

NORTHERN TERRITORY OF AUSTRALIA
YUENDUMU WILLOWRA COMMUNITY GOVERNMENT
CONSTITUTION

As in force at 23 May 2007

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Community Government Constitution as in force at 23 May 2007. Any amendments that commence after that date are not included.

YUENDUMU WILLOWRA COMMUNITY GOVERNMENT CONSTITUTION

Community Government Constitution under the *Local Government Act*

PART 1 – PRELIMINARY MATTERS

1. Citation

This constitution may be cited as the *Yuendumu Willowra Community Government Constitution*.

2. Definitions

In this constitution:

"board member" means a member of a community management board;

"by-election" means an election held under clause 49;

"community management board" means:

- (a) the Yuendumu Community Management Board established under clause 13(a); or
- (b) the Willowra Community Management Board established under clause 13(b);

"council" means the Yuendumu Willowra Council;

"council meeting" means a meeting of the council held under clause 9;

"councillor" means a member of the council and includes the President and Vice President;

"election day":

- (a) for a general election, see clause 27; or

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- (b) for a new election – means the date determined by the CEO under clause 32(1) for holding the new election; or
- (c) for a by-election – means the date determined by the CEO under clause 49(2) for holding the by-election;

"election notice", see clause 28;

"elector", for a ward, see clause 23(1);

"electoral roll", for a ward, means the electoral roll of the electors for the ward maintained by the CEO under clause 25;

"first election", see clause 53;

"general election" means:

- (a) the first election; or
- (b) an election under clause 26; or
- (c) an election under clause 50;

"hours of polling" means the period between 9 am and 1 pm on an election day;

"meeting", of the council, means a council meeting or a special meeting;

"new election" means an election held under clause 32(1);

"polling booth" means a booth constructed in accordance with clause 34(2);

"polling official" means an official appointed by the CEO under clause 35(1);

"polling place" means a place, set aside by the CEO under clause 34(1), in which a ballot must be held;

"President" means the councillor elected President under clause 8(1)(a);

"scrutineer" means a person appointed by a candidate to be a scrutineer under clause 36(1);

"special meeting" means a meeting of the council held under clause 10;

"Vice President" means the councillor elected Vice President under clause 8(1)(b);

"voter" means a person intending and entitled to vote at a ballot;

"ward", see clause 4.

3. Community government area

The community government area to which this constitution applies comprises all the parcels of land indicated on the plan in Schedule 1 and described as wards in Schedule 2.

4. Wards

(1) The wards that constitute the community government area are:

- (a) Yuendumu ward; and
- (b) Willowra ward.

(2) Each ward is more particularly described in Schedule 2.

PART 2 – YUENDUMU WILLOWRA COUNCIL

Division 1 – Membership of council

5. Community Government Council

The name of the community government council which administers the community government area is the Yuendumu Willowra Council.

6. Membership

(1) The council consists of 12 members elected under Part 3 or chosen under clause 17(2).

(2) The Yuendumu ward must be represented on the council by 8 councillors of whom 4 must be men and 4 must be women.

(3) The Willowra ward must be represented on the council by 4 councillors of whom 2 must be men and 2 must be women.

7. Term of office

(1) The term of office of a councillor commences on being declared elected under clause 46 and continues until the declaration of the results of the next general election.

(2) The office of a councillor becomes vacant if:

- (a) the councillor resigns in writing from the council; or
- (b) the councillor ceases to be a board member; or

- (c) the office is declared vacant under clause 9(3).

8. President and Vice President

- (1) The councillors must elect, in the following order:
 - (a) one councillor to be the President; and
 - (b) one councillor to be the Vice President.
- (2) The Vice President must act as President:
 - (a) during any vacancy in the office of President; or
 - (b) when the President is absent or otherwise unable to perform the functions of the President.
- (3) The President or Vice President may resign at any time by giving written notice to the CEO.

Division 2 – Meetings and procedures of council

9. Council meetings

- (1) The council must hold a council meeting at least once every two months for its business.
- (2) The meeting must be held at the date, time and place decided:
 - (a) by the councillors at the previous council meeting; or
 - (b) if a decision is not made under paragraph (a) – by the CEO; or
 - (c) if the Minister calls a council meeting before a date fixed under paragraph (a) or (b) – by the Minister or a person authorised by the Minister.
- (3) If a councillor is absent from 3 consecutive council meetings without the council's prior consent, the council may by resolution declare the office of the councillor vacant.

10. Special meetings

- (1) The President may call a special meeting of the council if the President has given the other councillors written notice of the meeting at least 2 days before the meeting.
- (2) The President must call a special meeting if requested to do so by:
 - (a) 3 or more councillors; or

- (b) 6 or more electors.
- (3) The request must be in writing and state the reason for calling the meeting.
- (4) On receipt of the request, the President must call the special meeting for a date not later than 7 days after the day on which the request is received.
- (5) If a special meeting is called, the President must give public notice of the meeting by displaying a written notice in the places where the President believes all residents of the community government area will be likely to see the notice.
- (6) A notice under subclause (1) or (5) must specify the date, time and place of the special meeting and the reason for calling the meeting.
- (7) A special meeting held under this clause is held in addition to a council meeting held under clause 9.

11. Meetings to be open

- (1) A meeting of the council must be:
 - (a) held within the community government area; and
 - (b) open to anyone to attend.
- (2) However, the council may resolve to close the meeting or part of the meeting.

12. Procedure at meetings

- (1) Meetings of the council must be presided by:
 - (a) the President; or
 - (b) if the President is absent – the Vice President; or
 - (c) if both the President and Vice President are absent – a councillor chosen by the councillors in office and present at the meeting.
- (2) The council must determine its own procedure for meetings.
- (3) The council must keep a record of its proceedings.
- (4) The quorum for a meeting is a majority of the councillors in office.

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(5) If a quorum is not present at the place and within an hour of the time decided under clause 9(2) or specified under clause 10(6), the meeting must be adjourned.

(6) A proposal at a meeting is not carried unless a majority of the councillors in office vote for the proposal.

(7) If there is an equal number of votes for and against a proposal, the President may have, in addition to his or her vote as a councillor, a deciding vote.

Division 3 – Community management boards

13. Boards established

The following community management boards are established:

- (a) Yuendumu Community Management Board;
- (b) Willowra Community Management Board.

14. Membership

(1) The Yuendumu Community Management Board consists of a maximum of 12 members elected under Part 3.

(2) The Willowra Community Management Board consists of a maximum of 12 members elected under Part 3.

Note for subclauses (1) and (2)

Under Part 3, for each Board there must not be more than 6 members of either sex. For Yuendumu ward a minimum of 5 male and 5 female members must be elected. For Willowra ward a minimum of 3 male and 3 female members must be elected.

(3) The term of office of a board member commences on being declared elected under clause 46 and continues until the declaration of results of the next general election.

- (4) The office of a board member becomes vacant if:
 - (a) the board member resigns in writing from the community management board; or
 - (b) the board member ceases to be enrolled for the ward to which the board relates.

15. Meetings of board

(1) A community management board must meet at least once every 2 months for its business.

(2) As far as is possible, the community management boards must meet in alternate months to those in which council meetings are held.

(3) A community management board must determine its own procedure for meetings.

16. Powers and functions of board

(1) In addition to its power and function under clause 17(2), a community management board has the powers and functions delegated to it by the council under clause 21.

(2) However, the powers and functions delegated to a community management board may only be exercised in relation to the ward to which the board relates.

17. Filling vacancy on council

(1) This clause applies if the office of a councillor becomes vacant but clause 50 does not apply.

(2) The community management board of which the councillor was, or remains, a board member, must choose a new councillor from its own number.

(3) However, the board must replace a male councillor with another male councillor and replace a female councillor with another female councillor.

Division 4 – Functions and powers of council

18. Functions

(1) The council may perform any of the following functions for the community government area:

- (a) the establishment, development, operation and maintenance of communication, television and radio broadcasting 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, swimming pools, libraries, museums, cinemas, community halls, laundry facilities, public toilets and ablution blocks;
- (d) the provision of services for the collection and disposal of garbage, the maintenance of particular places where garbage is to be dumped, and the control of litter generally;

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- (e) the provision and maintenance of sanitation, sewerage, drainage and water supply facilities and removal of health hazards;
- (f) the collection of charges in relation to electricity, water and sewerage facilities;
- (g) the provision of educational, vocational and other training;
- (h) the provision and maintenance of housing for residents and their families on the terms and conditions the council thinks appropriate;
- (i) the management of community employment programs;
- (j) the promotion and provision of community welfare, health and care facilities for people of all ages;
- (k) the prevention and control of substance abuse;
- (l) the provision and maintenance of cemeteries;
- (m) the control, prohibition and impounding of animals;
- (n) the development and maintenance of roads and boat ramps within the community government area (including the provision of street lighting and traffic control devices);
- (o) the development and maintenance, for reward, of roads and boat ramps outside the community government area;
- (p) the provision and maintenance of airstrips and related facilities;
- (q) the hiring out, for reward, of vehicles, plant, appliances or equipment owned by the council;
- (r) 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 provision of services and the maintenance of capital works and undertakings) within and outside the community government area;
- (t) the establishment and operation of commercial and pastoral 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 protection of the community government area from fire;

- (v) the management and control of sites of historic and cultural interest;
- (w) the support and encouragement of artistic, cultural and sporting activities;
- (x) the control of public places;
- (y) environmental control.

(2) The council may, for reward, act as an agent for a provider of a facility mentioned in subclause (1).

19. Powers – general

(1) The council has the power to do all things necessary or convenient to be done to perform its functions.

(2) The council may, if a group or organisation gives its consent, take control of and manage any of its activities that are consistent with the council's functions.

20. Powers – rates

(1) The council may declare and levy rates in relation to any land within the community government area for the purpose of raising revenue for the performance of its functions.

(2) Subclause (1) does not apply to land that must not be rated because of section 58(2) of the Act.

(3) The council may impose charges on a person for services that are payable because of the person's residence in the authority area or the person carrying on a business in the area or having an interest in ratable land in the area, whether the person uses any of the services or not.

(4) Subclause (3) does not limit the powers conferred on the council by section 122(3) of the Act.

Note for subclause (4)

Section 122(3) of the Act confers on the council the power to impose charges for work done, services provided and other matters.

(5) The council may exempt land or persons from all or part of the rates or charges.

21. Delegation

The council may delegate in writing any of its powers and functions under this constitution to any of the following:

- (a) a community management board;
- (b) the CEO;
- (c) any other person.

22. Exercise of powers of council by CEO in certain circumstances

(1) If the CEO is taken to constitute the council under clause 50(2), the CEO may exercise the powers and perform the functions of the council until the declaration of the results of the election of the new council.

(2) The CEO must appoint an elector to assist the CEO in exercising the powers and performing the functions of the council.

- (3) The CEO may:
 - (a) delegate any of the powers and functions of the council to a community management board; or
 - (b) revoke a delegation of the powers and functions of the council to a community management board regardless of when the delegation was made.

PART 3 – ELECTIONS

Division 1 – Participation in election and enrolment

23. Participation in election

(1) A person who is enrolled on an electoral roll for a ward (an "elector") must participate in an election for the ward.

(2) A person who is not so enrolled is not entitled to participate in an election for a ward.

(3) In this clause:

"election for a ward" means:

- (a) the election of a councillor, or councillors, to represent the ward on the council; or
- (b) the election of a member, or members, of the community management board for the ward.

24. Entitlement to be enrolled

(1) A person is entitled to be enrolled on the electoral roll for a ward if the person:

- (a) is qualified, under section 14 of the *Northern Territory (Self-Government) Act 1978* (Cth), to vote at an election for a member of the Legislative Assembly; and
- (b) has ordinarily resided in the ward for a continuous period of at least 3 months immediately before enrolling.

(2) A person who is so entitled, but is not enrolled, must apply to the CEO to be enrolled.

(3) If the CEO is satisfied that the person is entitled to be enrolled, the CEO must enrol the person by entering the name of the person on the electoral roll for the ward in which the person resides.

25. Electoral rolls

(1) The CEO must maintain for each ward an electoral roll of the full names and addresses of the persons who are enrolled under clause 24 for the ward.

(2) A resident of the community government area may inspect the electoral rolls at the office of the council when the office is open for business.

Division 2 – Date and notice of election, nominations and other matters

26. Election held every 3 years

An election of the community management boards and council must be held on a date determined by the CEO that is no earlier than one month before, and no later than one month after, the third anniversary of the last general election.

27. Date of election

The date of a general election (the "election day") is the date determined by the CEO:

- (a) for the first election – under clause 53; or
- (b) for an election under clause 26 – under that clause; or
- (c) for an election under clause 50 – under that clause.

28. Notice of election

(1) Not later than 28 days before the election day, the CEO must display an election notice in the places where the CEO believes all residents of the community government area will be likely to see the notice.

- (2) The notice must set out the following information:
 - (a) that the following must be elected:
 - (i) a community management board for each ward;
 - (ii) a council for the community government area;
 - (b) that for the Yuendumu Community Management Board:
 - (i) a minimum of 5 male and 5 female members must be elected; and
 - (ii) a maximum of 6 male and 6 female members may be elected;
 - (c) that for the Willowra Community Management Board:
 - (i) a minimum of 3 male and 3 female members must be elected; and
 - (ii) a maximum of 6 male and 6 female members may be elected;
 - (d) that the following will also be elected to the council:
 - (i) 4 men and 4 women elected to the Yuendumu Community Management Board;
 - (ii) 2 men and 2 women elected to the Willowra Community Management Board;
 - (e) that only persons whose names are on the electoral roll for a ward are entitled to vote at the election;
 - (f) the procedure for nominating candidates as provided for in clause 30;
 - (g) the circumstances, for each ward, under which a ballot must be held to elect board members and councillors;
 - (h) the date on which, if necessary, the ballot will be held, the hours of polling and the location of the polling places;

- (i) the date on which the electoral rolls will be closed under clause 29(1);
- (j) the method of the declaration of results as provided for in clause 46.

29. Closing and altering electoral rolls

(1) The CEO must close the electoral rolls at 12 noon on the day occurring 21 days before the election day.

(2) The CEO must not alter an electoral roll during the period between its closure and the conclusion of the election.

(3) However, the CEO may alter the electoral roll for a ward during that period if:

- (a) the CEO is satisfied a person is entitled under clause 24(1) to be enrolled on the electoral roll for the ward; and
 - (b) the person gives a statutory declaration to the CEO stating the person applied to be enrolled before the closure of the roll.
- (4) The CEO must:
- (a) alter the roll by entering the person's name on it; and
 - (b) record on the roll that the alteration was made by the CEO.

30. Entitlement and procedure for nomination

(1) A person who is enrolled for a ward may nominate one or more persons to be a candidate for election to the community management board for the ward.

(2) The person nominated:

- (a) must be enrolled for the ward; and
- (b) must have ordinarily resided in the community government area for a continuous period of at least 3 months immediately before enrolling.

(3) A person who wishes to nominate a person under this clause must lodge a written nomination with the CEO before the close of nominations under subclause (6).

(4) The CEO must not accept a nomination unless satisfied:

- (a) the person making the nomination may do so under subclause (1); and

- (b) the nomination sufficiently identifies the proposed candidate; and
- (c) the proposed candidate may be nominated under subclause (2); and
- (d) the proposed candidate has consented to the nomination.

(5) A proposed candidate for election may withdraw consent to the nomination at any time before the close of nominations under subclause (6).

(6) The CEO must not accept a nomination lodged after 12 noon on the day occurring 14 days before the election day.

31. Consideration of nominations

(1) After the close of nominations under clause 30(6) and before the election day, the CEO must determine the number of candidates of each sex nominated for election as board members for each of the wards.

(2) If the number of male candidates or the number of female candidates for Yuendumu ward is:

- (a) 7 or more – the CEO must hold a ballot:
 - (i) for the election of 4 councillors of that sex to represent Yuendumu ward; and
 - (ii) for the election of 6 members of that sex to the Yuendumu Community Management Board; or
- (b) 5 or 6 – the CEO must:
 - (i) hold a ballot for the election of 4 councillors of that sex to represent Yuendumu ward; and
 - (ii) declare each of the candidates to be members of the Yuendumu Community Management Board; or
- (c) 4 or less – the election of councillors and board members of that sex for the ward fails.

(3) If the number of male candidates or the number of female candidates for Willowra ward is:

- (a) 7 or more – the CEO must hold a ballot:
 - (i) for the election of 2 councillors of that sex to represent Willowra ward; and
 - (ii) for the election of 6 members of that sex to the Willowra Community Management Board; or

- (b) 3 to 6 – the CEO must:
 - (i) hold a ballot for the election of 2 councillors of that sex to represent Willowra ward; and
 - (ii) declare each of the candidates to be members of the Willowra Community Management Board; or
- (c) 2 or less – the election of councillors and board members of that sex for the ward fails.

(4) If a candidate for a ward dies between the close of nominations and election day, the election of councillors and board members of the candidate's sex for the ward fails.

32. Failure of election

(1) If the election of candidates of a particular sex for a ward fails because of clause 31(2)(c), (3)(c) or (4), the CEO must hold a new election of candidates of that sex for the ward between 28 days and 3 months after:

- (a) if the election fails because of the death of a candidate – the date the candidate died; or
- (b) otherwise – the date of the close of nominations for the failed election under clause 30(6).

(2) For an election held under subclause (1):

- (a) clauses 28, 30 and 31 apply with the necessary changes; and
- (b) the electoral roll is the roll prepared for the election which failed.

(3) If an election of candidates of a particular sex for a ward has failed, the election of candidates of the other sex for the ward and the election of candidates for the other ward must proceed.

(4) The CEO must not make a declaration under clause 46 until after the results of the election of the candidates of both sexes for each ward have been determined.

Division 3 – Voting

33. Ballot papers

(1) If a ballot must be held under clause 31(2)(a), (2)(b)(i), (3)(a) or (3)(b)(i) or clause 32(1), the CEO must cause ballot papers to be prepared and printed in sufficient numbers for the ballot.

(2) The CEO must determine, by lot, the order of names of candidates on the ballot paper.

34. Polling place and ballot boxes

(1) The CEO must set aside a polling place or places in each ward in which a ballot must be held.

(2) A polling place must have separate polling booths constructed so as to screen a voter from observation while marking a ballot paper.

(3) The CEO must provide within each polling place a ballot box.

(4) Each ballot box must have:

(a) a securely fitted or fastened lid; and

(b) a slit in the upper side through which ballot papers may be placed into the ballot box.

35. Polling officials

(1) The CEO may, by writing, appoint polling officials to assist the CEO in conducting a ballot.

(2) The CEO must not appoint a councillor, board member or candidate, or a spouse or de facto partner of a councillor, board member or candidate, to be a polling official.

(3) The CEO and polling officials must conduct the voting at the polling place.

36. Scrutineers

(1) A candidate may, by writing, appoint persons to be scrutineers for the candidate for the ballot.

(2) One scrutineer for each candidate is entitled to remain in the polling place with the CEO 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.

37. Hours of polling

(1) The hours of polling are the period between 9 am and 1 pm on the election day.

(2) The CEO must ensure the polling place is open and remains open during the hours of polling.

38. Exhibition of ballot box

(1) The CEO or a polling official must exhibit the ballot box empty, and securely fasten its lid:

- (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.

(2) The CEO must ensure the ballot box remains securely fastened during the hours of polling.

39. Presence in polling place

(1) Except for the following, a person must not be present in the polling place:

- (a) the CEO;
- (b) a polling official;
- (c) a scrutineer;
- (d) a voter or a person appointed under clause 41(8) to assist the voter.

(2) A voter or person mentioned in subclause (1)(d) may remain in the polling place only for the time necessary for the voter to vote.

40. Entitlement to vote of person not enrolled

(1) A person who is not enrolled for a ward is not entitled to vote at an election for the ward.

(2) However, the CEO may permit the person to vote at the election if:

- (a) the CEO is satisfied the person is entitled to be enrolled for the ward under clause 24(1); and
- (b) the person gives a statutory declaration to the CEO stating the person applied to be enrolled for the ward before the closure of the electoral roll under clause 29(1).

(3) If the CEO permits the person to vote, the CEO must:

- (a) alter the electoral roll for the ward by entering the person's name on it; and

- (b) initial the alteration; and
- (c) give the person the appropriate ballot papers.

41. Voting procedure

- (1) A voter must state his or her name to the CEO or a polling official.
- (2) The CEO or polling official must:
 - (a) check that the voter's name appears on the roll for the ward; and
 - (b) if a line has not been drawn through the name:
 - (i) draw a line through the name; and
 - (ii) give the voter the appropriate ballot papers.
- (3) The voter must take the ballot paper or ballot papers into a polling booth and, for each ballot paper, secretly vote in the manner described in subclause (4).
- (4) The voter must vote by indicating on the ballot paper, in the manner determined by the CEO, each of the candidates of his or her choice.
- (5) The voter may vote for:
 - (a) if there are 7 or more candidates of a particular sex for a ward – 6 of those candidates; or
 - (b) if there are 5 or 6 candidates of a particular sex for Yuendumu ward – 4 of those candidates; or
 - (c) if there are 3 to 6 candidates of a particular sex for Willowra ward – 2 of those candidates.

Note for subclause (5)

The elections to which paragraphs (b) and (c) relate are elections for council members only (under clause 31 each candidate is declared to be a Board member). The maximum number of votes permitted under those paragraphs equates to the council positions for the sex and the ward for which the ballot is being held.

(6) 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.

(7) A voter must enter a polling booth alone and must not mark a ballot paper issued to another person.

(8) However, if the CEO or polling official in charge of the polling place is satisfied a voter is unable to vote without assistance:

- (a) the voter may appoint a person to provide that assistance; and
- (b) the CEO 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.

42. Postal voting

(1) An elector may apply in person or in writing to the CEO for postal ballot papers for an election if the person is, for any reason, unable to attend the polling place on the election day.

(2) The application must give an address to which the ballot papers may be posted or delivered by hand.

(3) If the CEO receives the application before the election day and the name of the applicant is on the electoral roll, the CEO must:

- (a) post or deliver by hand to the applicant the appropriate ballot papers, initialled by the CEO, 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 or, if the CEO has determined another method of indicating that postal ballot papers have been issued, comply with that method.

(4) An applicant who receives a postal ballot paper or postal ballot papers must, for each ballot paper, secretly vote in the manner described in clause 41(4).

(5) After voting, the applicant must return the ballot paper or ballot papers to the CEO.

(6) If the CEO receives an envelope apparently containing postal ballot papers at or before 1 pm on the election day, the CEO must retain the envelope unopened and in safe custody until the counting of votes.

(7) If the CEO receives an envelope apparently containing postal ballot papers after 1 pm on the election day:

- (a) the CEO must mark the unopened envelope "rejected"; and
- (b) the votes on a ballot paper inside the envelope must not be counted.

Division 4 – Results of election

43. Counting of votes

(1) After 1 pm on the election day and as soon as voting has finished, the CEO and polling officials must, in the presence of a scrutineer or at least one elector who is not a candidate:

- (a) open any postal ballot papers retained by the CEO under clause 42(6); and
- (b) count and record the number of postal votes received by each candidate; and
- (c) count and record the number of votes received by each candidate.

(2) Subject to subclause (3), a candidate receives one vote if a voter has voted for the candidate in accordance with clause 41(4).

(3) When counting the votes, the CEO must set aside as informal any ballot paper on which the voter:

- (a) has voted for more than the number of candidates permitted under clause 41(5); or
- (b) has failed to make his or her intentions clear.

(4) However, a ballot paper must not be set aside by reason only that the voter has voted otherwise than in accordance with clause 41(4) or has voted for fewer than the number of candidates permitted under clause 41(5).

(5) Immediately after counting the votes, the CEO must sign a certificate stating the following:

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

44. Re-count

(1) The CEO may re-count the votes at any time before declaring the result of the ballot under clause 46:

- (a) if the CEO thinks it desirable; or
- (b) on the written request of a candidate.

(2) A request under subclause (1)(b) must state the reasons for the request.

45. Retaining ballot papers

After the votes have been counted, the CEO must:

- (a) keep the ballot papers (including ballot papers set aside as informal under clause 43(3)) in a sealed package unopened for one month; and
- (b) destroy the unopened package at the end of the one month.

46. Declaration of result

(1) Subject to clause 32(4), the CEO must declare the results of the election by a notice displayed in the same places as the election notice was displayed no later than one day after the election day determined by the CEO under clause 26.

(2) For each ward, the notice must provide the following information separately for the male and female candidates:

- (a) the names of each of the candidates;
- (b) the number of votes received by each candidate.

(3) The notice must declare the following to be elected as members of the Yuendumu Community Management Board:

- (a) from the male candidates for Yuendumu ward:
 - (i) if clause 31(2)(b) applies – each of the male candidates; or
 - (ii) otherwise – the 6 male candidates who received the most votes at the ballot;
- (b) from the female candidates for Yuendumu ward:
 - (i) if clause 31(2)(b) applies – each of the female candidates; or

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- (ii) otherwise – the 6 female candidates who received the most votes at the ballot.
- (4) The notice must declare the following to be elected as members of the Willowra Community Management Board:
 - (a) from the male candidates for Willowra ward:
 - (i) if clause 31(3)(b) applies – each of the male candidates; or
 - (ii) otherwise – the 6 male candidates who received the most votes at the ballot;
 - (b) from the female candidates for Willowra ward:
 - (i) if clause 31(3)(b) applies – each of the female candidates; or
 - (ii) otherwise – the 6 female candidates who received the most votes at the ballot.
- (5) The notice must declare the following to be elected as members of the Yuendumu Willowra Council:
 - (a) the 4 male candidates for Yuendumu ward who received the most votes at the ballot;
 - (b) the 4 female candidates for Yuendumu ward who received the most votes at the ballot;
 - (c) the 2 male candidates for Willowra ward who received the most votes at the ballot;
 - (d) the 2 female candidates for Willowra ward who received the most votes at the ballot.
- (6) If compliance with subclause (3), (4) or (5) is not possible because of an equality of votes between 2 or more of the candidates, the CEO must arrange for lots to be drawn to decide which of the candidates will be elected.
- (7) If lots are drawn to decide which candidate is to be elected to a community management board or the council, the notice under subclause (1) must:
 - (a) state that a candidate was selected by lot; and
 - (b) identify the candidate so selected.

47. Transmission of details to Minister

Not later than 10 days after a notice is given by the CEO under clause 46(1), the CEO must forward to the Minister:

- (a) the certificate signed by the CEO under clause 43(5); and
- (b) a copy of the notice.

Division 5 – Other electoral matters

48. Extension of election period

(1) The CEO may adjourn polling at an election to a maximum of 21 days if it appears to the CEO to be necessary or desirable to do so in the circumstances.

Examples for subclause (1)

- 1. *Riot or open violence.*
- 2. *Fire, storm, tempest, flood or a similar occurrence.*

(2) The CEO must take the steps the CEO considers necessary and practicable to inform persons who must participate in the election of the extension.

49. By-election of board member

- (1) This clause applies if:
 - (a) the office of one or more members of a community management board becomes vacant; and
 - (b) as a result of the vacancy there are less than:
 - (i) for the Yuendumu Community Management Board – 5 male or 5 female board members; or
 - (ii) for the Willowra Community Management Board – 3 male or 3 female board members.

(2) A by-election to fill each vacancy of the board must be held on a date, determined by the CEO, that is within 3 months after the date the office becomes vacant.

(3) However, if a general election is required to be held within 6 months of the date the office becomes vacant, the by-election must not be held.

(4) Divisions 2 to 4 apply to the by-election with the necessary changes as determined by the CEO.

50. Election due to cessation of membership of council or lack of quorum

- (1) This clause applies if:
 - (a) all the councillors cease to be councillors; or
 - (b) 2 consecutive council meetings have been adjourned under clause 12(5) for a lack of a quorum.
- (2) If this clause applies, the CEO is taken to constitute the council for the following purposes:
 - (a) determining the date of an election of:
 - (i) a new council; and
 - (ii) a new community management board for each ward;
 - (b) exercising the powers and performing the functions of the council under this constitution until the declaration of the results of the election.
- (3) The election must be held as soon as practicable, but not later than 3 months, after the event giving rise to the election.

**PART 4 – REPEALS AND TRANSITIONAL MATTERS FOR
YUENDUMU WILLOWRA COMMUNITY GOVERNMENT
CONSTITUTION**

51. Repeal and replacement of constitution

(1) The constitution named the Yuendumu Community Government Scheme (as in force immediately before the commencement of this clause) is repealed.

(2) This constitution is a replacement for the repealed constitution.

52. Council to continue

(1) The Yuendumu Community Government Council existing immediately before the commencement of this constitution continues in existence:

- (a) under the name Yuendumu Willowra Council; and
- (b) as the community government council for the community government area.

Yuendumu Willowra Community Government Constitution

(2) Each person holding the office of councillor immediately before the commencement of this constitution continues to hold the office as if the person had been elected to the office under this constitution for a term expiring on the declaration of the result of the first election.

(3) A person holding office as the President or Vice President of the council immediately before the commencement of this constitution continues to hold the office:

- (a) as if the person had been elected to the office under this constitution; and
- (b) until immediately before the first meeting of the council under this constitution.

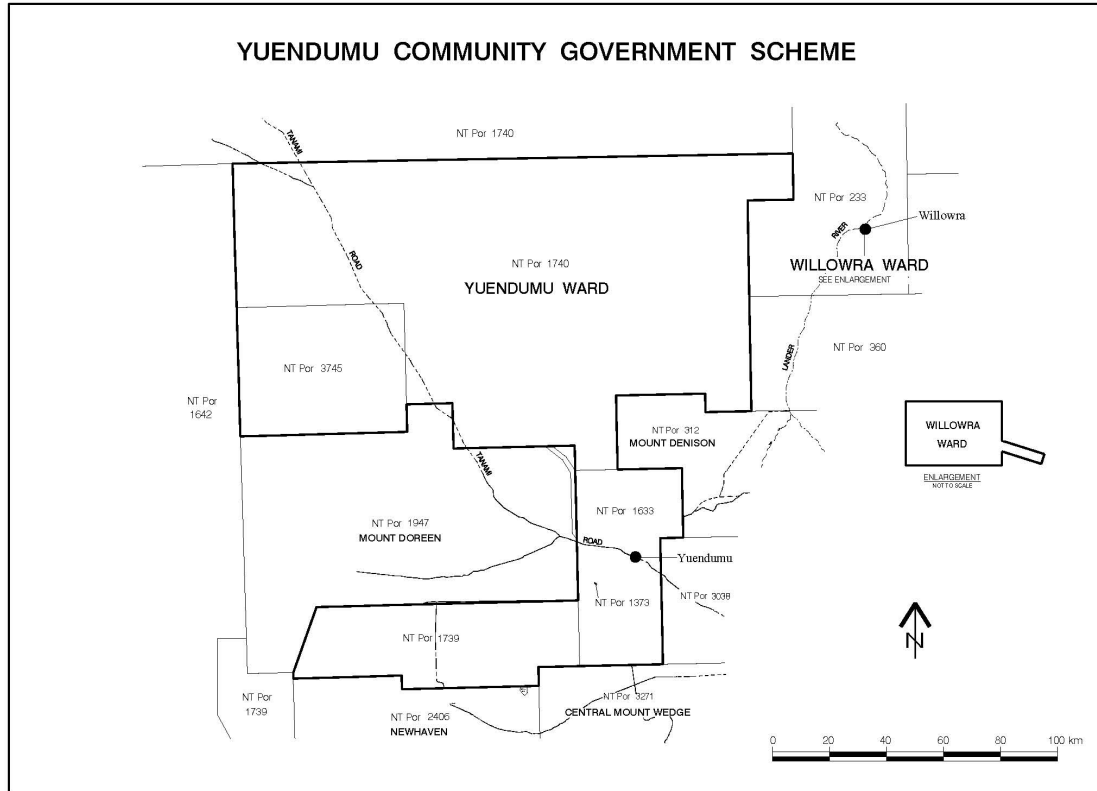
53. First election

The first election of each community management board and the council under this constitution must be held as soon as practicable after the commencement of this constitution on a date determined by the CEO.

SCHEDULE 1

Clause 3

YUENDUMU WILLOWRA COMMUNITY GOVERNMENT AREA



SCHEDULE 2

Clauses 3 and 4

YUENDUMU WILLOWRA COMMUNITY GOVERNMENT AREA

Yuendumu ward

All that area of land near Yuendumu in the Northern Territory of Australia containing an area of 22106 square kilometres more or less and bounded by lines described as follows: Commencing at the south-western corner of Northern Territory Portion 3745; thence northerly by part of an eastern boundary of Northern Territory Portion 1642 to its north-eastern corner; thence due west to an eastern boundary of Northern Territory Portion 1740; thence southerly, westerly, again southerly, again westerly, northerly, again westerly and again southerly by part of an eastern, a southern, an eastern, a southern, a western, a southern and an eastern boundary of the said Portion to the northern boundary of Northern Territory Portion 1633; thence easterly, southerly, westerly and again southerly by part of a northern, an eastern, a southern and an eastern boundary of the said Portion to the northern boundary of Northern Territory Portion 3271; thence westerly and southerly by parts of the northern and western boundaries of the said Portion to the most eastern north-eastern corner of Northern Territory Portion 2406; thence westerly, northerly and again westerly by a northern, an eastern and a northern boundary of the said Portion to its north-western corner; thence north-easterly to the most southern south-eastern corner of Northern Territory Portion 1947; thence north-easterly, easterly, northerly, westerly, again northerly, again westerly, southerly and again westerly by a south-eastern, a southern, an eastern, a northern, an eastern, a northern, a western and a northern boundary of the said Portion to the point of commencement.

Willowra ward

All that area of land near Willowra in the Northern Territory of Australia containing an area of 260 hectares more or less and bounded by straight lines connecting in succession Map Grid of Australia co-ordinates 250 750 metres East 7 649 250 metres North, 253 000 metres East 7 649 250 metres North, 253 000 metres East 7 647 750 metres North, 250 750 metres East 7 647 750 metres North and 250 750 metres East 7 649 250 metres North and including there-in an area of land extending south-easterly and 125 metres on either side of the centreline of the Willowra Airstrip, the said centreline terminating at a point bearing 119 degrees (Grid) distant 1040 metres from Map Grid of Australia co-ordinate 253 000 metres East, 7 648 180 metres North.

ENDNOTES

1. KEY

Key to abbreviations

amd = amended

bl = by-law

ch = Chapter

div = Division

exp = expires/expired

f = forms

Gaz = Gazette

hdg = heading

ins = inserted

lt = long title

N/C = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

2. LIST OF LEGISLATION

Yuendumu Willowra Community Government Constitution

Notified 23 May 2007

Commenced 23 May 2007