

NORTHERN TERRITORY OF AUSTRALIA
ANMATJERE COMMUNITY GOVERNMENT SCHEME

As in force at 8 November 2006

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Community Government Scheme as in force at 8 November 2006. Any amendments that may come into operation after that date are not included.

ANMATJERE COMMUNITY GOVERNMENT SCHEME

Community Government Scheme under the *Local Government Act*

PART 1 – COUNCIL

1. Name of Scheme

The name of this scheme is the *Anmatjere Community Government Scheme*. (See back note 1)

2. Definitions

In this scheme, unless the contrary intention appears –

"candidate" means a person who has been nominated and accepted, under clause 23, as a candidate for election to the council and who has not withdrawn consent to the nomination before the close of nominations;

"clerk", for the purposes of Part 3 (other than clauses 44 and 45), includes the Electoral Commission;

"council" means the Anmatjere Community Government Council;

"election day" means a day specified in or fixed under clause 18 for the holding of an election;

"election notice" means a notice under clause 19(1);

"elector" means a person enrolled or entitled to be enrolled for a ward;

"electoral roll" means a roll prepared in accordance with clause 17;

"member" means a member of the council and includes its Chairman and Vice-Chairman and a person authorised under clause 10;

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"mobile polling team" means a mobile polling team authorised under clause 21;

"mobile polling team leader" means a polling official appointed by the clerk to head a mobile polling team;

"polling official" means an official appointed under clause 29;

"polling place" means a place set aside under clause 27 for the purposes of an election and includes the area designated by a notice erected by a mobile polling team during the period that the notice is displayed;

"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 comprises all those parcels of land indicated on the plan in Part A of Schedule 1 and described as wards in Part B of that Schedule, and containing approximately 3631 km².

4. Wards

The wards of the community government area are the areas containing the following:

- (a) Alyuen (on Aileron Station);
- (b) Anyungunba (on Pine Hill Station);
- (c) Engawala (on Alcoota Station);
- (d) Laramba (on Napperby Station);
- (e) Nturiya (the western part of Ti-Tree Station);
- (f) Pmara Jutunta (the central part of Ti-Tree Station)
- (fa) Ti-Tree (the Town of Ti-Tree)
- (g) Wilora (on Stirling Station);
- (h) Woolla (Adelaide Bore and the eastern part of Ti-Tree Station); and
- (j) Yanginj (on Anningie Station),

each of which is more particularly described in Part B of Schedule 1.

5. Name of Community Government Council

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

6. Common Seal

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

7. Members of council

(1) The council consists of 20 members, of whom 2 shall be declared, elected or appointed to represent each ward in the manner provided by this scheme.

(2) Subject to this scheme, the term of office of a member expires on 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 as a voter or ceases to be ordinarily resident in the community government area.

8. Chairman and Vice-Chairman

(1) The council shall have a Chairman and a Vice-Chairman, who shall be elected in that order by the members from amongst their own number at the council's first meeting after its election and, after that, as required.

(2) A member is not to be elected to an office referred to in subclause (1) if, upon election, the member would represent the same ward as that represented by the holder of the other office referred to in that subclause.

(3) Subject to subclause (4), the Chairman and Vice-Chairman each holds office during the pleasure of the members of the council.

(4) The Chairman and Vice-Chairman may resign from office at any time by giving notice in writing to the clerk.

(5) The office of the Chairman or Vice-Chairman shall become vacant if its holder ceases to be a member of the council.

(6) The Vice-Chairman shall act as Chairman during any vacancy in that office and shall also perform the functions, exercise the powers and discharge the duties of the Chairman when the latter is absent from the community government area or a meeting of the council.

9. 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 council 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) [Omitted]

(4) The Chairman may call a special meeting of the council by giving at least 7 days notice to the members.

(5) By giving the Chairman notice in writing requesting a special meeting of the council and stating the reasons for the request –

(a) 5 or more members; or

(b) 10 or more electors,

may require the Chairman to call a special meeting of the council; and the Chairman shall call that meeting for a date not later than 15 days after the day on which the notice is received, and shall notify the members of the time and place.

(6) Where a special meeting is to be held under subclause (4) or (5), the clerk shall cause written notice of the meeting to be prominently displayed at a place in each ward which the clerk considers likely to be frequented by residents.

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

(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 doesn't accept as satisfactory,

the council may declare the person to be no longer a member and the office to be vacant.

10. Proxies

(1) A member proposing to be absent from a meeting of the council may authorise, in writing, any person who, if an election were called, would be entitled to be nominated under clause 23 as a candidate for the same ward as the member to attend the meeting in the member's place 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.

(2) An authorisation under subclause (1) is valid for one meeting only, and –

- (a) an authorisation relating to 2 or more consecutive meetings – in respect of the second and subsequent meetings; or
- (b) an authorisation for a meeting next after a meeting already attended by an authorised person,

has no effect.

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. Procedures at meetings of council

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

(2) The council shall determine its own procedure at meetings, subject to any standing orders it may make from time to time.

(3) The council shall keep a record of its proceedings.

(4) The quorum for a meeting of the council is a majority of members.

(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.

(6) Subject to standing orders and with the consent of the Chairman, an elector for the ward in which the meeting is being held may address the council.

13. [Repealed]

PART 2 – FUNCTIONS AND POWERS OF COUNCIL

14. 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 airstrips and related facilities;

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- (r) 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;
- (s) 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;
- (t) the establishment and operation of pastoral and commercial enterprises;
- (u) 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;
- (w) the promotion and development of tourist attractions, the provision and maintenance of tourist facilities and the production and selling of artifacts and souvenirs;
- (y) the management and control of sites of historic interest; and
- (z) 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 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 rates or charges for which they would otherwise have been liable by virtue of this clause.

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

PART 3 – ELECTIONS

16. Eligibility to vote

(1) A person is eligible to vote at a council election in respect of the ward in which he or she resides at the close of the rolls under clause 17(4), if the 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 the rolls under clause 17(4) or for periods totalling not less than 12 months during the 3 years immediately before the closure of those rolls.

(2) A person is eligible to vote at a council election in respect of the ward of Ti-Tree if the 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 ward for not less than 3 months continuously immediately before the closure of the rolls under clause 17(4).

17. Electoral rolls

(1) The clerk shall maintain for each ward, by such means as it thought fit (including by electronic means or the use of a 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 rolls at the office of the council when it is open.

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(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 rolls at 12 noon on the day occurring 21 days before election day.

(5) Except as provided by clause 32(3) or to correct an oversight in the making up of an electoral roll, the clerk shall not add any name to that roll in the period between its closure and the conclusion of the election.

18. Date of elections

(1) For the purposes of this clause, "election" does not include a by-election.

(2) The first election shall be held on 21 May 1993 and subsequent elections shall be held on the last Friday in May, unless another day in that month is selected by the council as election day, in every second calendar year after the end of that year or, where an election is held under clause 45, in May in every second calendar year after the date of that election.

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 place or 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 closure of the electoral rolls;
- (b) the persons who may nominate other persons, and who may be nominated, as a candidate for a ward;
- (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 the dates between which polling may be conducted by mobile polling teams, and the place at which the vote is to be counted,

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

21. Mobile polling teams

(1) The clerk may authorise the use of mobile polling booths under the control of a mobile polling team and mobile polling team leader for the purposes of casting votes at an election.

(2) A mobile polling team may commence polling during the week immediately preceding election day.

(3) A mobile polling booth, when in operation, shall be deemed to be a polling place set aside under clause 27.

22. Election notice dates, &c., may be varied

(1) If a mobile polling team is unable to be at a place on a date during the time specified on an election notice, the mobile polling team leader –

- (a) may substitute another place for the specified place; and
- (b) may change or vary the specified dates or times.

(2) When a mobile polling team leader, under subclause (1), substitutes another place or changes or varies dates or times, the leader shall –

- (a) take such steps as are considered necessary or convenient to give notice within the community government area of the substitution, change or variation; and
- (b) inform the clerk of the substitution, change or variation.

(3) An election or the result of an election shall not be invalidated on the grounds that a mobile polling team failed to attend at a place or on the dates or during the times specified in an election notice or such a place, dates or times as substituted, changed or varied under this clause by a mobile polling team leader.

23. Nominations

(1) Subject to subclause (1A), a person is eligible for nomination as a member of the council if he or she –

- (a) is enrolled under clause 17; and

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- (b) has ordinarily resided in the community government area for not less than 3 years continuously immediately before nomination or for periods totalling not less than 3 years during the 6 years immediately before nomination.

(1A) A person is eligible for nomination as a member of the council to represent the ward of Ti-Tree if he or she is –

- (a) enrolled under clause 17; and
- (b) has ordinarily resided in the ward for not less than 12 months continuously immediately before nomination.

(2) A person who is enrolled for a ward under clause 17 may, by lodging a written nomination with the clerk, nominate for election to the council another person or persons enrolled for the same ward.

(3) The clerk shall not accept a nomination unless satisfied –

- (a) that it sufficiently identifies the proposed candidate; and
- (b) that the proposed candidate is eligible under subclause (1) or (1A) to be nominated and has consented to the nomination.

(4) The clerk may, at any time before the close of nominations, accept a recent photograph of a proposed candidate if, in the opinion of the clerk, it is suitable for display in accordance with subclause (7) and reproduction on a ballot-paper in accordance with clause 26(3).

(5) A candidate may withdraw his or her consent to nomination at any time before the close of nominations.

(6) Nominations of candidates for election shall close at 12 noon on the day occurring 14 days before election day.

(7) 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 showing the names of each candidate for the ward and, if accepted under subclause (4), the photograph of the candidate, together with a notice, specifying the date, time and place of polling in each ward in which an election is to be held.

24. Declaration or election of members

Where at the close of nominations under clause 23(6) there are –

- (a) not more than 2 candidates for each ward, the clerk shall, by notice displayed in the same places as the election notice, declare those candidates to be members of the council; or

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- (b) more than 2 candidates for a ward, an election shall be held to decide which of them shall be the members for the ward.

25. Failure of election

- (1) An election or by-election shall fail where –
 - (a) there is no nomination at the close of nominations under clause 23;
 - (b) a candidate in the election dies before polling day; or
 - (c) no candidate in the election is returned as elected.

(2) Where an election fails, a by-election shall be held and, for the purposes of clause 7, the date on which the failed election was held or was to be held shall be deemed to be the date on which the vacancy of the member occurred.

(3) For the purposes of a by-election held under subclause (2), the electoral roll shall be the roll prepared for the election which failed.

26. Ballot-papers

(1) Where an election of members for a ward is to be held under clause 24, 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 the names of candidates on the ballot-paper.

(3) If accepted under clause 23(4), the photograph of the candidate shall be printed alongside the candidate's name.

27. Polling places

(1) The clerk shall set aside a polling place or places in each ward in which an election is to be held.

(2) A polling place shall have separate polling booths constructed so as to screen a voter from observation (other than by a polling official or a person authorised under clause 35(8)) while marking a ballot-paper.

28. Ballot-boxes

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

29. Polling officials

(1) Subject to subclause (2), the clerk may, by notice in writing, appoint polling officials to assist in conducting an election and, in respect of a mobile polling team, appoint one of the polling officials constituting the team to be the mobile polling team leader.

(2) The clerk shall not appoint a member of the council, a candidate, or a spouse or de facto partner of a member or candidate, to be a polling official.

(3) The clerk and polling officials shall conduct voting at the polling places.

30. 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 each polling place with the clerk or polling officials to observe the conduct of the voting and is also entitled to observe the counting of votes wherever carried out.

31. Hours of polling

The clerk shall ensure that each polling place is open and remains open for such period as the clerk considers sufficient to give voters who wish to vote the opportunity to do so.

32. Entitlement to vote

(1) Subject to subclause (3), a person whose name appears on an electoral roll for a ward shall vote at an election for that ward and a person whose name does not appear on the roll for that ward shall not be entitled to vote at an election for that ward.

(2) A voter may vote at any polling place in the community government area, whether or not it is in the ward for which the voter is enrolled.

(3) Where the clerk is satisfied that a person whose name has not been entered on an electoral roll is eligible under clause 16 to vote, the clerk shall, upon the person signing a declaration that an application for enrolment was made before the closure of the rolls under clause 17(4) –

- (a) alter that roll by entering the person's name on it;
- (b) initial the alteration; and
- (c) then permit that person to vote.

33. Exhibition of ballot-boxes

(1) The clerk or polling official shall, immediately before a 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, securely fasten its cover, and ensure that the cover remains securely fastened during the hours of polling.

(2) Unless the votes are to be counted immediately after the close of the poll at the polling place at which the votes are taken, the clerk or polling official shall, at the close of the poll and in the presence of any scrutineers who may be in attendance, publicly close and seal the ballot-box and forward it to the place specified under clause 20(e) for the counting of votes.

34. Presence in polling place

A voter and any person assisting the voter under clause 35(8), other than the clerk, a polling official or scrutineer, shall remain in a polling place only for the time necessary to vote.

35. Voting procedure

(1) A voter at a polling place 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, initial the back of a ballot-paper for the ward in which the voter is enrolled, and hand it to the voter.

(2) The voter shall take the ballot-paper into an unoccupied polling booth and secretly vote by placing –

- (a) the number "1" in the square on the ballot-paper opposite the name of the candidate who is the voter's first preference; and
- (b) the number "2" in the square on the ballot-paper opposite the name of the candidate who is the voter's second preference.

(3) Where the voter spoils a ballot-paper or marks it in a way that was not intended, the voter may return it to the clerk or official who shall write "spoilt" across the front of it, initial the back of a new ballot-paper and give that ballot-paper to the voter.

(4) The clerk shall retain spoilt ballot-papers to be dealt with under clause 41.

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(5) Subject to subclause (8), when the voter has completed the ballot-paper the voter shall fold it to conceal the names of the candidates and place it in the ballot-box.

(6) Each voter shall vote only once at each election.

(7) Subject to subclause (8), a voter shall enter a booth alone, and shall not mark a ballot-paper issued to another person.

(8) Where the clerk or polling 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 and the clerk or official shall permit that person to accompany the voter into a booth and mark the ballot-paper in accordance with the voter's instructions and deposit it in the ballot-box.

36. postal voting

(1) A person whose name appears on an 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 places 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 an electoral roll, the clerk shall –

(a) hand or send to the applicant a ballot-paper, initialled by the clerk, for the ward in which the applicant is enrolled, 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 following the procedure set out in clause 35(2) (other than the requirement to enter a polling booth).

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(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 the date and time specified by the clerk on each postal ballot-paper, receives an envelope apparently containing a postal ballot-paper, the clerk shall place that envelope, unopened, in a ballot-box in use in that election and the envelope shall be opened and the vote counted in accordance with clause 37.

(7) Where the clerk, after the date and time specified by the clerk on each postal ballot-paper, 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.

37. Counting of votes

(1) After the close of polling (if any) on election day and as soon as voting (if any) has finished, the clerk and polling officials shall, at the place specified under clause 20 (e) for the counting of votes and in the presence of a scrutineer or at least one other person who is eligible to vote but is not a candidate –

- (a) open each ballot-box, count the number of ballot-papers (including postal ballot-papers), prepare a written statement which sets out the number of ballot-papers in the box as compared with the number of names on the electoral rolls which have lines drawn through them or against which the letters "PBP" have been written; and
- (b) after the statement has been prepared, count the votes received by each candidate in accordance with the procedures specified in Schedule 2.

(2) During the counting of votes the clerk shall, subject to subclause (3), set aside as an informal vote a ballot-paper where the voter has failed to comply with clause 35(2) or 36(4).

(3) A ballot-paper shall not be set aside under subclause (2) by reason only that the voter has marked it otherwise than in the manner required by clause 35(2) or 36(4) if, in the opinion of the clerk, the voter has shown clearly the candidates for whom he or she intended to vote; and a ballot-paper shall not be set aside because the voter has voted for fewer than or for more than the required number of candidates.

(4) The clerk shall, immediately after counting the votes under this clause, sign a certificate stating –

- (a) the names of the polling officials who assisted in the count;

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- (b) the names of the scrutineers who attended the count;
- (c) the total number of formal ballot-papers;
- (d) the total number of votes received by each candidate;
- (e) the total number of postal ballot-papers issued by the clerk and the number of them included in the count; and
- (f) the total number of informal votes.

38. Declaration of result

(1) The clerk shall, as soon as practicable after the votes for a ward have been counted, declare the result at that place and also in the ward by a notice displayed in the same places in that ward as an election notice is or was displayed.

(2) A notice under subclause (1) shall contain –

- (a) a list of the names of candidates for a ward arranged in the same order as they appeared on the ballot-paper in that ward and state the number of votes received by each candidate; and
- (b) subject to subclause (3), a statement declaring the 2 candidates with the most votes in each ward elected as members of the council for that ward.

(3) Where a candidate is elected in accordance with Part C of Schedule 2 the notice under subclause (1) shall state that the successful candidate or candidates was or were selected by lot.

39. Transmission of details to Minister

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

- (a) a certificate signed by the clerk under clause 37(4);
- (b) a copy of any notice given by the clerk under clause 38(1); and
- (c) details of any declaration made by the clerk under clause 24.

40. 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.

41. 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 shall then destroy that unopened package.

42. 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 in a ward on a day set aside for an election,

the clerk may adjourn polling at an election in any or all wards from day to day to a maximum of 21 days, and may modify the itinerary of a mobile polling team accordingly.

(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), the provisions of clauses 37 and 39 shall apply as from the time when voting is finally concluded, and clause 7(2) (in relation to members of a former council) and clause 36 shall have effect as if references in those clauses to election day were references to the day on which voting is finally concluded in all wards.

43. By-elections

(1) Subject to clause 45, where the office of a member is or becomes vacant for any reason, a by-election shall be held to fill the vacancy unless it arises less than 6 months before the latest day for the holding of the next election.

(2) The procedure for the calling and conduct of a by-election shall conform, as far as is practicable, with the provisions of this scheme relating to the calling and conduct of an election.

44. Conduct of election where clerk a councillor

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.

45. 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 1 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 is 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 May in which a general election of members would otherwise be held, the clerk shall determine the date of the election to be on 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 18(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 1

PART A

Clauses 3, 4

ANMATJERE COMMUNITY GOVERNMENT AREA

See hard copy for plan

KEY

- (a) Alyuen (on Aileron Station)
- (b) Anyungunba (on Pine Hill Station)
- (c) Engawala (on Alcoota Station)
- (d) Laramba (on Napperby Station)
- (e) Nturiya (the western part of Ti-Tree Station)
- (f) Pmara Jutunta (the central part of Ti-Tree Station)
- (fa) Ti-Tree (the Town of Ti-Tree)
- (g) Wilora (on Stirling Station)
- (h) Woolla (Adelaide Bore and the eastern part of Ti-Tree Station)
- (j) Yanginj (on Anningie Station)

PART B

Clause 4

ANMATJERE COMMUNITY GOVERNMENT COUNCIL WARDS

(a) **ALYUEN WARD**

All that parcel of land near Aileron in the Northern Territory of Australia containing an area of 783.9 ha more or less being Northern Territory Portion 3697 and being more particularly delineated on Survey Plan S89/29 lodged with the Surveyor General, Darwin, and shown on the plan below.

See hard copy for plan

(b) ANYUNGUNBA WARD

All that parcel of land near Pine Hill in the Northern Territory of Australia containing an area of 7.14 ha more or less being Northern Territory Portion 3523 and being more particularly delineated on Survey Plan S88/28 lodged with the Surveyor General, Darwin, and shown on the plan below.

See hard copy for plan

(c) ENGAWALA WARD

All that parcel of land near Alcoota in the Northern Territory of Australia containing an area of 236.4 ha more or less being Northern Territory Portion 1648 and being more particularly delineated on Survey Plan S78/38 lodged with the Surveyor General, Darwin, and shown on the plan below.

See hard copy for plan

(d) LARAMBA WARD

All that parcel of land near Napperby in the Northern Territory of Australia containing an area of 508 ha more or less being Northern Territory Portion 4069 and being more particularly delineated on Survey Plan S82/182 lodged with the Surveyor General, Darwin, and shown on the plan below.

See hard copy for plan

(e) NTURIYA WARD

All that parcel of land near Ti-Tree in the Northern Territory of Australia being Northern Territory portion 1810 and part of Northern Territory Portion 3636, containing an area of 1632 km² more or less and bounded by lines described as follows: Commencing at the southwestern corner of the Town of Ti-Tree; thence by lines bearing 90° 0' 30" 5732.22 m; 184° 57' 4729.34 m; 184° 1' 3047.27m; 274° 1' 2010 m; 184° 1' 1290 m; 94° 1' 2009.85 m; 184° 1' 2367.69 m; 200° 8' 1111.41 m; 270° 1' 30" 3515.21 m; 270° 18608.04 m; 360° 7268 m; 270° 28416.05 m; 360° 32654.92 m; 90° 28481.37 m; 180° 8353.7 m; 90° 27460.98 m to the western boundary of the Stuart Highway; thence generally southwesterly by that boundary to the northern boundary of the Town of Ti-Tree; thence by lines bearing 269° 59' 4906.19 m; 180° 3218.39 m; 180° 0' 30" 4828.03 m to the point of commencement, and shown on the plan below.

See hard copy for plan

(f) PMARA JUTUNTA WARD

All that parcel of land near Ti-Tree in the Northern Territory of Australia being part of Northern Territory Portion 3636 containing an area of 785 km² more or less and bounded by lines described as follows: Commencing at the most eastern northeastern corner of Perpetual Pastoral Lease 1030 (Pine Hill); thence by lines bearing 270° 30' 352.35 m; 270° 1' 30" 1502.43 m; 20° 8' 1089.02 m; 4° 1' 6718.31 m; 4° 57' 4737.18 m; 90° 0' 30" 2211.41 m; 359° 59' 30" 8046.72 m; 270° 30' 35.18 m; 20° 6' 30" 529.95 m; 32° 13' 5660.28 m; 22° 16' 534.29 m; 12° 18' 30" 4339.2 m; 27° 56' 1180.97 m to the northern boundary of Northern Territory Portion 3636; thence easterly by part of that boundary to the most southern southwestern corner of Perpetual Pastoral Lease 1103 (Stirling); thence southeasterly to the point of commencement, and shown on the plan below.

See hard copy for plan

(fa) TI-TREE TOWNSHIP WARD

All that parcel of land at Ti-Tree in the Northern Territory of Australia containing an area of 6470 ha more or less being the whole of the Town of Ti-Tree as proclaimed in Northern Territory Government Gazette No. G19 of 15th May 1981, and shown on the plan below.

See hard copy for plan

(g) WILORA WARD

All that parcel of land near Stirling in the Northern Territory of Australia containing an area of 266.9 ha more or less being Northern Territory Portion 1628 and being more particularly delineated on Survey Plan S78/13 lodged with the Surveyor General, Darwin, and shown on the plan below.

See hard copy for plan

(h) WOOLLA WARD

All that parcel of land near Ti-Tree in the Northern Territory of Australia being part of Northern Territory Portion 3636 containing an area of 1130 km² more or less and bounded by lines described as follows: Commencing at the southern most southwestern corner of Perpetual Pastoral Lease 1103 (Stirling); thence easterly by part of a northern boundary of Northern Territory Portion 3636 to the northwestern corner of Northern Territory Portion 1802; thence by lines bearing 167° 38' 34006 m; 269° 54' 30" 2434 m; 270° 30' 962.57 m; 360° 1664.87 m; thence

Anmatjere Community Government Scheme

northwesterly to the point of commencement, and shown on the plan below.

See hard copy for plan

(j) YANGINJ WARD

All that parcel of land near Anningie in the Northern Territory of Australia containing an area of 138.7 ha more or less being Northern Territory Portion 1951 and being more particularly delineated on Survey Plan S84/18 lodged with the Surveyor General, Darwin, and shown on the plan below.

See hard copy for plan

SCHEDULE 2

Clauses 37(1)(b), 38(3)

METHOD OF COUNTING VOTES AT CONTESTED ELECTIONS

PART A

(1) In this schedule –

"absolute majority of votes" means a greater number than one half of the whole number of ballot-papers other than informal ballot-papers;

"continuing candidate" means a candidate not already elected or excluded from the count;

"next preference" includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate;

"unrejected ballot-papers" means all ballot-papers not rejected as informal.

(2) Where one candidate only is to be elected at an election or by-election for a ward, the votes shall be counted and the result of the election ascertained by the clerk, or under the clerk's direction and supervision, in accordance with the following provisions:

- (a) the unrejected ballot-papers shall be arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate;
- (b) the total number of first preferences given for each candidate on each ballot-paper shall then be counted;
- (c) the candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected;
- (d) if no candidate has received an absolute majority of first preference votes, a second count shall be made;
- (e) on the second count the candidate who has received the fewest first preference votes shall be excluded, and each ballot-paper counted to that candidate shall be counted to the candidate next in the order of the voter's preference;
- (f) if a candidate then has an absolute majority of votes, the candidate shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has

Anmatjere Community Government Scheme

the fewest votes and counting each of that candidate's ballot-papers to the continuing candidate next in the order of the voter's preference shall be repeated until one candidate has received an absolute majority of votes; and

- (g) the candidate who has received an absolute majority of votes shall be declared elected.

PART B

Where 2 candidates are to be elected at an election or by-election for a ward, the votes shall be counted and the result of the election ascertained by the clerk, or under the clerk's direction and supervision, in accordance with the following provisions:

- (a) one of the candidates shall be elected in accordance with the provisions of Part A of this Schedule;
- (b) all the unrejected ballot-papers shall be rearranged under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated shall be placed in the parcel of the candidate next in the order of the voter's preference.
- (c) the number of ballot-papers in the parcel of each candidate shall then be counted and the total number of votes so counted to each candidate shall be ascertained; and
- (d) if a candidate then has an absolute majority of votes the candidate shall be declared elected, but if no candidate then has an absolute majority of votes, the count shall proceed as provided in clause (2)(d), (e) and (f) of Part A of this Schedule, until one candidate has received an absolute majority of votes, but in the application of clause (2)(d) and (e) of Part A of this Schedule, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this Part; and
- (e) the candidate who has received an absolute majority of votes shall be declared elected.

PART C

(1) Where, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates) –

- (a) such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or
- (b) if they had an equal number of votes at all preceding counts, the candidate whose name is on a slip drawn in accordance with clause (2) of this Part shall be excluded.

(2) For the purposes of clause (1) of this Part, the clerk shall write the names of the candidates who have an equal number of votes on similar slips of paper, fold the slips so as to prevent the names being seen, mix them, and draw at random one of those slips.

(3) Notwithstanding anything to the contrary in this Schedule, the process of counting each of the ballot-papers of an excluded candidate to the continuing candidate next in the order of the voter's preference shall not be repeated where there is only one continuing candidate, but that one continuing candidate shall be declared elected.

Anmatjere Community Government Scheme

Notes

1. The *Anmatjere Community Government Scheme*, under the *Local Government Act* and amendments made by other legislation, the details of which are specified in the following table:

Scheme	Date of scheme	Date notified in the <i>Gazette</i>	Date of commencement
Original	19 Apr 1993	22 Apr 1993	22 Apr 1993
Amendment	5 June 1995	9 June 1995	9 June 1995
Act No. 1, 2004	–	–	17 Mar 2004 (a)
Act No. 12, 2004	–	–	15 Mar 2004 (b)
Amendment	19 Oct 2006	8 Nov 2006	8 Nov 2006

(a) See section 2 and *Gazette* G11, dated 17 March 2004, p. 8.

(b) See section 2, section 2 of the *Electoral Act 2004* and *Gazette* S6, dated 15 March 2004.

Table of Amendments

Clause

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| 2. | Amended by Act No. 12, 2004, s. 7 |
| 17. | Amended by Act No. 12, 2004, s. 7 |
| 29. | Amended by Act No. 1, 2004, s. 63 |
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