

**NORTHERN TERRITORY OF AUSTRALIA**

**MATARANKA COMMUNITY GOVERNMENT SCHEME**

As in force at 17 March 2004

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## **Schedule 1**

## **Schedule 2**

## **ENDNOTES**

# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Community Government Scheme as in force at 17 March 2004. Any amendments that commence after that date are not included.

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## MATARANKA COMMUNITY GOVERNMENT SCHEME

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

#### **Part 1            Preliminary**

##### **1            Name of scheme**

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

##### **2            Repeal, replacement and transitionals**

- (1) This scheme repeals and replaces the Mataranka Community Government Scheme, approved on 26 April 1988 by the Minister for Labour, Administrative Services and Local Government under section 250(1)(a) of the *Local Government Act* (as then in force) and notified in the *Gazette* published on 26 April 1988, as amended by the amendments to the scheme approved on 21 November 1991 by the Minister for Sport, Recreation, Ethnic Affairs and Local Government under section 250(1)(a) of the *Local Government Act* (as then in force) as applied by section 253A(2) of that Act, and notified in the *Gazette* published on 18 December 1991 (the ***repealed scheme***).
- (2) The members of the Mataranka Community Government Council established under the repealed scheme, in office immediately before the commencement of this scheme, continue in office as if each member had been declared or elected as a member under this scheme.
- (3) The term of office of a member continued under this clause expires on the declaration of the results of the next general election held in accordance with clause 15.

### 3 Definitions

In this scheme, unless the contrary intention appears:

***candidate*** means a person whose nomination for election as a member of the council has been accepted under clause 18(4) and who has not withdrawn his or her consent to the nomination before the close of nominations.

***clerk***, for the purposes of Part 4 (other than clause 39), includes the Electoral Commission.

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

***election day*** means the day on which an election is held.

***election notice*** means a notice given under clause 16(1).

***elector*** means a person whose name is on the roll.

***member*** means a member of the council and includes the President and Vice-President.

***polling official*** means a polling official appointed under clause 23.

***public place*** includes:

- (a) every place to which free access is permitted to the public with the express or tacit consent of the owner or occupier of the place;
- (b) every place to which the public is admitted on payment of money, the test of the admittance being the payment of the money only;
- (c) every road, street, footway, court, alley, thoroughfare or cul de-sac which the public is allowed to use despite the road, street, footway, court, alley, thoroughfare or cul-de-sac being formed on private property; and
- (d) land reserved under a law of the Territory for the use of the public or a member of the public.

***roll*** means the electoral roll maintained under clause 14.

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

**4 Community government area**

The community government area to which this scheme applies is all that parcel of land in and around the Town of Mataranka in the Northern Territory of Australia containing approximately 233 square kilometres, outlined in black on the plan in Schedule 1, the boundaries of which are described in Schedule 2.

**Part 2 Council****5 Name of council**

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

**6 Members of council**

- (1) The council is to consist of 7 members who are to be declared or elected 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 results of the next general election.
- (3) The office of a member becomes vacant if the member:
  - (a) ceases to be an elector;
  - (b) ceases to be ordinarily resident in the community government area; or
  - (c) becomes an employee or officer of the council.

**7 President and Vice-President**

- (1) The council is to have a President and Vice-President, who are to be chosen in that order by the members from amongst their own number at the council's first meeting after a general election and, after that, as circumstances require.
- (2) Subject to subclause (3), the President and Vice-President each hold office during the pleasure of the council.
- (3) The President and Vice-President each may resign from office at any time by giving written notice to the clerk.
- (4) The office of President or Vice-President becomes vacant if the holder of the office ceases to be a member of the council.

- (5) The Vice-President must act as President during a vacancy in that office and, subject to a contrary intention in this scheme, must perform the functions, exercise the powers and discharge the duties of the President when the President:
- (a) is absent from the community government area;
  - (b) is absent from a meeting of the council; or
  - (c) is unable to perform the functions of office.

## **8 Meetings of council**

- (1) The council must meet to transact its business not less than once each month.
- (2) The date and time of a council meeting is to be as decided:
- (a) by members at a previous meeting or, in default of that, by the clerk; or
  - (b) if necessary, by 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) If 3 or more members or 6 or more electors wish the President to call a special meeting, they may give the President a written notice requesting that he do so and stating the reasons for the request.
- (5) The President must call a special meeting requested under subclause (4) for a date not later than 7 days after the day on which the President received the notice, and must notify the members of the meeting.
- (6) The clerk must cause a notice of a special meeting to be prominently displayed in the places which the clerk considers likely to be frequented by residents.
- (7) A notice of a special meeting is to specify the date, time and place of the meeting and the reason it is being called.
- (8) If 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 council may declare that person to be no longer a member and the office to be vacant.

## **9 Meetings to be open**

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

## **10 Procedure at meetings**

- (1) Meetings of the council are to be presided over:
  - (a) by the President;
  - (b) if the President is absent – by the Vice-President; or
  - (c) if the President and Vice-President are absent – by a member chosen by the other members present from amongst their number.
- (2) The council is to determine its own procedure for meetings, subject to any standing orders it may make from time to time.
- (3) The council must keep a record of its proceedings.
- (4) The quorum for a meeting of the council is to be a majority of the members then in office.
- (5) A question arising at a meeting of the council is to be determined by a majority of the votes of the members then in office and, if there is an equal number of votes, the matter is to be taken to have been defeated.

## **Part 3 Functions and powers of council**

### **11 Functions**

The council may perform the following functions:

- (a) the establishment, development, operation and maintenance of communication, television and radio broadcasting facilities for the community government area and for that purpose the council may enter into a contract and may act, for reward, as the agent of a provider of those facilities;
- (b) the establishment and maintenance of parks, gardens and recreational areas and the carrying out of landscaping and other associated works;

- (c) the establishment and maintenance of sports facilities, libraries, cinemas, community halls and public toilet and ablution blocks;
- (d) the provision of a service for the collection and disposal of garbage, the provision and maintenance of a particular place where garbage is to be dumped, and the control of litter generally;
- (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 provision of adult education and vocational and other training;
- (h) the provision and maintenance of housing for residents and their families on the terms and conditions that the council thinks fit;
- (j) the provision of relief work for unemployed persons;
- (k) 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;
- (m) the maintenance of cemeteries;
- (n) the control, prohibition and impounding of animals within the community government area;
- (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 maintenance of airstrips and related facilities;
- (r) the hiring out for reward of vehicles, plant, appliances or equipment belonging to the council and the repair and maintenance for reward of vehicles, plant, appliances or equipment not owned by the council;



- (s) the contracting of works projects (including 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 fire fighting service in conjunction with the Northern Territory Fire and Emergency Response Group;
- (v) the promotion and development of tourist attractions and the provision and maintenance of tourist facilities within the community government area;
- (w) the management and control of sites of historic interest;
- (x) the support and encouragement of artistic, cultural and sporting activities;
- (y) the production and sale of artefacts and souvenirs;
- (z) the control of public places.

## **12 Powers**

- (1) Subject to subclause (2), all land within the community government area is rateable, and the council may declare and levy rates for the purpose of raising revenue for the performance of its functions.
- (2) Land is not rateable if it is land of a description that would be exempt from rating by a municipal council under section 58(2) of the Act.
- (3) Without limiting the powers of charging conferred on the council by section 122(3)(a) of the Act, charges are payable for the reason that a person:
  - (a) resides in the community government area;
  - (b) carries on a business in the area; or
  - (c) is the registered proprietor of an interest in real property in the area,

whether or not the person uses any services provided by the council.

- (4) The council may exempt land or persons, or any class of land or persons, from all or part of the rates or charges for which they would otherwise have been liable under this clause.
- (5) The council may, if a group gives its consent, take control of and manage activities of the group that are consistent with the council's functions.

## **Part 4            Elections**

### **13            Eligibility to vote**

A person is eligible to vote at council elections and is entitled to be enrolled as an elector under clause 14 if the person:

- (a) is enrolled or is entitled to be enrolled as an elector within the meaning of the *Electoral Act*; and
- (b) has, for not less than 6 months immediately before the date on which the election notice is given:
  - (i) ordinarily resided in the community government area; or
  - (ii) been a registered proprietor of an interest in real property in the community government area.

### **14            Electoral roll**

- (1) The clerk must maintain, by the means the clerk thinks 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 entitled to vote at council elections.
- (2) A resident may inspect the roll at the office of the council during the hours the office is open for business.
- (3) A person whose name is not on the roll but who is otherwise eligible to vote at council elections may apply, in the manner the clerk approves, to be enrolled as an elector.
- (4) The clerk must close the roll at 12 noon on the Friday occurring 22 days before election day.
- (5) Except as provided by clause 32(3)(a), or to correct an oversight in the making up of the roll, the clerk must not add names to the roll in the period between its closure and the conclusion of the election.

**15 Date of general election**

- (1) A general election is to be held on a day fixed by the council in accordance with subclauses (2) and (3).
- (2) The first general election is to be held on a Saturday in May 2000 and subsequent general elections are to be held on a Saturday in each fourth calendar year after the end of the year in which the first general election was held.
- (3) If a general election is held under clause 39, subsequent general elections are to be held on a Saturday in May in each fourth calendar year after the date of that election.

**16 Election notice**

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

**17 Content of election notice**

An election notice is to specify the following:

- (a) the date and time the roll is to be closed;
- (b) the persons who may nominate another person, or be nominated, for election as a member of the council;
- (c) the date and time by which nominations are to be lodged with the clerk;
- (d) the manner in which nominations are to be lodged;
- (e) the date of the election and time and place of polling;
- (f) that only persons whose names are on the roll are entitled to vote at the election.

**18 Nominations**

- (1) A person is eligible for nomination for election as a member of the council if the person:
  - (a) is enrolled as an elector under clause 14;

- (b) has ordinarily resided in the community government area for not less than 6 months immediately before the closure of the roll under clause 14(4); and
  - (c) is not an employee or officer of the council.
- (2) A person who is enrolled as an elector under clause 14 may, by lodging a written nomination with the clerk, nominate another person for election as a member of the council.
- (3) A person must not nominate more than one person for election as a member of the council.
- (4) The clerk must accept the nomination of a person for election as a member of the council only if the clerk:
  - (a) is satisfied that the nomination sufficiently identifies the person;
  - (b) is satisfied that the person is eligible under subclause (1) for nomination and has consented to the nomination; and
  - (c) is supplied with a recent photograph of the person which, in the clerk's opinion, is suitable for display under subclause (7).
- (5) A person whose nomination is accepted under subclause (4) may withdraw consent to the nomination at any time before the close of nominations.
- (6) Nominations of persons for election as members of the council close at 12 noon on the Friday occurring 15 days before election day.
- (7) As soon as practicable after nominations have closed, the clerk must display, in the same places as the election notice, a list of the names of the candidates and the photograph of each candidate supplied under subclause (4)(c).

## **19 Declaration or election of members**

- (1) If at the close of nominations there are not more than 7 candidates, the clerk must:
  - (a) by a notice displayed in the same places as the election notice – declare those candidates to be members of the council; and
  - (b) forward a copy of the notice to the Minister not later than 10 days after the close of nominations.

- (2) If a candidate dies or withdraws his or her consent to the nomination between the close of nominations and election day, and the effect of the death or withdrawal of consent is to reduce the number of candidates to 7, subclause (1) applies with the necessary changes as if the candidate had died or withdrawn consent before the close of nominations.
- (3) If at the close of nominations there are more than 7 candidates, an election to decide between them is to be held on election day.

## **20 Ballot-papers**

- (1) If an election is to be held under clause 19(3), the clerk must cause ballot-papers to be prepared and printed in sufficient numbers for the purposes of the election.
- (2) The clerk must determine, by lot, the order of names of candidates on the ballot-paper.

## **21 Polling place**

- (1) The clerk must set aside a polling place for the purposes of an election.
- (2) The polling place is to have separate polling booths constructed so as to screen a voter from observation (other than by the clerk, a polling official or a person appointed under clause 30(8) to assist the voter) while marking a ballot-paper.

## **22 Ballot-box**

The clerk must provide within the polling place a ballot-box which is to have a securely fitted or fastened lid and have a slit in the upper side through which ballot-papers may be placed into the ballot-box.

## **23 Polling officials**

- (1) Subject to subclause (2), the clerk may, by written notice, appoint polling officials to assist in conducting an election.
- (2) The clerk must 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 must conduct the voting at the polling place.

**24 Scrutineers**

- (1) A candidate may, by written notice, 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.
- (3) A scrutineer must not disclose to a person anything relating to the vote of a voter.

**25 Hours of polling**

The clerk must ensure that on election day the polling place is open and remains open for voting between the hours of 8 am and 12 noon.

**26 Exhibition of ballot-box**

- (1) The clerk or a polling official must:
  - (a) immediately before the polling place is opened for voting; and
  - (b) in the presence of a person who is an elector but is not a candidate,exhibit the ballot-box empty, and securely fasten its lid.
- (2) The clerk must ensure that the ballot-box remains securely fastened during the hours of polling.

**27 Presence in polling place**

A voter and any person appointed under clause 30(8) to assist a voter (other than the clerk, a scrutineer or a polling official) may remain in the polling place only for the time necessary for the voter to vote.

**28 Enrolled person must vote**

A person whose name is on the roll must vote at an election.

**29 Entitlement to vote of person not on roll**

- (1) Subject to subclause (2), a person whose name is not on the roll is not entitled to vote at an election.

- (2) A person whose name is not on the roll may vote at an election if the person makes a statutory declaration, to be given to the clerk or a polling official, that the person:
  - (a) is eligible in accordance with clause 13 to vote; and
  - (b) made an application to be enrolled as an elector before the closure of the roll under clause 14(4).
- (3) The clerk or polling official who receives a statutory declaration under subclause (2) must:
  - (a) initial the back of a ballot-paper; and
  - (b) hand to the voter the ballot-paper and an envelope marked with the voter's name and the words "Ballot-paper".
- (4) A voter who has made a statutory declaration under subclause (2) must vote in accordance with clause 30(3) to (8) but, instead of placing the ballot-paper in the ballot-box, must:
  - (a) place the folded ballot-paper in the envelope handed to the voter and seal the envelope; and
  - (b) hand the envelope to the clerk or polling official.
- (5) The clerk or polling official who receives an envelope under subclause (4) must, in the presence of the voter and a scrutineer (if one is present), place the sealed envelope in the ballot-box.

### **30 Voting procedure**

- (1) A voter at the polling place, other than a person referred to in clause 29(2), must state his or her name to the clerk or a polling official.
- (2) The clerk or polling official must:
  - (a) check that the voter's name appears on the roll;
  - (b) if:
    - (i) a line has not been drawn through the name – draw a line through the name; or
    - (ii) the clerk has provided for or prescribed another method of indicating that a ballot-paper has been issued and that method has not been complied with – comply with that method; and

- (c) initial the back of a ballot-paper and hand it to the voter.
- (3) The voter must take the ballot-paper into an unoccupied booth and, subject to subclause (8), secretly vote by placing an "X" in the boxes opposite the names of 7 candidates of the voter's choice.
- (4) If 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 polling official who must:
  - (a) write "spoilt" across the front of the ballot-paper and retain it to be dealt with under clause 36; and
  - (b) initial the back of a new ballot-paper and give that ballot-paper to the voter.
- (5) Subject to subclause (8), when the voter has completed the ballot-paper, the voter must fold it to conceal the names of the candidates and place it in the ballot-box.
- (6) Each voter may vote only once at an election.
- (7) Subject to subclause (8), a voter must enter a booth alone and must not mark a ballot-paper issued to another person.
- (8) If 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 him or her and the clerk or polling official must permit the person to accompany the voter into a booth and mark the ballot-paper in accordance with the voter's instructions and place it in the ballot-box.

### **31 Postal voting**

- (1) An elector who:
  - (a) is ill, infirm, or for religious reasons unable to attend the 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 the polling place 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 is to give an address to which the ballot-paper may be posted or delivered by hand.



- (3) If, before election day, the clerk receives an application for a postal ballot-paper, and the name of the applicant is on the roll, the clerk must:
  - (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 roll or, if the clerk has provided for or prescribed another method of indicating that a postal ballot-paper has been issued, comply with that method.
- (4) An applicant who receives a postal ballot-paper must secretly vote by placing an "X" in the boxes opposite the names of 7 candidates of the voter's choice.
- (5) After an applicant who receives a postal ballot-paper has voted, he or she must return the ballot-paper in the marked, self-addressed envelope to the clerk.
- (6) If the clerk receives an envelope apparently containing a postal ballot-paper at or before 12 noon on election day:
  - (a) the clerk must place the envelope, unopened, in the ballot-box; and
  - (b) the envelope is to be opened and the votes counted in accordance with clause 32.
- (7) If the clerk receives an envelope apparently containing a postal ballot-paper after 12 noon on election day:
  - (a) the clerk must mark the unopened envelope "rejected";
  - (b) the votes on the ballot-paper inside the envelope are not to be counted; and
  - (c) the clerk must retain the unopened envelope to be dealt with under clause 36.

### **32. Counting of votes**

- (1) After 12 noon on election day, and as soon as practicable after voting has finished but before opening the ballot-box, the clerk must consider each statutory declaration made under clause 29(2) and decide whether the person who made it satisfies clause 29(2)(a) and (b).

- (2) After all statutory declarations have been dealt with in accordance with subclause (1), the clerk and polling officials must, in the presence of a scrutineer or at least one other person who is an elector but not a candidate:
  - (a) open the ballot-box; and
  - (b) take from it each sealed envelope placed in the ballot-box under clause 29(5).
- (3) If, in the opinion of the clerk, a voter who made a statutory declaration satisfies clause 29(2)(a) and (b), the clerk or a polling official must:
  - (a) enter the voter's name on the roll;
  - (b) draw a line through the name or, if the clerk has provided for or prescribed another method of indicating that a ballot-paper has been issued – comply with that method;
  - (c) open the envelope containing the voter's ballot-paper and place the ballot-paper, without unfolding it, into the ballot box; and
  - (d) retain the empty envelope to be dealt with under clause 36.
- (4) If, in the opinion of the clerk, a voter who made a statutory declaration does not satisfy the requirements of clause 29(2):
  - (a) the clerk or a polling official must retain the unopened envelope containing the person's ballot-paper to be dealt with under clause 36; and
  - (b) the votes on that ballot-paper are not to be counted.
- (5) The clerk and polling officials must then, in the presence of a scrutineer or at least one other person who is an elector but not a candidate:
  - (a) count the number of ballot-papers, including postal ballot-papers;
  - (b) prepare a written statement that sets out the number of ballot-papers as compared with the number of names on the roll that have a line drawn through them, or against which is written "PBP", or are otherwise marked to indicate that a ballot-paper has been issued; and
  - (c) then count the votes received by each candidate.

- (6) During the counting of votes the clerk must, subject to subclause (7), set aside as an informal vote, to be dealt with under clause 36, a ballot-paper not marked in accordance with clause 30(3) or 31(4).
- (7) A ballot-paper is not to be set aside as an informal vote:
  - (a) for the reason only that the voter has marked it otherwise than in accordance with clause 30(3) or 31(4) if, in the opinion of the clerk, the voter has shown clearly the candidates for whom he or she intended to vote; or
  - (b) because the voter has voted for less than 7 candidates.
- (8) Immediately after counting the votes, the clerk must 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 number of formal ballot-papers;
  - (d) the number of votes received by each candidate;
  - (e) the number of postal ballot-papers issued by the clerk and the number of them included in the count; and
  - (f) the number of informal votes.

### **33 Re-count**

- (1) The clerk may re-count the votes at any time before declaring the result of the election under clause 34:
  - (a) if the clerk thinks it desirable; or
  - (b) on the written request of a candidate.
- (2) A request under subclause (1)(b) is to state the reasons for the request.

### **34 Declaration of result**

- (1) As soon as practicable after the votes have been counted, the clerk must declare the result of the election by a notice displayed in the same places as the election notice.

- (2) A notice under subclause (1) is to:
- (a) list the names of the candidates in the order in which they appeared on the ballot-paper and state the number of votes received by each candidate; and
  - (b) subject to subclause (3), declare that the 7 candidates with the most votes are elected as the members of the council.
- (3) If 2 or more candidates received an equal number of votes:
- (a) the clerk must arrange for lots to be drawn to decide which of those candidates is or are to be declared elected; and
  - (b) the notice under subclause (1) is to state that the person or persons declared elected under this subclause was or were selected by lot.

### **35 Minister to be informed**

Not later than 10 days after an election day, the clerk must forward to the Minister:

- (a) the certificate signed by the clerk under clause 32(8); and
- (b) a copy of the notice given by the clerk under clause 34(1).

### **36 Retaining ballot-papers etc.**

- (1) After the counting of votes is completed, the clerk must place in a sealed package, to be kept unopened for 6 months:
- (a) the ballot-papers, including spoilt and informal ballot-papers;
  - (b) the envelopes marked "rejected" under clause 31(7);
  - (c) the empty envelopes retained under clause 32(3)(d); and
  - (d) the unopened envelopes retained under clause 32(4)(a).
- (2) At the end of 6 months, the clerk must destroy the package without opening it.

### **37 Adjournment of polling in emergency**

- (1) The clerk may adjourn polling at an election from day to day, to a maximum of 21 days, if it appears to the clerk to be necessary or desirable for any of the following reasons:
- (a) riot or open violence;

- (b) fire, storm, tempest or flood or a similar occurrence;
  - (c) any other event that, 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.
- (2) The clerk must take the steps that the clerk considers necessary and practicable to inform persons entitled to vote of an adjournment under subclause (1).
  - (3) If polling is adjourned under this clause, clauses 31(6) and (7), 32(1) and 35 have effect as if a reference to election day were a reference to the day on which voting is finally concluded.

### **38 Vacancy in membership and by-elections**

- (1) Subject to clause 39, if the office of a member is or becomes vacant for any reason, a by-election is to be held to fill the vacant office unless a general election is required to be held, under clause 15, not later than 6 months after the office became vacant.
- (2) If a by-election is to be held, the provisions of this scheme (with the necessary changes) apply to the calling and conduct of the by-election.

### **39 Resignation of council**

- (1) If all the members of the council cease to be members, or a quorum is not present at 2 consecutive meetings at the place and within one hour after the time specified for each council meeting, the clerk is to be taken to constitute the council for the purposes of:
  - (a) determining the date for an election of a new council; and
  - (b) exercising a power of the council under this scheme until the declaration of the results of that election.
- (2) Subject to this scheme, the date of an election determined under subclause (1)(a) is to be as soon as is practicable after the event giving rise to the determination but not later than 3 months after the event.
- (3) If the 3 months referred to in subclause (2) expires during the same month in which a general election would otherwise be held under clause 15, the clerk must determine the date of the election to be a day of that month.

- (4) The term of office of a council elected under this clause expires on the declaration of the result of the next general election held under clause 15.
- (5) For the purposes of exercising a power of the council under subclause (1)(b), the clerk may appoint an elector as an assistant to the clerk.

**Schedule 1**

clause 4

MATARANKA COMMUNITY GOVERNMENT AREA PLAN

## Schedule 2

clause 4

### MATARANKA COMMUNITY GOVERNMENT AREA BOUNDARIES

The Mataranka community government area comprises:

- (a) the parcel of land at Mataranka (containing an area of 233 square kilometres more or less) the boundaries of which are as follows:

commencing at the southernmost south-western corner of Northern Territory Portion 3069; thence westerly across the Roper Highway, along a northern boundary of Pastoral Lease 593 (Eisey) and across the Birdum Stock Route to the southernmost south-western boundary of Northern Territory Portion 3854; thence northerly, north-easterly, again northerly and easterly by western, north-western and northern boundaries of that Portion to its northernmost north-eastern corner; thence northerly by a line bearing 0o 1'30" for 1342.09 metres; thence north-easterly by a line bearing 43o 42' to the south-western boundary of Stuart Highway; thence south-easterly by that boundary to the northernmost north-eastern corner of the Town of Mataranka as proclaimed in Commonwealth *Gazette* No. 48 of 24 May 1928; thence easterly by a straight line to a southern corner of Northern Territory Portion 2255; thence north-easterly and generally south-easterly by south-eastern and south-western boundaries of that Portion to the westernmost corner of Northern Territory Portion 3069; thence generally south-easterly by the south-western boundaries of that Portion to its intersection with the northerly prolongation of the western boundary of Northern Territory Portion 2280; thence north-easterly by a straight line to the northernmost north-western corner of Northern Territory Portion 638; thence easterly, southerly and south-easterly by northern, eastern and north-eastern boundaries of that Portion to the westernmost corner of Northern Territory Portion 907; thence north-easterly, generally south-easterly and south-westerly by north-western, north-eastern and south-eastern boundaries of that Portion to the right bank of Waterhouse River; thence generally south-easterly by that right bank to the left bank of Roper Creek; thence generally westerly by that left bank to its intersection with the easterly prolongation of the southern boundary of Reserve 1750 declared in Northern Territory Government *Gazette* No. S89 dated 23 December 1986; thence westerly by that prolongation and that boundary to a north-western boundary of Northern Territory Portion 3069; thence generally south-westerly, south-easterly, southerly, easterly, generally south-westerly, south-easterly, south-westerly and south-easterly by north-western, south-western, western and southern boundaries of that Portion to the point of commencement; and



- (b) the parcel of land south of Mataranka (containing an area of 4.14 hectares more or less) being Northern Territory Portion 270 and being more particularly delineated on Survey Plan OP.1146 lodged with the Surveyor-General, Darwin.

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**ENDNOTES**
**1****KEY**

Key to abbreviations

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

**2****LIST OF LEGISLATION*****Mataranka Community Government Scheme***

Notified	26 April 1988
Commenced	26 April 1988

***Amendment of Mataranka Community Government Scheme***

Notified	18 December 1991
Commenced	21 November 1991

***Mataranka Community Government Scheme (Replacement)***

Notified	12 April 2000
Commenced	5 April 2000

***Law Reform (Gender, Sexuality and De Facto Relationships) Act 2003 (Act No. 1, 2004)***

Assent date	7 January 2004
Commenced	17 March 2004 (s 2 and Gaz G11, 17 March 2004, p 8)

***Electoral (Consequential Amendments) Act 2004 (Act No. 12, 2004)***

Assent date	1 March 2004
Commenced	15 March 2004 (s 2, s 2 <i>Electoral Act 2004</i> (Act No. 11, 2004) and Gaz S6, 15 March 2004)

**3****LIST OF AMENDMENTS**

cl 3	amd Act No. 12, 2004, s 7
cl 13 – 14	amd Act No. 12, 2004, s 7
cl 23	amd Act No. 1, 2004, s 63