

NORTHERN TERRITORY OF AUSTRALIA

**DJUKBINJ NATIONAL PARK LOCAL MANAGEMENT COMMITTEE
(DJUKBINJ BOARD) REGULATIONS 1997**

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 *Djukbinj National Park Local Management Committee (Djukbinj Board) Regulations 1997*.

2 Interpretation

In these Regulations, unless the contrary intention appears:

authorised member means a member authorised under regulation 5 by another member to vote on behalf of that other member.

Chairperson means the Chairperson of the Djukbinj Board.

Djukbinj Board means the local management committee established under regulation 3.

member means a member of the Djukbinj Board.

Park means the area of land comprising Northern Territory Portions 1386, 2012, 2017, 4498, 4499 and 4707 (known as Djukbinj National Park) and declared to be a park under section 12 of the Act.

relevant Aboriginal means:

- (a) the traditional Aboriginal owners of the Park;
- (b) the Aboriginals entitled to enter on, 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
- (c) aboriginals who are permitted by the Aboriginals referred to in paragraph (a) or (b) to enter on, use or occupy the Park.

Wulna means the Limilngan-Wulna (Land Holding) Aboriginal Corporation established pursuant to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

3 Establishment of Djukbinj Board

There is established by these Regulations a local management committee for the Park to be known as the Djukbinj Board.

4 Composition of Djukbinj Board

- (1) Subject to subregulation (2), the Djukbinj Board is to consist of 6 members appointed by the Minister, of whom:
 - (a) 4 are to be appointed on the nomination of Wulna; and
 - (b) 2 are to be employees within the meaning of the *Public Sector Employment and Management Act 1993*.
- (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 is to cause notice of the appointment to be published in the *Gazette*.
- (4) Subject to regulations 7 and 8, a member holds office for 3 years but is eligible for reappointment.
- (5) Where a member appointed under subregulation (1)(a) is or will be unable, whether on account of illness or otherwise, to perform the duties of his or her office, Wulna may appoint a person to act in the place of the member during the period the member is unable to perform the duties, unless the member has authorised another member under regulation 5(1) to vote on the member's behalf during that period.
- (6) Where a member appointed under subregulation (1)(b) is or will be unable, whether on account of illness or otherwise, to perform the duties of his or her office, the Commission may appoint one of its employees to act in the place of the member during the period the member is unable to perform the duties, unless the member has authorised another member under regulation 5(1) to vote on the member's behalf during that period.
- (7) A person appointed to act in the place of a member has all the functions and powers of the member.

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

5 Authorised members

- (1) A member may authorise, in writing under the member's hand or with the member's authority, another member to vote for the first-mentioned member at a specified meeting of the Djukbinj Board.
- (2) A member authorised under subregulation (1) to vote at a specified meeting may vote at the meeting for the member who gave the authorisation and the vote is, for the purposes of regulation 9(3)(b), to be counted towards a quorum as though the authorised member was the member who gave the authorisation.
- (3) An authorised member must not:
- (a) vote on behalf of more than one other member; or
 - (b) vote on behalf of a member who, under regulation 4(1), has a different membership qualification to the authorised member.
- (4) An authorised member may also cast his or her own vote.

6 Chairperson

- (1) The Minister must, as soon as practicable after the establishment of the Djukbinj Board, or at any time when the office of Chairperson becomes vacant, convene a meeting of the Djukbinj Board for the purpose of electing a member appointed under regulation 4(1)(a) as the Chairperson.
- (2) The Minister must appoint a member appointed under regulation 4(1)(a) to preside over the election of the Chairperson.
- (3) After a member is elected as Chairperson at a meeting referred to in subregulation (1), that member must preside at the meeting in place of the member appointed under subregulation (2).
- (4) Subject to subregulation (5), the Chairperson holds office, provided he or she remains a member, for 3 years and is eligible for re-election.
- (5) The Djukbinj Board may at any time, by resolution, remove the Chairperson from office and elect another member appointed under regulation 4(1)(a) as Chairperson.

7 Resignation of members

A member appointed under regulation 4(1) may resign office by written notice signed by or with the authority of the member and delivered to the Minister.

8 Termination of appointment and appointment of new members

(1) The Minister must, as soon as practicable after:

- (a) receiving the resignation of a member;
 - (b) becoming aware of a member's inability to continue as a member because of illness or for any other reason;
 - (c) being advised in writing by Wulna that, in its opinion, a member appointed under regulation 4(1)(a) has failed to perform the duties of the member's office; or
 - (d) being satisfied that a member has contravened regulation 11,
- terminate the appointment of the person as a member.

(2) The Minister must, 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.

9 Calling of meetings, procedure, &c.

(1) The Chairperson must call such meetings of the Djukbinj Board as are necessary for the exercise of its powers and the performance of its functions but, in any case, the number of meetings must not be less than 2 in each calendar year.

(2) At any time, in writing:

- (a) the Minister may direct; or
- (b) not less than 3 members may request,

the Chairperson to call a meeting of the Djukbinj Board and the Chairperson must call a meeting accordingly.

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- (3) At a meeting of the Djukbinj Board:
- (a) the Chairperson, if present, is to preside or, if the Chairperson is not present, the members present are to elect one of their number, being a person appointed under regulation 4(1)(a), to preside;
 - (b) subject to regulation 5, 3 members, of whom:
 - (a) 2 must be members appointed under regulation 4(1)(a); and
 - (b) one must be a member appointed under regulation 4(1)(b),constitute a quorum;
 - (c) questions arising are to be determined by a majority of the votes of the members present and, in the event of an equality of votes, the person presiding is to have a casting vote as well as a deliberative vote; and
 - (d) subject to these Regulations, the Djukbinj Board is to determine the procedures to be followed at or in connection with the meeting.
- (4) The Commission must, on behalf of the Djukbinj Board:
- (a) cause records of the Djukbinj Board's meetings to be kept; and
 - (b) as soon as practicable after each meeting but, in any event, not later than 28 days after the meeting, cause a copy of the minutes of the meeting to be given to each member and to the Director of the Aboriginal Land Council.
- (5) A member may:
- (a) require the Djukbinj Board to admit to a meeting of the Djukbinj Board such persons as the member considers necessary to advise the member on matters being considered at the meeting; and
 - (b) require the Djukbinj Board to allow the persons, or any of them, to address the meeting on the member's behalf,
- and the Djukbinj Board must admit those persons and allow them to address the meeting accordingly.

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- (6) A person admitted under subregulation (5) to a meeting of the Djukbinj Board must not vote on a matter at the meeting.

10 Powers and functions of Djukbinj Board

- (1) The Djukbinj Board is, in the exercise of its powers and the performance of its functions, subject to the Act and to the plan of management for the Park.
- (2) The functions of the Djukbinj Board are:
- (a) to assist the Commission in the preparation and assessment of the plan of management for the Park and of any subsequent amendments to the plan of management;
 - (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 and management of works, facilities and outstations in the Park;
 - (d) to make recommendations to the Commission relating to the development of programmes for the protection, conservation and management of native flora and fauna in the Park and for the eradication of feral animals and weeds, including *Mimosa pigra* and other non-native vegetation, from the Park;
 - (e) to assist the Commission in protecting the environment of the Park, and in particular, protecting sites and areas identified to the Djukbinj Board by Wulna or another Aboriginal group as being significant to Aboriginals in accordance with Aboriginal tradition;
 - (f) to nominate Aboriginal members of the Djukbinj Board or other suitable Aboriginal persons to assist the Commission in the selection of persons to be employed by the Commission in or in relation to the Park;
 - (g) to protect the rights of relevant Aboriginals to occupy and use the Park;
 - (h) to encourage the maintenance of the Aboriginal tradition of relevant Aboriginals in the Park;
 - (j) to promote Aboriginal involvement in the administration and management of the Park;

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- (k) to make recommendations to the Commission relating to the employment by the Commission of relevant Aboriginals in the Park;
 - (m) to encourage Aboriginal business and commercial initiatives and enterprises in the Park;
 - (n) to promote the traditional skills of relevant Aboriginals in the management of the Park;
 - (p) to promote a knowledge and understanding of, and respect for, the traditional languages, culture, customs and skills of relevant Aboriginals;
 - (q) to make recommendations to the Commission relating to the content of educational or interpretative programmes to be used in the Park;
 - (r) to make recommendations to the Commission relating to filming in the Park;
 - (s) to advise and make recommendations to the Commission relating to staff training programmes for persons employed by the Commission in the Park and in particular relating to the Aboriginal content of such programmes;
 - (t) to make recommendations to the Commission relating to the use of the Park by the public and in particular to assist in the determination of the granting of concessions and licences for tour operations and commercial enterprises;
 - (u) to make recommendations to the Commission relating to entry and other charges, if any, in the Park and the application of those charges;
 - (w) to seek reservations of land under Part 6, Division 1 of the *Mineral Titles Act 2010* in respect of the Park;
 - (y) to make recommendations to the Commission relating to access by persons to areas within the Park;
 - (z) to make recommendations to the Commission relating to camping in the Park and the establishment of camping grounds, if any; and
 - (za) to make recommendations to the Commission relating to the expenditure of budgetary allocations in the Park.

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- (3) The Djukbinj Board has 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.

11 Members must not disclose information

A member must 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.

12 Publication of Regulations

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

Djukbinj National Park Local Management Committee (Djukbinj Board) Regulations (SL No. 5, 1997)

Notified	3 April 1997
Commenced	3 April 1997

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

Assent date	18 November 2010
Commenced	7 November 2011 (Gaz 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, 10 and 12.

4 LIST OF AMENDMENTS

r 2	amd Act No. 33, 2019, s 49
r 10	amd Act No. 37, 2010, s 14