

NORTHERN TERRITORY OF AUSTRALIA

**BARRANYI (NORTH ISLAND) LOCAL MANAGEMENT COMMITTEE
REGULATIONS 1992**

As in force at 7 November 2019

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Regulations under the *Territory Parks and Wildlife Conservation Act 1976*

1 Citation

These Regulations may be cited as the *Barranyi (North Island) Local Management Committee Regulations 1992*.

2 Interpretation

In these Regulations, unless the contrary intention appears:

Barranyi Aboriginal Corporation means the Aboriginal association of that name incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

Chairman means the Chairman of the Committee.

Committee means the Barranyi (North Island) Local Management Committee established by regulation 3.

member means a member of the Committee.

Park means the area of land declared to be a park by the Administrator under section 12 of the Act, being all that parcel of land on North Island within the Sir Edward Pellew Group in the Northern Territory of Australia containing an area of 5421 hectares more or less, being Northern Territory Portion 3997 and being more particularly delineated on Survey Plan No. S90/316B, lodged with the Surveyor-General.

relevant Aboriginals means:

- (a) the traditional Aboriginal owners of the Park;
- (b) Aboriginals entitled to enter on and use or occupy the Park in accordance with Aboriginal tradition, whether or not that entitlement is qualified as to place, time, circumstance, purpose, permission or by any other factor; and

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- (c) Aboriginals who are permitted by the Aboriginals referred to in paragraph (a) or (b) to enter on and use or occupy the Park.

3 Establishment of Committee

There is established by these Regulations a committee to be known as the Barranyi (North Island) Local Management Committee.

4 Composition of Committee

- (1) Subject to subregulation (2), the Committee shall consist of 10 members appointed by the Minister, of whom:
- (a) 6 shall be persons appointed on the nomination of the Barranyi Aboriginal Corporation;
 - (b) 2 shall be employees within the meaning of the *Public Sector Employment and Management Act 1993*; and
 - (c) 2 shall be residents of Borroloola.
- (2) A person who is a member of the Legislative Assembly or of either House of the Parliament of the Commonwealth is not eligible to be appointed or to hold office as a member.
- (3) As soon as practicable after an appointment under subregulation (1) has been made, the Minister shall cause notice of the appointment to be published in the *Gazette*.
- (4) Subject to regulations 5 and 6, a member holds office for a period of 3 years but:
- (a) is eligible for reappointment; and
 - (b) shall continue in office until reappointed or a successor is appointed.
- (5) Where a member appointed under subregulation (1)(a) is or is about to become unable, whether on account of illness or otherwise, to perform the duties of the member's office, the Barranyi Aboriginal Corporation may appoint a person to act in place of the member during the period the member is unable to perform the duties, unless the member has, under regulation 8(4), given to another member a general authority to vote for him or her at meetings of the Committee during the first-mentioned member's inability to perform his or her duties.
- (6) A person appointed to act in the place of a member has all the functions and powers of the member.

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- (7) The performance of a function or the exercise of a power of the Committee is not affected by reason only of there being a vacancy in the office of a member.

5 Resignation of member

A member may resign his or her office by writing, signed by or with the authority of the member, delivered to the Minister.

6 Appointment of new member

- (1) The Minister shall, as soon as practicable after:
- (a) receiving the resignation of a member;
 - (b) being advised in writing by the Barranyi Aboriginal Corporation that, in its opinion, a member appointed on its nomination has failed properly to perform the duties of the member's office; or
 - (c) becoming aware of a member's inability to continue as a member because of illness or for any other reason,
- terminate the appointment of the person as a member.

- (2) The Minister shall, as soon as practicable after:
- (a) becoming aware of the death of a member; or
 - (b) terminating the appointment of a person as a member under subregulation (1),
- appoint another person, with the same qualification for membership as the person in whose place the person is appointed, to be a member.

7 Chairman

- (1) The Minister shall, as soon as practicable after the establishment of the Committee, or at any time when the office of Chairman is vacant, convene a meeting of the Committee for the purpose of electing a member as the Chairman.
- (2) The Minister shall appoint one of the members appointed under regulation 4(1)(a) to preside at a meeting referred to in subregulation (1).
- (3) The Chairman of the Committee shall be elected by the Committee from among the members appointed under regulation 4(1)(a).

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- (4) Where a member is elected as Chairman at a meeting referred to in subregulation (1), the member shall preside at the meeting in place of the member appointed under subregulation (2).
 - (5) Subject to subregulation (6), the Chairman holds office, provided he or she remains a member, for 3 years and is eligible for re-election.
 - (6) The Committee may at any time, by resolution, remove the Chairman from office and elect another member appointed under regulation 4(1)(a) as Chairman.

8 Calling of meetings, procedure, &c.

- (1) The Chairman shall call such meetings of the Committee as are necessary for the performance of its functions and the exercise of its powers but, in any case, shall call not less than 2 meetings in each calendar year.
- (2) At any time:
 - (a) the Minister may direct; or
 - (b) not less than 3 members may request,the Chairman to call a meeting of the Committee and the Chairman shall call a meeting accordingly.
- (3) At a meeting of the Committee:
 - (a) the Chairman, if present, shall preside or, if the Chairman is not present, the members present shall elect one of their number to preside;
 - (b) subject to subregulation (4), 6 members, of whom 4 shall be members appointed under regulation 4(1)(a), constitute a quorum;
 - (c) questions arising shall be determined by a majority of the votes of the members present and, in the event of an equality of votes, the person presiding shall have a casting vote as well as a deliberative vote; and
 - (d) subject to these Regulations, the Committee shall determine the procedures to be followed at or in connection with the meeting.
- (4) A member may, in writing under the member's hand or with the member's authority, give to another member a general authority to vote for the first-mentioned member at a meeting of the Committee and the member given the authority may vote for the first-

mentioned member at the meeting and shall, for the purposes of subregulation (3)(b), be counted towards a quorum as though he or she were also the first-mentioned member but the authorised member shall not vote on behalf of more than one member, and may be counted in place of one member only with the same qualification.

- (5) The Committee shall cause records of the Committee's meetings to be kept and, as soon as practicable after each meeting, shall cause a copy of the minutes of the meeting to be given to each member and to the Minister.
- (6) A member may require the Committee to admit to a meeting of the Committee such persons as the member considers necessary to advise the member on matters being considered at the meeting and may require the Committee to allow such persons, or any of them, to address the meeting on the member's behalf, and the Committee shall admit those persons and allow them to address the meeting accordingly.
- (7) A person admitted pursuant to subregulation (6) to a meeting of the Committee shall not vote on a matter at the meeting.

9 Functions and powers of Committee

- (1) The Committee is, in the performance of its functions and the exercise of its powers, subject to the Act and the plan of management for the Park.
- (2) The functions of the Committee are:
 - (a) to assist the Commission in the preparation and assessment of the plan of management for the Park and of any subsequent amendments of the plan;
 - (b) to determine, for the purpose of providing guidance to the Commission, matters relating to the day to day management of the Park;
 - (c) to determine, in consultation with the Commission, the location of works and facilities in the Park;
 - (d) to assist the Commission in protecting the environment of the Park, and in particular, protecting sites and areas identified to the Committee by the Barranyi Aboriginal Corporation as being significant to Aboriginals in accordance with Aboriginal tradition;

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- (e) to nominate Aboriginals to assist the Commission in the selection of persons to be employed by the Commission in the Park;
 - (f) to protect the rights of relevant Aboriginals to occupy and use the Park;
 - (g) to encourage the maintenance of the Aboriginal tradition of relevant Aboriginals in the Park;
 - (h) to promote Aboriginal involvement in the administration and management of the Park;
 - (j) to promote the traditional skills of Aboriginals in the management of the Park;
 - (k) to promote a knowledge and understanding of, and respect for, the traditional languages, culture, customs and skills of relevant Aboriginals;
 - (m) to make recommendations to the Commission relating to the content of educational or interpretive programs to be used in the Park;
 - (n) to make recommendations to the Commission relating to filming in the Park;
 - (p) to make recommendations to the Commission relating to staff training programs for persons employed by the Commission in the Park and in particular relating to the Aboriginal content of such programs;
 - (q) to make recommendations to the Commission relating to the use of the Park by the public and in particular relating to the granting of concessions and licences for tour operations and commercial enterprises;
 - (r) to make recommendations to the Commission relating to entry and other charges, if any, in the Park and the application of those charges;
 - (s) to seek reservations of land under Part 6, Division 1 of the *Mineral Titles Act 2010* in respect of the Park;
 - (t) to make recommendations to the Commission relating to access by persons to areas within the Park;
 - (u) to make recommendations to the Commission relating to camping in the Park and the establishment of camping grounds, if any;

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- (w) to encourage Aboriginal business and commercial initiatives and enterprises in the Park;
 - (y) to make recommendations to the Commission relating to the employment by the Commission of relevant Aboriginals in the Park; and
 - (z) to make recommendations to the Commission relating to the expenditure of budgetary allocations in the Park.
- (3) The Committee has the power to do all things that are necessary or convenient to be done for or in connection with, or incidental to the performance of, its functions.

10 Members shall not disclose information

A member shall not disclose information obtained in the course of the member's duties as a member unless the disclosure is made in the course of those duties.

11 Publication of Regulations

- (1) Section 57 of the *Interpretation Act 1978* does not apply to these Regulations.
- (2) Copies of these Regulations shall be available for inspection by members of the public during office hours at the offices of the Commission.

ENDNOTES

1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = *Gazette*
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Barranyi (North Island) Local Management Committee Regulations***

Notified	4 August 1992
Commenced	4 August 1992

Statute Law Revision Act 2003 (Act No. 12, 2003)

Assent date	18 March 2003
Commenced	18 March 2003

Mineral Titles (Consequential Amendments) Act 2010 (Act No. 37, 2010)

Assent date	18 November 2010
Commenced	7 November 2011 (<i>Gaz</i> G41, 12 October 2011, p 5)

Statute Law Revision and Repeals Act 2019 (Act No. 33, 2019)

Assent date	6 November 2019
Commenced	pts 2 and 3: nc; rem: 7 November 2019 (s 2)

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 4, 9 and 11.

4**LIST OF AMENDMENTS**

r 2	amd Act No. 33, 2019, s 49
r 4	amd Act No. 12, 2003, s 19
r 9	amd Act No. 37, 2010, s 14