stipendiary Magistrate to whom any application or reference is made pursuant to this Act, otherwise than as a Magistrates Court—

- (a) subject to the next succeeding subsection, may determine who should be permitted to be present at any hearing of such application or reference;

- (b) shall not be bound by the rules or practice of any court or tribunal as to procedure or evidence, but may conduct the proceedings before him and inform himself on any matter in such manner as he thinks proper;
- (c) shall receive such evidence relevant to such application or reference as may be offered before him;
- (d) shall have and may exercise all the powers, authorities, protection and jurisdiction of a commission under "*The Commissions of Inquiry Acts, 1950 to 1954*," except such as are confined to a chairman of such a commission who is a Judge of the Supreme Court.

(2) Upon such an application or reference, the Director and every person likely to be directly affected by any order or decision made therein shall be entitled to appear and may appear in person or by counsel or solicitor or any other representative approved by such Stipendiary Magistrate.

(3) Any provision of this Act authorizing such an application or reference and the power of a Stipendiary Magistrate to hear such an application or reference shall be read and exercised subject to section 4A of "*The Commissions of Inquiry Acts, 1950 to 1954*."

68. Authority of order, &c., of Director. An order, declaration or certificate made or granted by the Director pursuant to this Act shall, while it continues to operate, be sufficient and lawful authority for any officer appointed under or for the purposes of this Act and any member of the Police Force to take into custody any person in relation to whom such order or declaration was made or certificate was granted and to convey such person to any place named in such order, declaration or certificate or to remove such person from any such place or from any place wherein, upon the making of such order or declaration or the grant of such certificate, he has no lawful authority to be.

69. Proceedings for offences. (1) Any person who contravenes or fails to comply with any provision of this Act or of the special rules made from time to time under this Act commits an offence against this Act.

(2) Except as is otherwise in this subsection provided a proceeding to enforce a penalty under this Act shall be by way of summary proceeding under "*The Justices Acts, 1886 to 1964*," on the complaint of a district officer or any person authorized in writing in that behalf by the Director.

Where it is prescribed that an assisted Aborigine or an assisted Islander who is alleged to have committed an offence against this Act shall be proceeded against in respect of that offence in an Aboriginal court or, as the case may be, an Island court, a proceeding in respect of such offence shall not be cognizable by a Magistrates Court.

(3) Any person who commits an offence against this Act is liable, when a penalty is not otherwise provided, to a penalty of one hundred pounds or to imprisonment for six months or to both such penalty and imprisonment.

(4) In any proceeding before a Magistrates Court in respect of an offence alleged to have been committed by an assisted Aborigine or an assisted Islander it shall be a defence to prove that the defendant has already been dealt with, pursuant to this Act, for that offence before an Aboriginal court or, as the case may be, an Island court of competent jurisdiction.

(5) Notwithstanding the provisions of "*The Justices Acts, 1886 to 1964*," a complaint for an offence against this Act may be heard and determined by a Magistrates Court at any place appointed for holding such a court:

Provided that a court having jurisdiction to hear and determine such a complaint solely by virtue of this subsection shall not exercise that jurisdiction when it appears to the court to be unreasonable to cause the defendant to appear before that court at the place where it is then sitting.

The Magistrates Court which hears and determines such a complaint may make orders for the safe-keeping, detention, seizure or sale of any vessel concerned in the offence and of all things found thereon as such court considers just.

SCHEDULE I

[Section 57]

1. The Board may—

- (1) Carry on the business, trade, or occupation, as the case may be, of banker, blacksmith, builder, carpenter, commission agent, common carrier (whether by land or water), dealer (wholesale or retail), engineer, exporter, factor, farmer, fisherman (including fishing for pearl-shell, trochus-shell, and beche-de-mer), forwarding agent, freight contractor, general merchant, grazier, importer, ironworker, joiner, labour agent, lighterman, manufacturer, mineowner, money-lender, plumber, shipping agent, ship's chandler, shipbroker, shipbuilder, shipowner, shopkeeper, stevedore, storekeeper, timber merchant, tinsmith, trustee, warehouseman, wharfinger, or any other trade or business incidental or ancillary to any such business, trade, or occupation as aforesaid, or which in the opinion of the Board can be effectually carried on in connection with any such business, trade, or occupation.
- (2) Acquire from time to time and either by construction, purchase, lease, or otherwise all such buildings, premises, plant, machinery, equipment, and stock as may in the opinion of the Board be necessary or desirable for the carrying on by the Board of any such business, trade, or occupation as aforesaid.
- (3) Acquire and distribute information relating to or as to the best manner of carrying on any such business, trade, or occupation as aforesaid; and undertake the education, instruction, and training of islanders or other persons in any such business, trade, or occupation, and for that purpose establish, maintain, and conduct all such schools and classes as the Board may deem necessary; and enter into contracts of apprenticeship with any such person as aforesaid.

- (4) For the purpose of carrying on any such business, trade, or occupation as aforesaid, have and exercise all such powers, authorities, and discretions, and do all such acts and things as a private person carrying on business in Queensland might have or exercise or do.
- (5) Cause investigations to be made, and from time to time report and make recommendations to the Director, upon all or any of the following matters:—
 - (a) Any question relating to any trade, commerce, or business carried on by or in which Islanders are interested or engaged;
 - (b) Markets for goods produced or manufactured by Islanders, and trade with other countries in, and the method of marketing, such goods;
 - (c) Generally as to how the trade, industries, and commerce of Islanders can be best encouraged, developed, and protected.
- (6) Finance any such business, trade, or occupation as aforesaid, and for that purpose raise money on loan from the Treasurer, the Director, the Corporation of the Agricultural Bank, or any bank or financial institution or person, and mortgage or assign property of the Board (including contracts between the Board and Islanders or other persons relating to or arising out of any such business, trade, or occupation as aforesaid).

2. Any surplus profits of the Board shall be allocated or appropriated by the Governor in Council for the general welfare of Islanders or in such manner as the Governor in Council shall from time to time determine:

Provided that no portion of any such surplus profits shall be paid into the Consolidated Revenue.

SCHEDULE II

[Section 51]

Eastern Group

Murray Islands (Mer, Dauar, Waier)	Nepean Island (Edgor)
Darnley Island (Erub)	Merad Cay
Stephen Island (Ugar)	Bramble Cay
Campbell Island (Zapker)	East Cay

Central Group

Yorke Island (Massig)	Bourke Island
Cap Island (Mukar)	Kebiken Island
Yam Island (Turtle Backed)	Auken Island
Coconut Island (Parremar)	Momay Island
Sue Island (Warraber)	Keats Island (Homogar)
Bet Island (Burrar)	Saddle Island (Ulu)
Poll Island (Guijar)	Dungeness Island (Jeaka)
Two Brothers Island (Gabar)	Long Island (Sassie)
Rennel Island (Maur)	Village Island (Yarpar)
Aureed Island (Aurid)	Dalrymple Island (Damuth)
Halfway Island	Marsden Island (Egabu)
Layoak Island	

Western Group

Mulgrave Island (Badu)	Quoin Rock
Banks Island (Moa)	Burke Island (Suaraji)
Jervis Island (Mabuiag)	Tree Island (Tuwin)
Saibai Island	Hawkesbury Island
Talbot Island (Boigu)	Tuesday Island
Cornwallis Island (Dauan)	Yoran Island
Mount Ernest Island (Naghir)	Takupai Island
Red Island	Matu Island
Albany Island (Pabaju)	Maitak Island
Bamaga Community	Kanig Island
Portlock Island (Kulbi)	West Island
Pole Island (Getullai)	Nur Island
Mount Adolphus Island (Mori)	Bond Island (Sarbi)
North Brother Island	Possession Island (Bisinti)
Mid Brother Island	Zurat Island
South Brother Island	Kulbai-Kulbai Island
Wednesday Island (Maururra)	Sanswit Island
Green Island (Elap)	Deliverance Island
High Island	Kiss Island
Clarke Island	Turn again (Buru)
Barney Island	Barn Island
Brown Island	Dayman Island

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