

NORTHERN TERRITORY OF AUSTRALIA

BARUNGA MANYALLYLIK COMMUNITY GOVERNMENT SCHEME

As in force at 15 November 2000

Table of provisions

Part I Preliminary

1	Name of scheme	1
2	Commencement	1
3	Repeal, replacement and transitional	1
4	Definitions	2
5	Community government area	3

Part 2 Council

6	Community Government Council.....	3
7	Common Seal.....	3
8	Members of council	3
9	President and Vice-President	4
10	Meetings of council.....	4
11	Meetings to be open	5
12	Procedure at meetings of council	5

Part 3 Functions and powers of council

13	Functions	6
14	Powers.....	8

Part 4 Elections

15	Eligibility to vote	9
16	Electoral roll.....	9
17	Date of election.....	9
18	Notice of election	10
19	Content of election notice	10
20	Nominations.....	10
21	Declaration, appointment or election of members	11
22	Voting tokens and ballot-papers	12
23	Polling place and voting containers	12
24	Polling officials.....	12
25	Scrutineers	13
26	Hours of polling.....	13
27	Entitlement to vote	13
28	Exhibition of voting containers	13
29	Presence in polling place.....	13
30	Voting procedure	14

31	Postal voting	14
32	Counting of votes.....	15
33	Declaration of result.....	16
34	Transmission of details to Minister	17
35	Re-count	17
36	Retaining postal ballot-papers and voting tokens	17
37	Adjournment of polling in emergency	17
38	Vacancies in membership.....	18
39	Conduct of election where clerk a member.....	18
40	Resignation of council	18

**Schedule Barunga Manyallaluk Community
Government Area**

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Community Government Scheme as in force at 15 November 2000. Any amendments that commence after that date are not included.

BARUNGA MANYALLYLIK COMMUNITY GOVERNMENT SCHEME

Community Government Scheme under the *Local Government Act*

Part I Preliminary

1 Name of scheme

The name of this scheme is the *Barunga Manyallaluk Community Government Scheme*.

2 Commencement

This scheme shall come into operation on 1 July 1993.

3 Repeal, replacement and transitional

- (1) In this clause "Old Scheme" means the *Barunga-Wugularr Community Government Scheme* as approved under section 250(1)(b) of the *Local Government Act* on 16 October 1986 and of which notice was given in the *Gazette* of 21 October 1986.
- (2) This scheme repeals and replaces the Old Scheme in relation to the Barunga ward of the Old Scheme, that ward now constituting the community government area under this scheme.
- (3) Those members of the Barunga-Wugularr Community Government Council (as established under the Old Scheme) representing the Barunga ward and in office immediately before the commencement of this scheme shall continue in office as if each of them had been elected to the Barunga Manyallaluk Community Government Council under this scheme.
- (4) As soon as practicable after this scheme comes into operation the clerk shall hold a by-election to elect a sufficient number of members to the council to make up the difference between the number continued under subclause (3) and the number required under clause 8(1).

-
- (5) The term of office of a member continued or elected under this clause expires upon the declaration of the result of the next election (not being a by-election).

4 Definitions

In this scheme, unless the contrary intention appears:

candidate means a person who has been nominated and accepted, under clause 20, as a candidate for election to the council and who has not withdrawn his or her consent to the nomination before the close of nominations.

clerk, for the purposes of clause 3(4) and Part 4, except clauses 39 and 40, includes the Chief Electoral Officer and a person appointed to conduct an election under clause 39.

community group means a language group or the group described in clause 8(1) as the non-language group.

council means the Barunga Manyallaluk Community Government Council.

election day means a day specified in or fixed under clause 17.

election notice means a notice under clause 18(1) that an election is to be held.

elector means a person enrolled or entitled to be enrolled on the electoral roll.

electoral roll means the roll prepared in accordance with clause 16.

language group means a language group named in clause 8(1).

member means a member of the council and included its President and Vice-President and a person authorised under clause 10(7).

polling official means an official appointed under clause 24.

polling place means a place set aside under clause 23 for the purpose of an election.

voter means a person intending and entitled to vote at an election.

5 Community government area

The community government area to which this scheme applies is all that parcel of land near the Town of Katherine in the Northern Territory of Australia outlined on the plan in the Schedule, containing an area of 3783 km² more or less and bounded by lines described as follows: commencing at the most eastern southeastern corner of Pastoral Lease 705 (Eva Valley); thence westerly and southerly by a southern and an eastern boundary of the said Pastoral Lease and an eastern boundary of Northern Territory Portion 3629 to the most eastern southeastern corner of the said Portion; thence westerly by part of a southern boundary of Northern Territory Portion 3629 to intersect Meridian of East Longitude 132° 55' 30"; thence south by the said Meridian to intersect the easterly prolongation of the most southern boundary of Northern Territory Portion 3629; thence westerly by the said prolongation to the most southern southeastern corner of Northern Territory Portion 3629; thence westerly and northerly by the most southern and a western boundary of the said Portion to the northeastern corner of Northern Territory Portion 1729; thence easterly, northeasterly, and northerly by part of a southern, a southeastern and an eastern boundary of former Northern Territory Portion 1595 to the most southern boundary of Pastoral Lease 705 (Eva Valley); thence westerly, northerly, easterly, again northerly, again westerly, again northerly, again easterly, southerly, again easterly and again southerly by part of a southern, a western, a northern, a western, a southern, a western, a northern, an eastern, a northern and an eastern boundary of the said Pastoral Lease to the point of commencement.

Part 2 Council**6 Community Government Council**

The name of the community government council which administers the community government area is the Barunga Manyallaluk Community Government Council.

7 Common Seal

The common seal of the council shall contain the words "Barunga Manyallaluk Community Government Council" and "Common Seal".

8 Members of council

- (1) The council shall consist of 14 members, who shall be declared, elected or appointed in the manner provided by this scheme and shall include 4 persons from and to represent the Jawoyn language

group, 2 persons from and to represent each of the Mangarrai, Myilly, Ngarrbun and Rambarrnga language groups and 2 persons from and to represent electors who are not members of any of those 6 language groups (***the non-language group***).

- (2) Subject to this scheme, the term of office of a member expires upon the declaration of the result of the next election (not being a by-election).
- (3) The office of a member becomes vacant if the member ceases to be enrolled or ceases to be ordinarily resident in the community government area.

9 President and Vice-President

- (1) The Council shall have a President and a Vice-President, who shall be elected in that order by the members from amongst themselves at the council's first meeting after its election and, after that, as occasion may require.
- (2) Subject to subclause (3), the President and Vice-President each hold office during the pleasure of the members of the council.
- (3) The President or Vice-President may resign at any time by giving notice in writing to the clerk, and the office of that member shall become vacant from the date on which notice is given.
- (4) The Vice-President (or, in the absence of the Vice-President, a member elected by the council to act temporarily) shall act as President during any vacancy in that office and shall also perform the functions, exercise the powers and discharge the duties of the President when the President is absent from the community government area or a meeting of the council.

10 Meetings of council

- (1) The council shall meet to transact its business not less than once each month.
- (2) The date and time of a council meeting shall be as decided by a previous meeting or, in default of that, by the clerk or, where necessary, the Minister or a person authorised by the Minister for that purpose.
- (3) The President may call a special meeting of the council by giving at least 2 days notice to the members.

-
- (4) By giving the President notice in writing requesting a special meeting of the council and stating the reasons for the request:

(a) 4 or more members; or

(b) 6 or more electors,

may require the President to call a special meeting of the council, and the President shall call that meeting for a date not later than 7 days after the day on which the notice is received, and shall notify the members accordingly.

- (5) Where, under subclause (3) or (4), a special meeting is to be held, the clerk shall notify the members and shall cause written notice of the special meeting to be displayed at the office of the council and at the store within the community government area.

- (6) A notice under subclause (5) shall specify the date, time and place of the special meeting and the reason for it being called.

- (7) A member proposing to be absent from a meeting of the council may authorise in writing an elector belonging to the same community group to attend the meeting in his or her stead and, subject to and in accordance with any restrictions or instructions specified in the authorisation, to exercise the member's powers at the meeting (including the power to vote) on the member's behalf.

- (8) Where a member is absent from 3 consecutive meetings of the council:

(a) without the prior consent of the council; or

(b) for reasons which the council does not accept as satisfactory,

the clerk shall declare that person to be no longer a member, and the office to be vacant.

11 Meetings to be open

Meetings of the council shall be open to persons who are not members or officers or employees of the council unless the council determines that a meeting, or part of a meeting, is to be closed.

12 Procedure at meetings of council

- (1) Meetings of the council shall be presided over by the President, or, where the President is absent, by the vice-president, or, where both persons are absent, by a member chosen by the other members present.

- (2) Subject to any standing orders made from time to time by the council, the council shall determine its own procedure for meetings.
- (3) The council shall keep a record of its proceedings.
- (4) The quorum for a meeting of the council shall be a majority of the members then in office.
- (5) Questions before a meeting of the council shall be decided by a majority of the votes of the members then in office and, in the event of an equality of votes, the matter shall be taken to have been defeated.

Part 3 Functions and powers of council

13 Functions

The council may perform the following functions:

- (a) the establishment and maintenance of parks, gardens and recreational areas and the carrying out of landscaping and other associated works;
- (b) the establishment and maintenance of sports facilities, swimming pools, libraries and museums, cinemas, community halls, public toilets and ablution blocks;
- (c) the provision of services for the collection and disposal of garbage, the maintenance of particular places where garbage is to be dumped, the control of litter generally, the provision and maintenance of sanitation, sewerage, drainage and water supply facilities and the removal of health hazards;
- (d) the collection, as an agent and for reward, of electricity, water and sewerage charges;
- (e) the receipt of money, grants or gifts of property paid or made to the council;
- (f) the provision of adult education and vocational and other training;
- (g) the provision and maintenance of housing for residents and their families on such terms and conditions as the council thinks fit;
- (h) the management of community employment programs;

- (j) the promotion and provision of community welfare, health and care facilities for all age groups;
- (k) the prevention and control of substance abuse;
- (m) the provision and maintenance of cemeteries;
- (n) the control or prohibition of animals;
- (p) the development and maintenance of roads within the community government area (including the provision of street lighting and traffic control devices) and, for reward, the development and maintenance of roads outside the community government area
- (q) the provision and maintenance of flood control devices and watercourse crossings;
- (r) the provision and maintenance of airstrips and related facilities;
- (s) the hiring out, for reward, of any vehicle, plant, appliance or equipment belonging to the council and the repair and maintenance, for reward, of any vehicle, plant, appliance or equipment not owned by the council;
- (t) the contracting of works projects (including the provision of services and the maintenance of capital works and undertakings) within or outside the community government area;
- (u) the establishment and operation of pastoral and commercial enterprises;
- (w) the establishment and maintenance of a firefighting service, including the acquisition of property and equipment and training of personnel for the service, and the protection of the community government area from fire;
- (y) the promotion and development of tourist attractions, the provision and maintenance of tourist facilities, the production and selling of artifacts and souvenirs and the management and control of sites of historic interest; and
- (z) the support and encouragement of artistic, cultural and sporting activities.

14 Powers

- (1) The council has power to do all things necessary or convenient for the performance of its functions including the orderly running and control of the community government area.
- (2) Subject to subclass (3), all land within the community government area is ratable, and the council may declare and levy rates in relation to it for the purpose of raising revenue for the performance of its functions.
- (3) Land is not ratable by virtue of subclause (2) if it is land of a description which would be exempt from rating by a council of a municipality under section 97 of the *Local Government Act*.
- (4) Liability for the payment of rates declared by virtue of subclause (2) shall be determined in accordance with section 122 of the Act, and all other provisions with respect to rates contained in the Act or regulations made under it shall, to the extent that they are capable of doing so and with any necessary changes, apply to and in relation to rates so declared.
- (5) Without prejudice to the powers of charging conferred on the council by section 272(2) of the Act, charges are payable by reason of a person's residence in the community government area, or his or her carrying on a business in the area or having an interest in ratable land in the area, whether that person uses any service provided or not, and all other provisions with respect to charges contained in the Act or regulations made under it shall, to the extent that they are capable of doing so and with any necessary changes, apply to and in relation to charges so declared.
- (6) The council may exempt persons, or any class of persons, from all or part of the charges for which they would otherwise have been liable by virtue of this clause.
- (7) The council may, where a group gives its consent, take control of and manage activities of that group which are consistent with the council's functions.
- (8) The council may contract with the Territory or other person in order to perform any of its functions.

Part 4 Elections

15 Eligibility to vote

A person is eligible to vote at a council election if that person:

- (a) is enrolled or is eligible to be enrolled as an elector within the meaning of the *Electoral Act*; and
- (b) has ordinarily resided in the community government area for not less than 12 months continuously immediately before the closure of rolls under clause 16(4).

16 Electoral roll

- (1) The clerk shall maintain, by such means as is thought fit (including by electronic means or the use of an electoral roll under the *Electoral Act*), an electoral roll of the full names and addresses of persons who are eligible to vote at elections.
- (2) A resident may inspect the electoral roll at the office of the council when it is open.
- (3) A person who is otherwise eligible but is not enrolled may apply for enrolment in such manner as the clerk approves.
- (4) The clerk shall close the electoral roll at 12 noon on the day occurring 21 days before election day.
- (5) Except as provided by clause 27(2) or to correct an oversight in the making up of the electoral roll, the clerk shall not add any name to the roll in the period between its closure and the conclusion of the election.

17 Date of election

- (1) For the purposes of this clause, ***election*** does not include a by-election.
- (2) The first election shall be held on Thursday 10 August 1995, and subsequent elections shall be held on a Thursday in August to be fixed by the council in every second calendar year after the end of that year or, where an election is held under clause 40, in August in every second calendar year after the date of that election.

18 Notice of election

- (1) The clerk shall give not less than 28 days notice before an election day that an election is to be held.
- (2) An election notice shall be prominently displayed at such places in the community government area as the clerk considers likely to reasonably ensure that all residents who are eligible to vote have notice of the election.

19 Content of election notice

An election notice shall specify:

- (a) the date of the closure of the electoral roll;
- (b) the persons who may nominate other persons, and who may be nominated, as candidates;
- (c) the date and time by which nominations of candidates must be lodged with the clerk;
- (d) the manner in which nominations are to be lodged; and
- (e) the date of the election and time and place of polling,

and shall also contain a statement that only persons whose names are on the electoral roll are entitled to vote at the election.

20 Nominations

- (1) A person is eligible for nomination as a member of the council if he or she is eligible to vote under clause 15.
- (2) A person who is enrolled under clause 16 may, by lodging a written nomination with the clerk, nominate for election to the council another enrolled person or persons belonging to the same community group.
- (3) The clerk shall not accept a nomination unless satisfied:
 - (a) that it sufficiently identifies the proposed candidate;
 - (b) that it specifies whether the candidate is of the same community group as the person making the nomination; and
 - (c) that the proposed candidate is eligible under subclause (1) to be nominated and has consented to the nomination,

and unless the clerk is supplied with such number of copies of a recent photograph of the proposed candidate as the clerk may require, being a photograph suitable for display in accordance with subclause (6) and clause 23(3).

- (4) A candidate may withdraw consent to his or her nomination at any time before the close of nominations.
- (5) Nominations of candidates for election shall close at 12 noon on the day occurring 14 days before election day.
- (6) As soon as practicable after nominations have closed, the clerk shall display a list of the names of the candidates, together with a photograph of each of them, in the same places as the election notice.

21 Declaration, appointment or election of members

- (1) Where, at the close of nominations under clause 20(5), no more than 4 persons belonging to the Jawoyn language group and no more than 2 persons belonging to each of the 5 other community groups have been nominated as candidates the clerk shall, by a notice displayed in the same places as the election notice, declare those persons to be members of the council.
- (2) Where, at the close of nominations under clause 20(5), more than 4 persons belonging to the Jawoyn language group or more than 2 persons belonging to each of the 5 other community groups have been nominated as candidates an election to decide between or among them shall be held on election day.
- (3) Where fewer than 4 persons belonging to the Jawoyn language group and 2 persons belonging to each of the 5 other community groups are declared members under subclause (1), the council may appoint as many electors of the relevant group to be members of the council as are necessary to make up the number to 2, and for this purpose a quorum shall equal the number of members declared under subclause (1) together with those members declared as elected under clause 33.
- (4) A person may only be appointed under subclause (3) if he or she is eligible for nomination and agrees to be appointed.
- (5) Where persons have agreed under subclause (4) to be appointed as members, the clerk shall, by a notice displayed in the same places as the election notice, declare those persons to be appointed members of the council.

-
- (6) If a candidate dies between the close of nominations and election day, and the effect of the death is to reduce the number of candidates to the number of members required for the relevant community group, subclause (2) shall not require the holding of an election for that group but subclause (1) shall apply instead as if the candidate had withdrawn before the close of nominations.

22 Voting tokens and ballot-papers

- (1) Where an election is to be held under clause 21(2), the clerk shall cause to be prepared or printed in sufficient numbers for the purposes of the election tokens for use by those voting in person and ballot-papers for use in postal voting.
- (2) Where ballot-papers are required for use in postal voting the names of candidates shall be set out under the name of their community group in the order determined by the clerk by ballot.

23 Polling place and voting containers

- (1) The clerk shall set aside a polling place for the purpose of an election.
- (2) The polling place shall have within it a voting area in which a voter is able to cast his or her votes without being observed otherwise than by a polling official.
- (3) The clerk shall provide in a voting area, for each candidate, a container clearly marked with the name of the candidate placed in front of or below a photograph of the candidate supplied in accordance with clause 20(3).
- (4) The container shall have a securely fitted or fastened lid and have a slit in the upper side through which voting tokens may be put into the container.

24 Polling officials

- (1) Subject to subclause (2), the clerk may, by notice in writing, appoint polling officials to assist in conducting an election.
- (2) The clerk shall not appoint a member of the council, a candidate, or the spouse of a member or candidate, to be a polling official.
- (3) The clerk and polling officials shall conduct voting at the polling place.

25 Scrutineers

- (1) Each candidate may, by notice in writing, appoint persons to be scrutineers for the candidate for the purposes of the election.
- (2) One scrutineer for each candidate is entitled to remain in the polling place with the clerk or polling officials to observe the conduct of the voting and counting of votes.

26 Hours of polling

The clerk shall ensure that the polling place is open and remains open for voting between the hours of 8 am and 4 pm on the day of an election.

27 Entitlement to vote

- (1) Subject to subclause (2), a person whose name appears on the electoral roll shall vote and a person whose name does not appear on the roll shall not be entitled to vote at an election.
- (2) Where the clerk is satisfied that a person whose name has not been entered on the roll is eligible under clause 15 to vote the clerk shall, upon the person signing a declaration that an application for enrolment was made before the closure of the roll under clause 16(4):
 - (a) alter the roll by entering the person's name on it;
 - (b) initial the alteration; and
 - (c) then permit that person to vote.

28 Exhibition of voting containers

The clerk or polling official shall, immediately before the polling place is opened for voting, demonstrate to a person who is eligible to vote but is not a candidate that there are no voting tokens in any of the voting containers.

29 Presence in polling place

A voter, and any person assisting the voter under clause 30(6), other than the clerk, a polling official or scrutineer, shall remain in the polling place only for the time necessary to vote.

30 Voting procedure

- (1) A voter shall state his or her name to the clerk or polling official, who shall:
 - (a) check that the name appears on an electoral roll; and
 - (b) if a line has not been drawn through that name, draw a line through it and hand the voter 14 voting tokens or a lesser number equivalent to the number of candidates to be elected.
- (2) After the clerk or official hands the voting tokens to a voter, the voter shall go into the voting area and vote for each candidate of the voter's choice up to the number of tokens received by placing one of the tokens in the container relating to the candidate.
- (3) A voter shall vote only once for each chosen candidate.
- (4) Subject to subclause (6), a voter shall enter the voting area alone.
- (5) Subject to subclause (6), no person other than a voter who has been issued with a voting token shall vote with the token.
- (6) Where the clerk or official in charge of the polling place is satisfied that a voter is, for any reason, unable to vote without assistance, the voter may appoint a person to assist him or her, and the clerk or official shall permit that person to accompany the voter into the voting area and vote on his or her behalf.

31 Postal voting

- (1) A person whose name appears on the electoral roll who:
 - (a) is ill, infirm or for religious reasons unable to attend a polling place;
 - (b) will be absent from the community government area during the hours when the polling place will be open; or
 - (c) will be unable to attend a polling place in person on election day,may apply in person or in writing to the clerk for a postal ballot-paper.
- (2) An application in writing for a postal ballot-paper shall give an address to which the ballot-paper may be posted or delivered by hand in a sealed envelope.

-
- (3) Where, before election day, the clerk receives an application for a postal ballot-paper and the name of the applicant is on the electoral roll, the clerk shall:
 - (a) hand or send to the applicant a ballot-paper, initialled by the clerk, together with a self-addressed envelope marked with the words "Ballot-paper"; and
 - (b) write the letters "PBP" against the name of the applicant on the electoral roll.
 - (4) An applicant who has received a postal ballot-paper shall vote by placing on it an "X" in the boxes opposite the names of the required number of candidates of his or her choice.
 - (5) After an applicant for a postal ballot-paper has voted, the ballot-paper is to be returned in the marked self-addressed envelope to the clerk.
 - (6) Where the clerk, on or before 4 pm on election day, receives an envelope apparently containing a postal ballot-paper the clerk shall retain the envelope unopened and in safe custody until the counting of votes.
 - (7) Where the clerk, after 4 pm on election day, receives an envelope apparently containing a postal ballot-paper the clerk shall mark the envelope "rejected" and the votes on that ballot-paper shall not be counted.

32 Counting of votes

- (1) After 4 pm on election day and as soon as voting has finished, the clerk and polling officials shall, in the presence of a scrutineer or at least one other person who is eligible to vote but is not a candidate:
 - (a) open any postal ballot-papers retained by the clerk in accordance with clause 31(6) and, subject to subclause (2), record the number of postal votes received by each candidate; and
 - (b) count and record the number of voting tokens received by each candidate.
- (2) In carrying into effect subclause 1(a), the clerk shall set aside as an informal vote any ballot-paper where the voter has voted for more than the required number of candidates, or has failed to make his or her intentions clear; but a paper shall not be set aside by reason only that the voter has marked it otherwise than in accordance with clause 31(4), or has voted for fewer than the required number of

candidates.

- (3) After counting, voting tokens shall be replaced in the container from which they came.
- (4) The clerk shall, immediately after counting the votes, sign a certificate stating:
 - (a) the names of the polling officials who assisted in the count;
 - (b) the names of the scrutineers who attended the count;
 - (c) the total number of voting tokens received as votes by each candidate;
 - (d) the total number of postal votes received by each candidate; and
 - (e) the number of postal ballot-papers issued by the clerk, the number of them included in the count and the total number of informal votes.

33 Declaration of result

- (1) The clerk shall, as soon as practicable after the votes have been counted, declare the result of the election by a notice displayed in the same places as the election notice is or was displayed.
- (2) A notice under subclause (1) shall:
 - (a) list the candidates;
 - (b) state the total number of votes received by each candidate;
 - (c) subject to subclause (3), the candidates to be elected are, in the case of the Jawoyn language group, the 4 candidates with the most votes and, in the case of each of the 5 community groups, the 2 candidates with the most votes as members of the council;
 - (d) specify the persons who have been declared under clause 21(1) to be members of the council; and
 - (e) specify the number of members the council may appoint under clause 21(3).
- (3) To the extent that compliance with subclause (2)(c) is impossible by reason of an equality of votes between 2 or more candidates, the clerk shall arrange for lots to be drawn to decide which of them shall be declared elected, and the notice required by subclause (1)

shall state that the successful candidate or candidates was or were selected by lot.

34 Transmission of details to Minister

Not more than 10 days after an election day, the clerk shall forward to the Minister:

- (a) the certificate signed by the clerk under clause 32(4);
- (b) a copy of the notice given by the clerk under clause 33(1); and
- (c) details of any declarations made by the clerk under clause 21(1).

35 Re-count

- (1) The clerk may, if the clerk thinks it desirable or on the written request of a candidate, re-count the votes at any time before a candidate is declared to be elected.
- (2) A request under subclause (1) shall contain a statement of the reasons for the request.

36 Retaining postal ballot-papers and voting tokens

- (1) After the counting of votes has been completed, the clerk shall keep the postal ballot-papers in a sealed package unopened for 1 month and shall then destroy that unopened package.
- (2) After the counting of votes has been completed and the relevant candidates declared elected, the clerk shall keep the voting tokens in a secure place.

37 Adjournment of polling in emergency

- (1) If it appears to the clerk to be necessary or desirable to do so by reason of:
 - (a) riot or open violence;
 - (b) fire, storm, tempest or flood or a similar occurrence; or
 - (c) any other event which, in the opinion of the clerk, may temporarily prevent or discourage significant numbers of voters from voting on a day set aside for an election,

the clerk may adjourn polling at an election from day to day to a maximum of 21 days.

-
- (2) The clerk shall take such steps as the clerk considers necessary and practicable to inform persons entitled to vote of an adjournment under subclause (1).
 - (3) Where polling has been adjourned under subclause (1), clause 31(6) and (7) and clause 32(1) shall have effect as if the reference to election day were a reference to the day on which voting is finally concluded.

38 Vacancies in membership

- (1) Subject to subclause (2) and clause 40, where the office of a member is or becomes vacant the council shall, by resolution, appoint a person to fill the vacancy.
- (2) In the case of a vacancy arising less than 6 months before the next election day, the council may make an appointment under subclause (1), but shall not be required to do so.
- (3) In making appointments under subclause (1), the council shall comply with the requirements in clause 8(1) as to the representation from each community group.

39 Conduct of election where clerk a member

Where a new council is to be elected under this scheme and the clerk is also a member of the existing council, the Minister may appoint another person to perform the functions of the clerk in relation to that election.

40 Resignation of council

- (1) If all the members of the council cease to be members, or a quorum is not present on 2 consecutive occasions at the place and within one hour after the time specified for a council meeting, the clerk shall be deemed to constitute the council for the purposes of:
 - (a) determining the date of an election of a new council; and
 - (b) exercising a power of the council under this scheme.
- (2) Subject to this scheme, when the clerk determines under subclause (1)(a) the date of an election of a new council, the date determined shall be as soon as practicable, and in any case not later than 3 months after the event giving rise to the determination.

-
- (3) Notwithstanding subclause (2), if the period of 3 months referred to in that subclause expires during the month of August in which a general election of members would otherwise be held, the clerk shall determine the date of the election to be a day of that month.
 - (4) The term of office of a council elected under subclause (2) shall expire on the declaration of the result of the next election (not being a by-election) held pursuant to clause 17(2).
 - (5) For the purposes of exercising a power of the council in pursuance of subclause (1)(b), the clerk shall appoint a person whose name appears on the electoral roll as an assistant to the clerk.

**Schedule Barunga Manyallaluk Community Government
Area**

clause 5

See hard copy for plan

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Barunga Manyallaluk Community Government Scheme

Notified	1 July 1993
Commenced	1 July 1993

Barunga Manyallaluk Community Government Scheme

Notified	15 November 2000
Commenced	15 November 2000

3 LIST OF AMENDMENTS

cl 8	amd 15 November 2000
cl 21	amd 15 November 2000
cl 33	amd 15 November 2000