

**NORTHERN TERRITORY OF AUSTRALIA**

**BORROLOOLA COMMUNITY GOVERNMENT SCHEME**

As in force at 18 November 1992

Table of provisions

**Part I**

**Council**

1	Name of scheme .....	1
2	Definitions .....	1
3	Community government area .....	2
4	Wards .....	2
5	Community Government Council .....	2
6	Common Seal .....	2
7	Members of council .....	2
8	Eligibility for membership .....	3
9	President and Vice-President of Council .....	3
10	Meetings of council .....	3
11	Meetings to be open .....	4
12	Procedure at meetings of council .....	4
13	Ward committees .....	5

**Part II**

**Functions and powers of council**

14	Functions .....	5
15	Powers .....	7

**Part III**

**Elections**

16	Eligibility to vote .....	8
17	Roll of electors .....	8
18	Date of election .....	8
19	Notice of elections .....	8
20	Content of election notice .....	9
21	Nominations .....	9
22	Declaration or election of members .....	9
23	Ballot-papers .....	10
24	Polling place .....	10
25	Ballot-box .....	10
26	Polling officials .....	10
27	Scrutineers .....	10
28	Hours of polling .....	11
29	Entitlement to vote .....	11
30	Exhibition of ballot-box .....	11
31	Presence in polling place .....	11
32	Voting procedure .....	11
33	Use of mobile polling booth .....	12

---

34	Postal voting .....	13
35	Counting of votes.....	14
36	Declaration of result.....	15
37	Transmission of details to Minister .....	15
38	Re-count .....	15
39	Retaining ballot-papers.....	16
40	Adjournment of polling in emergency .....	16
41	By-elections .....	16
42	Resignation of council .....	17

## **Schedule 1**

## **Schedule 2      Wards**

### **ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

---

This reprint shows the Community Government Scheme as in force at 18 November 1992. Any amendments that commence after that date are not included.

---

## BORROLOOLA COMMUNITY GOVERNMENT SCHEME

### Community Government Scheme under the *Local Government Act*

#### Part I Council

##### 1 Name of scheme

This scheme shall be called the *Borroloola Community Government Scheme*.

##### 2 Definitions

In this scheme, unless the contrary intention appears:

***candidate*** means a person who has been nominated and accepted, under clause 21, as a candidate for election to the council and who has not withdrawn his consent to the nomination before the close of nominations.

***Chief Electoral Officer*** has the same meaning as in the *Electoral Act*.

***clerk***, for the purposes of Part III except clause 42, also includes the Chief Electoral Officer.

***council*** means the Borroloola Community Government Council.

***election day*** means a day specified in clause 18 for the holding of an election.

***election notice*** means a notice under clause 19(1) that an election is to be held.

***polling official*** means an official appointed under clause 26.

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

***ward*** means a ward named in clause 4.

### **3 Community government area**

The community government area to which this scheme applies is all that parcel of land situated within and adjacent to the Town of Borroloola in the Northern Territory of Australia shown on the plan in Schedule 1, containing an area of 1,256 hectares more or less and bounded by lines described as follows: commencing at the northeastern corner of the Town of Borroloola as notified in the *Northern Territory Government Gazette* No. 35 of 30 August 1972 thence by lines bearing 180° 3,307.08 metres 226° 1,331.125 metres 270° 0' 30" 592.61 metres 189° 38' 692.19 metres 279° 38' 701.2 metres 9° 37' 30" 573.13 metres 270° 0' 30" 740.98 metres 6° 4,255.055 metres 90° 50 metres north 1 kilometre east 800 metres south 1 kilometre 90° 1,707.27 metres to the point of commencement.

### **4 Wards**

The wards which together constitute the community government area are:

- (a) the Garawa ward;
- (b) the Mara ward;
- (c) the New Sub-division ward;
- (d) the Old Town ward; and
- (e) the Yanyula ward,

each of which is more particularly described in Schedule 2.

### **5 Community Government Council**

The name of the community government council which shall administer the community government area is the Borroloola Community Government Council.

### **6 Common Seal**

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

### **7 Members of council**

- (1) The council shall consist of 10 members, 2 of whom shall be declared or elected for each ward in the manner provided by this scheme.

- (2) The term of office of a member shall expire immediately before the next election day.

## **8 Eligibility for membership**

- (1) A person is eligible for nomination as a member of the council if he is enrolled as a voter under clause 17.
- (2) The office of a member becomes vacant if he ceases to be so enrolled, or if he ceases to live ordinarily in the community government area.

## **9 President and Vice-President of Council**

- (1) The Council shall have a President and a Vice-President, who shall be elected by the members from among their own number at the council's first meeting after its election and thereafter as occasion may require.
- (2) Subject to subclause (3), the President and Vice-President shall each hold office during the pleasure of the members of the council.
- (3) The President and Vice-President may resign at any time by giving notice in writing to the clerk, and the office of either shall become vacant if its holder ceases to be a member of the council.
- (4) The Vice-President shall act as President during any vacancy in that office and, subject to any contrary intention in this scheme, shall also perform the functions, exercise the powers and discharge the duties of the President when the latter is absent from the community government area or any meeting of the council.

## **10 Meetings of council**

- (1) The council shall meet to transact its business not less than once each month on such days and at such times as decided by the council at a previous meeting.
- (2) The President may call a special meeting of the council by giving at least 2 days notice to the other members.
- (3) By giving the President notice requesting a special meeting of the council and stating the reasons for the request, 3 or more members, or 6 or more persons each of whom has attained the age of 18 years and has lived continuously in the community government area for not less than 3 months may require the President to call a special meeting of the council.

- (4) Where, under subclause (2) or (3), a special meeting is to be held, the clerk shall notify the members and shall cause a written notice of the special meeting to be prominently displayed in a place which he considers likely to be frequented by residents.
- (5) A notice under subclause (4) shall specify:
  - (a) the date, time and place of; and
  - (b) the reason for the calling of,  
the special meeting.
- (6) Where a special meeting is requested, under subclause (3), it shall be held within 7 days after the day upon which notice requesting it is received by the President.
- (7) A member proposing to be absent from a meeting of the council may authorize in writing any person who has attained the age of 18 years and has lived continuously in the community government area for not less than 3 months to attend the meeting in his place and, subject to and in accordance with any restrictions or instructions specified in the authorization, to exercise his powers at the meeting (including the power to vote) on his behalf.
- (8) Where a member is absent in person 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 him to be no longer a member, and his office as such to be vacant.

## **11 Meetings to be open**

Meetings of the council shall be open to persons who are not members or officers 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 by the Vice-President in his absence, or by a member chosen by the other members in the absence of both the President and the Vice-President.
- (2) The conduct of meetings of the council shall be in accordance with the standing orders determined, from time to time, by the council.

- (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.

### **13 Ward committees**

The council may by resolution:

- (a) establish a ward committee for a ward; and
- (b) make such provision as it thinks fit as to the composition, meetings and proceedings of the committee, the powers and functions of the committee and the manner of their exercise and performance, and any matters of an incidental or ancillary nature.

## **Part II Functions and powers of council**

### **14 Functions**

The council may perform the following functions:

- (a) the establishment, development, operation and maintenance of communication facilities for the community government area and in so doing the council may enter into a contract with the Australian Telecommunications Commission to act, for reward, as the agent of the Commission;
- (b) the establishment and maintenance of parks, gardens and recreational areas and carrying out landscaping and other associated works.
- (c) the establishment and maintenance of sports facilities, libraries, a cinema, community halls and public toilet and ablution blocks;
- (d) the provision of a service for the collection and disposal of garbage and the maintenance of a particular place where garbage is to be dumped;
- (e) the provision and maintenance of sanitation facilities and the removal of health hazards;

- (f) the provision and maintenance of sewerage, drainage and water supply facilities;
- (g) the supply of electricity by contracting with a government department or statutory authority responsible for providing electricity, and acting, for reward, as an agent in respect of the collection of electricity charges;
- (h) the provision of adult education and vocational and other training;
- (j) the provision and maintenance of housing for residents and their families on such terms and conditions as the council thinks fit;
- (k) the provision of relief work for unemployed persons;
- (m) the promotion and provision of community welfare and care facilities for all age groups within the community government area and the provision of appropriately trained staff to provide counselling or temporary assistance.
- (n) the maintenance of a cemetery;
- (p) the control of animals within the community government area;
- (q) the development and maintenance of roads and boat ramps within the community government area and, for reward, the development and maintenance of roads and boat ramps outside the community government area;
- (r) the maintenance of the Borroloola airstrip and other facilities related thereto;
- (s) the hiring out, for reward, of any plant, appliance or equipment belonging to the council and the repair and maintenance, for reward, of any plant, appliance or equipment not owned by the council;
- (t) the contracting, for reward, of works projects 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, and provision and maintenance of tourist facilities, within the community government area;
- (z) the production of and selling of artifacts and souvenirs;
- (za) the management and control of sites of historic interest; and
- (zb) the support and encouragement of artistic, cultural and sporting activities.

## **15 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 subclause (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 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 under the Act shall apply to and in relation to rates so declared to the extent that they are capable of doing so and with any necessary modifications.
- (5) Without prejudice to the powers of charging conferred on it by section 272(2) of the Act, the council may for the purpose of raising revenue for the performance of its functions declare charges to be payable by reason of a person's residence in the community government area or his carrying on of a business in the area or his having an interest in ratable land in the area.
- (6) The council may exempt persons, or any class of persons, from all or part of the rates or charges for which they would otherwise have been liable by virtue of this clause.
- (7) The council may, by agreement with the body in question, take over and manage any activity of the Borroloola Progress Association Incorporated and the Warrawulla Association Incorporated consistent with the functions of the council.

- 
- (8) The council may contract with the Territory or other person in order to perform any of its functions.

## **Part III                    Elections**

### **16                    Eligibility to vote**

A person is eligible to vote at a council election, and entitled to be enrolled as a voter under clause 17 for the ward in which he resides at the close of the rolls under clause 17(2), if he:

- (a) is 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 three months immediately before the close of the rolls.

### **17                    Roll of electors**

- (1) The clerk shall maintain for each ward a roll of the full names and addresses of persons who are eligible to vote at elections.
- (2) The clerk shall close the rolls at 12 noon on the Thursday 21 days before election day.
- (3) Except as provided by clause 29(2), the clerk shall not add any names to an electoral roll in the period between its closure and the conclusion of the election.
- (4) A resident may inspect the electoral rolls at the offices of the council during the time that the offices are open.

### **18                    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 7 May 1987, and subsequent elections shall be held on a Thursday in May in 1990 and in every third calendar year after the end of the year 1990.

### **19                    Notice of elections**

- (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 each ward as the clerk considers likely to reasonably ensure that all

residents who are eligible to vote have notice of the election.

## **20 Content of election notice**

An election notice shall specify:

- (a) the date of the closure of the electoral rolls;
- (b) the persons who may nominate persons, and 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 shall be lodged; and
- (e) the date of the election and time and places of polling,

and shall advise that only persons whose names are on one of the electoral rolls will be entitled to vote at the election.

## **21 Nominations**

- (1) A person who is enrolled as a voter under clause 17 may, by lodging a written nomination with the clerk, nominate for election as a member of the council for his ward any other person who is enrolled in the ward.
- (2) The clerk shall not accept a nomination unless he is satisfied:
  - (a) that it sufficiently identifies the proposed candidate; and
  - (b) that the proposed candidate has consented to the nomination.
- (3) A candidate may withdraw his consent to his nomination at any time before the close of nominations.
- (4) Nominations of candidates for election shall close at 12 noon on the Thursday 14 days before election day.
- (5) As soon as practicable after nominations have closed, the clerk shall display in each ward, in the same places as the election notice, a list of the names of the candidates for the ward.

## **22 Declaration or election of members**

- (1) Where at the close of nominations under clause 21(4) the number of candidates for a ward does not exceed 2, the clerk shall, by a notice displayed in the same places as the election notice, declare the candidate or candidates in question to be a member, or as the

case may be the members, of the council for that ward.

- (2) Where at the close of nominations there are more than 2 candidates for a ward, an election to decide which 2 of them shall be members for the ward shall be held on election day.
- (3) In the event of all of the candidates for all of the wards being declared members by virtue of subclause (1), the clerk shall within 7 days send a copy of his notice or notices under that subclause to the Minister.

### **23 Ballot-papers**

- (1) Where an election of members for a ward is to be held under clause 22(2), the clerk shall cause ballot-papers to be printed in sufficient numbers for the purposes of the election.
- (2) The clerk shall determine, by ballot, the order of names of candidates on a ballot-paper.

### **24 Polling place**

- (1) The clerk shall set aside a place as the polling place for an election.
- (2) The clerk shall ensure that there is inside the polling place one or more booths separated from, but opening into, the polling place and having no other opening.

### **25 Ballot-box**

The clerk shall provide within the polling place a ballot-box which shall be securely fastened and have a slit in the upper side by which ballot-papers may be put into the ballot-box.

### **26 Polling officials**

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

### **27 Scrutineers**

- (1) Each candidate may, by notice in writing, appoint one person as a scrutineer.

- (2) A scrutineer shall be entitled to remain in the polling place with the clerk or polling officials to observe the conduct of the voting and counting of votes.

## **28 Hours of polling**

The clerk shall ensure that the polling place is open and remains open for voting between the hours of 8 o'clock in the morning and six o'clock in the evening on the day of an election.

## **29 Entitlement to vote**

- (1) Subject to subclause (2), a person whose name appears on an electoral roll shall vote and a person whose name does not appear shall not be entitled to vote at an election.
- (2) Where the clerk is satisfied that a person is eligible under clause 16 to vote, but his name has not been entered on any roll, the clerk shall, upon the person signing a declaration that he made a claim for enrolment before the closure of the rolls under clause 17(2):
  - (a) alter the appropriate roll by writing the person's name on it;
  - (b) initial the alteration; and
  - (c) then permit that person to vote.

## **30 Exhibition of ballot-box**

- (1) The clerk shall, immediately before the polling place is opened for voting and in the presence of a person who is eligible to vote but is not a candidate, exhibit the ballot-box empty, and shall then securely fasten its cover.
- (2) The clerk shall ensure that the ballot-box remains securely fastened during the hours that the polling place is open for voting.

## **31 Presence in polling place**

A voter, other than the clerk, a scrutineer or a polling official, shall remain in the polling place only for so long as is necessary for him to vote.

## **32 Voting procedure**

- (1) A voter shall state his name to the clerk or polling official, who shall check that the name appears on an electoral roll.
- (2) Where a voter's name is on an electoral roll and a line has not been drawn through it, the clerk or official shall draw a line through the

---

voter's name and hand him a ballot-paper for the ward in which the voter is enrolled.

- (3) Immediately before the clerk or official hands a voter a ballot-paper, the clerk or official shall initial the back of the ballot-paper.
- (4) After the clerk or official hands the ballot-paper to a voter, the voter shall go into an unoccupied booth and vote by placing an "X" on the ballot-paper in the boxes opposite the names of 2 candidates of his choice.
- (5) Where the voter spoils a ballot-paper or marks it in a way that he did not intend, he may return it to the clerk or official who may write "spoilt" across the front of it and give the voter (after initialling it on the back) a new ballot-paper.
- (6) The clerk shall, in accordance with clause 39, retain each spoilt ballot-paper until after the election.
- (7) When the voter has completed his ballot-paper he shall fold it to conceal the names of the candidates and place it in the ballot-box.
- (8) Each voter shall vote only once at each election.
- (9) Subject to subclause (11), a voter shall enter a booth alone.
- (10) Subject to subclause (11), no person, other than a voter who has been issued with a ballot-paper, shall vote on the ballot-paper.
- (11) 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 and the clerk or official shall permit that person to accompany the voter into a booth and mark the ballot-paper and deposit it in the ballot-box for him.

### **33 Use of mobile polling booth**

- (1) The clerk may if he thinks fit (in addition to setting aside a polling place under clause 24) authorize the use of a mobile polling booth for the purposes of the casting of votes at an election, and, where he does so, he shall:
  - (a) state in the election notice the places in the community government area which the mobile booth will visit, the days on which the visits will take place (being in each case a day during the week immediately proceeding election day) and the hours of polling; and
  - (b) provide for voters using the booth, a ballot-box complying with

clause 25.

- (2) Voting at a mobile polling booth shall be conducted by a polling official, and a scrutineer appointed under clause 27 shall be entitled to observe the conduct of the voting.
- (3) Clause 30 shall not apply to a ballot-box provided for use at a mobile polling booth, but the polling official who is to conduct the voting shall ensure:
  - (a) immediately before the first ballot-paper is put into it, and in the presence of a person eligible to vote, that the box is empty and securely fastened; and
  - (b) that the box remains securely fastened until he hands it back into the custody of the clerk.
- (4) In clause 32(11), the reference to the official in charge of the polling place includes a reference to the official conducting voting at a mobile polling booth.

#### **34 Postal voting**

- (1) A person whose name appears on an electoral roll who:
  - (a) is ill, infirm or for religious reasons unable to vote; or
  - (b) will be absent from the community government area during the hours when the polling place will be open,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.
- (3) Where, before the date of the election, the clerk receives an application for a postal ballot-paper and the name of the applicant is on an electoral roll, he shall:
  - (a) send to the applicant a ballot-paper, initialled by the clerk, for the ward in which the applicant is enrolled, together with a marked self-addressed envelope; and
  - (b) draw a line through the name of the applicant on the electoral roll.
- (4) Where a person who has applied for a postal ballot-paper receives the ballot-paper, he shall vote by placing on it an "X" in the boxes opposite the names of 2 candidates of his choice.

- (5) After an applicant for a postal ballot-paper has voted he shall return the ballot-paper in the marked self-addressed envelope to the clerk.
- (6) Where the clerk receives an envelope apparently containing a postal ballot-paper before the close of the poll, he shall, during the hours of polling, place that envelope, unopened, in a ballot-box in use at the election, and the envelope shall be opened and the vote counted in accordance with clause 35.
- (7) Where the clerk receives an envelope apparently containing a postal ballot-paper after the close of the poll, he shall mark the envelope "rejected", and the vote on that ballot-paper shall not be counted.

### **35 Counting of votes**

- (1) After 6 o'clock in the evening on the day of the election 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 was eligible to vote, open the ballot-box or boxes, count the number of ballot-papers, compare that number with the number of names through which a line has been drawn on the electoral rolls and prepare a statement which reconciles the number of ballot-papers issued and counted.
- (2) After a statement under subclause (1) has been prepared, the clerk and officials shall count the votes received by each candidate in the presence of a scrutineer or at least one other person who was eligible to vote.
- (3) During the counting of votes, the clerk shall, subject to subclause (4), set aside as an informal vote a ballot-paper where the voter has failed to comply with clause 32(4) or 34(4).
- (4) A ballot-paper shall not be set aside under subclause (3) by reason only that the voter has marked it otherwise than in the manner required by clause 32(4) or 34(4) if, in the opinion of the clerk, he has shown clearly the candidate or candidates for whom he intended to vote; and a paper shall not be set aside because the voter has voted for only one candidate, but shall be if he has voted for more than 2.
- (5) The clerk shall, immediately after counting the votes, sign a certificate stating:
  - (a) the names of the polling officials who assisted him in the count;
  - (b) the names of the scrutineers who attended the count;



- (c) the total number of formal votes;
- (d) the total number of votes received by each candidate for election as a member;
- (e) the number of postal votes forwarded by him and returned to him before the close of the polls; and
- (f) the total number of informal votes.

### **36 Declaration of result**

- (1) The clerk shall, as soon as practicable after the votes have been counted for a ward, declare the result of the election for that ward by a notice displayed in the same places therein as the election notice.
- (2) A notice under subclause (1) shall:
  - (a) list the candidates for the ward in the order in which they appeared on the ballot-paper;
  - (b) state the number of votes received by each candidate; and
  - (c) subject to subclause (3), declare the 2 candidates with the most votes elected as members of the council for the ward.
- (3) To the extent that compliance with subclause (2)(c) is impossible by reason of an equality of votes between any 2 or more candidates, the clerk shall arrange for lots to be drawn to decide which of them shall be declared elected, and his notice under subclause (1) shall state that the successful candidate or candidates was or were selected by lot.

### **37 Transmission of details to Minister**

Not more than 7 days after the holding of an election, the clerk shall forward to the Minister:

- (a) the certificate signed by him under clause 35(5);
- (b) a copy of the notice or notices given by him under clause 36(1); and
- (c) details of any declarations made by him under clause 22.

### **38 Re-count**

- (1) The clerk, at any time before a candidate is declared to be elected, may, on the written request of a candidate or of his own motion,

re-count the ballot-papers.

- (2) A request under subclause (1) shall contain a statement of the reasons for the request.

### **39 Retaining ballot-papers**

After the counting of the votes has been completed, the clerk shall keep the ballot-papers in a sealed package unopened for 6 months and, at the end of that time, shall destroy the unopened package containing the ballot-papers.

### **40 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; or
- (b) fire, storm, tempest or flood or a similar occurrence,

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

- (2) The clerk shall take such steps as he may consider necessary and practicable to inform persons entitled to vote of an adjournment under subclause (1).
- (3) Where polling has been adjourned under subclause (1), the provisions of clauses 35 shall apply as from the time when voting is finally concluded, and clause 7(2) shall have effect in relation to members of the former council as if the reference to election day were a reference to the day on which voting is finally concluded.

### **41 By-elections**

- (1) Subject to clause 42, this clause has effect where the office of a member of the council is or becomes vacant for any reason.

- (2) If:

- (a) the office was, before the vacancy occurred, held by a person who was elected to it; and
- (b) the person who obtained the highest number of votes of the candidates who were unsuccessful at the election for that ward is available and eligible to fill the vacancy,

the clerk shall forthwith invite the person referred to in paragraph (b), in writing, to fill the vacancy; and if within 7 days of

the giving of the invitation that person accepts it, the clerk shall:

- (c) by a notice displayed at the offices of the council, declare him or her to be a member; and
  - (d) send a copy of the notice to the Minister.
- (3) Where the vacancy is not filled in accordance with subclause (2), a by-election shall, subject to subclause 4, be held.
  - (4) It shall not be necessary for a by-election to be held if the vacancy arises less than 6 months before the latest day for the holding of the next election.
  - (5) The provisions of this scheme relating to elections shall apply, with the necessary changes, to the calling and conduct of a by-election, but construed as if the reference in clauses 28 and 35(1) to 6 o'clock in the evening were a reference to 2 o'clock in the afternoon.

#### **42 Resignation of council**

- (1) If all the members of the council cease to be members, or a quorum for 2 consecutive meetings of the council is not present at times for meetings of the council under this scheme, 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 which he determines shall be as soon as is practicable.
- (3) 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 his assistant.
- (4) A council elected under subclause (2), shall hold office for the remainder of the term for which the previously elected council would have been in office had that previously elected council remained in office for its full term.

**Schedule 1**

clause 3

TOWN OF BORROLOOLA WARD BOUNDARIES

See hard copy for plan

## Schedule 2 Wards

clause 4

### GARAWA WARD

The Garawa ward is all that parcel of land situated within the Town of Borroloola bounded by lines described as follows: commencing at the northeastern corner of the Town of Borroloola as notified in the *Northern Territory Government Gazette* No. 35 of 30 August 1972 thence by line bearing 180° for 3307.08 metres thence by line bearing 226° to its intersection with the centreline of McArthur River thence generally northerly by the said centreline of the said river to its intersection with the northern boundary of the Town of Borroloola thence by line bearing 90° to the point of commencement.

### MARA WARD

The Mara ward is all that parcel of land adjoining the northern boundary of the Town of Borroloola commencing at a point 90° for 50 metres from the northwestern corner of the Town as notified in the *Northern Territory Government Gazette* No. 35 of 30 August 1972 and bounded by lines described as follows: 0° for 1 kilometre 90° for 800 metres 180° for 1 kilometre 270° for 800 metres to the point of commencement.

### NEW SUBDIVISION WARD

The New Subdivision ward is all that parcel of land situated within the Town of Borroloola bounded by lines described as follows: commencing at the southwestern corner of Lot 679 thence northerly easterly and southerly by the western northern and part of the eastern boundary of Lot 679 to the northernmost corner of Lot 665 thence southeasterly by the northeastern boundaries of Lots 665 to 672 to the northeastern corner of Lot 672 thence northeasterly by the western boundary of part of Lot 674 and the boundary of Lot 683 to the northern corner of Lot 683 thence generally southeasterly by the northeastern boundaries of Lots 683, 684 and 632 to 634 to the northeastern corner of Lot 634 thence southwesterly by part of a southeastern boundary of Lot 634 to the northwestern corner of Lot 770 thence southeasterly by the northeastern boundary of Lot 770 to the northeastern corner of the said Lot thence generally southerly by the eastern boundaries of Lots 770, 769, 610, 538 and part of Lot 539 to its intersection with the westerly prolongation of the northern boundary of Lot 609 thence southeasterly by the said prolongation and the northern boundary of Lot 609 to the northeastern corner of the aforesaid lot thence southerly by the eastern boundaries of Lots 609 to 599 to the southeastern corner of Lot 599 thence westerly by the southern boundary of Lot 599 and its westerly prolongation to its intersection with the southeastern boundary of Lot 549 thence southerly by the eastern boundary of Lot 549 to the southeastern corner of the aforesaid Lot thence generally northwesterly by the southwestern boundaries of Lots 549 to 656 to

the western corner of Lot 656 thence southwesterly and westerly by the eastern and southern boundary of Lot 679 to the point of commencement.

#### OLD TOWN WARD

The Old Town ward is all that parcel of land situated within and adjoining the Town of Borroloola bounded by lines described as follows: commencing at the northwestern corner of the Town as notified in the *Northern Territory Government Gazette* No. 35 of 30 August 1972 thence by line bearing 90° to its intersection with the centreline of McArthur River thence generally southerly by the said centreline of the said river to its intersection with the southeastern boundary of the Town thence southwesterly by the southeastern boundary of the said boundary to its intersection with the southern boundary of the Town thence by lines bearing 270° 0' 30" 592.61 metres 189° 38' 692.19 metres 279° 38' 701.2 metres 9° 37' 30" 573.13 metres 270° 0' 30" 740.98 metres and 6° for 4255.055 metres to the point of commencement but excluding therefrom the land included in the New Subdivision and Yanyula Wards.

#### YANYULA WARD

The Yanyula ward is all that parcel of land situated within the Town of Borroloola containing an area of 26.14 hectares more or less being Lot 589 and being more particularly delineated on Survey Plan S80/80 lodged with the Surveyor-General, Darwin.

## 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

#### ***Borrooloola Community Government Scheme (as amended)***

Notified	8 April 1987
Commenced	8 April 1987

#### ***Amendments Borrooloola Community Government Scheme***

Notified	18 November 1992
Commenced	18 November 1992