

NORTHERN TERRITORY OF AUSTRALIA

ROAD SAFETY COUNCIL ACT

As in force at 1 January 1999

Table of provisions

1	Short title	1
2	Commencement	1
3	Definitions.....	1
4	Council	1
5	Members and their appointment.....	2
6	Chairman and Deputy Chairman	2
8	Resignation of members.....	2
9	Removal of members from office.....	2
10	Vacancies	2
11	Meetings	3
12	Procedure at Meetings	3
13	Functions of the council.....	3
14	Powers of the Council.....	4
15	Assistance to the Council	4
16	Sub-committees and regional committees.....	4
17	Reports of Council	4
18	Liability of members.....	4
19	Vesting of property	5
20	Regulations.....	5

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 1999

ROAD SAFETY COUNCIL ACT

An Act to establish a Road Safety Council of the Northern Territory and to define its powers, duties and functions

1 Short title

This Act may be cited as the *Road Safety Council Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

Chairperson means the Chairperson of the Council appointed under section 6, and includes a Deputy Chairperson while acting as Chairperson.

Council means the Road Safety Council of the Northern Territory.

Deputy Chairperson means the Deputy Chairperson appointed under section 6.

member means a member of the Council.

4 Council

- (1) There is hereby established the Road Safety Council of the Northern Territory.
- (2) The Council:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal; and

(c) is capable, in its corporate name, of acquiring, holding and disposing of real, leasehold and personal property and of suing and being sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Council affixed to a document and shall assume that it was duly affixed.

5 Members and their appointment

(1) The Council consists of the members appointed by the Minister.

(2) A member holds office for a term not exceeding 2 years as is specified in his instrument of appointment and is eligible for reappointment.

6 Chairman and Deputy Chairman

(1) The Minister shall appoint a member to be Chairperson and another member to be Deputy Chairperson.

(2) The Deputy Chairperson shall, in the absence of the Chairperson, act as Chairperson.

8 Resignation of members

A member may resign his or her office by writing under his or her hand addressed to the Minister.

9 Removal of members from office

(1) The Minister may terminate the appointment of a member for misbehaviour or incapacity.

(2) If a member:

(a) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council; or

(b) is convicted of an offence and is sentenced to a term of imprisonment,

the Minister may terminate his or her appointment as a member.

10 Vacancies

No act or proceeding of the Council is invalidated or prejudiced by reason only that there was, at the time of the act or proceeding, a vacancy in the office of any one or more members.

11 Meetings

- (1) The Council shall hold such meetings as are necessary for the performance of its functions.
- (2) At a meeting of the Council, the Chairperson and not less than half of the other members constitute a quorum.
- (3) If there is an odd number of members, the number of other members to constitute a quorum is to be determined by reducing the number of members by one and dividing that number by 2.

12 Procedure at Meetings

- (1) Subject to this Act, the Council shall determine the procedure for calling its meetings and for the conduct of business at those meetings.
- (2) At a meeting of the Council the decision of a majority of the members present and voting is the decision of the Council.

13 Functions of the council

- (1) The functions of the Council are to promote in respect of roads:
 - (a) the safety of the public;
 - (b) the protection of property from damage; and
 - (c) the prevention of or minimizing of the effects of accidents.
- (2) Without limiting the generality of subsection (1), the functions of the Council are:
 - (a) to advise the Minister on all matters pertaining to road safety;
 - (b) to advise the Minister on any matter referred to it by the Minister;
 - (c) to advise, assist and co-operate with the government, government or other instrumentalities, authorities and persons on road accident prevention practices; and
 - (d) to promote and support educational campaigns and competitions relating to road safety.

14 Powers of the Council

For the purpose of carrying out its functions under this Act, the Council, subject to any directions of the Minister, may:

- (a) federate, affiliate or act in conjunction with road safety bodies outside the Territory; and
- (b) make such enquiries and investigations as it considers necessary.

15 Assistance to the Council

The Minister may provide the Council with such administrative and financial assistance as he or she considers necessary to enable the Council to perform its functions.

16 Sub-committees and regional committees

- (1) The Council may appoint sub-committees and regional committees to assist it in the performance of its functions.
- (2) The membership and nature of a committee or sub-committee appointed under subsection (1) and the procedures at its meetings shall be such as the Council determines.
- (3) A committee or sub-committee appointed under this section shall report to the Council on its activities at such times as the Council may stipulate.

17 Reports of Council

- (1) The Council shall, as soon as practicable after each 30 June, prepare and furnish to the Minister a report on its activities during the year ending on that date.
- (2) The Minister shall table a copy of each report received by him under subsection (1) in the Legislative Assembly on the first sitting day of the Assembly after the Minister receives the report.

18 Liability of members

No action or proceeding, civil or criminal, shall lie against a member of the Council for or in respect of a statement made or an act or thing done in good faith by the member in his or her capacity as a member.

19 Vesting of property

- (1) All real and personal property and all other assets, rights and liabilities that, immediately before the commencement of this Act, were held by or in trust for, or due by, the unincorporated body known as the Northern Territory Road Safety Council are, upon the commencement of this Act, subject to all interests, trusts (not being trusts for the Northern Territory Road Safety Council), restrictions, dedications, reservations and charges, if any, to which, immediately before the commencement of this Act, they were subject, vested in, or assumed by, the Commonwealth.
- (2) Where, by virtue of subsection (1) a right, or property, vests in the Commonwealth, that right, or rights in relation to that property, may be exercised by the Commonwealth either in its own name, or in the name of the Northern Territory Road Safety Council or in the name of the person who formerly held it.
- (3) Where, immediately before the commencement of this Act, property is held or registered in the name of, or by a person as trustee for, the Northern Territory Road Safety Council:
 - (a) this Act is a sufficient authority for the Administrator to require a transfer, or a registration of transfer, of the property to the Commonwealth; and
 - (b) every person who holds or keeps a register shall, upon being so required by the Administrator, notwithstanding any other law of the Territory, without other authority than this Act, amend a reference or all references to the Northern Territory Road Safety Council, or to a trustee for that body, in the registers held or kept by him or her to read as a reference, or references, to the Commonwealth.

20 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be pre-scribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Road Safety Council Ordinance 1978 (Act No. 4, 1978)***

Assent date 31 March 1978
 Commenced 11 August 1978 (*Gaz* No. 32, 11 August 1978, p 10)

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date 1 July 1978
 Commenced 1 July 1978

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date 5 September 1978
 Commenced 5 September 1978

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date 14 January 1980
 Commenced 8 February 1980 (*Gaz* G6, 8 February 1980, p 6)

Road Safety Council Amendment Act 1981 (Act No. 55, 1981)

Assent date 2 July 1981
 Commenced 12 February 1982 (*Gaz* G6, 12 February 1982, p 22)

Statute Law Revision Act 1984 (Act No. 28, 1984)

Assent date 20 July 1984
 Commenced 20 July 1984

Road Safety Council Amendment Act 1998 (Act No. 101, 1998)

Assent date 29 December 1998
 Commenced 1 January 1999 (s 2)

3 LIST OF AMENDMENTS

It	amd No. 28, 1984, s 3
s 1	amd No. 58, 1978, s 4; No. 28, 1984, s 3
s 2	amd No. 28, 1984, s 3
s 3	amd No. 55, 1982, s 4; No. 28, 1984, s 3; No. 101, 1998, s 6
s 4	amd No. 54, 1978, s 3 sub No. 55, 1981, s 5
s 5	sub No. 55, 1981, s 6; No. 101, 1998 ss 4 and 6
s 6	amd No. 54, 1978, s 3; No. 101, 1998, s 6
s 7	amd No. 54, 1978, s 4 rep No. 9, 1980, s 6
ss 8 – 9	amd No. 54, 1978, s 3; No. 101, 1998, s 6
s 11	sub No. 55, 1981, s 6; No. 101, 1998, s 5
s 12	amd No. 28, 1984, s 3
s 13	amd No. 54, 1978, s 3; No. 101, 1998, s 6
s 14	amd No. 54, 1978, s 3; No. 28, 1984 s 3
s 15	amd No. 54, 1978, s 3; No. 101, 1998, s 6
s 17	amd No. 54, 1978, s 3; No. 101, 1998, s 6
s 18	amd No. 101, 1998, s 6
s 19	amd No. 28, 1984, s 3; No. 101, 1998, s 6
s 20	amd No. 95, 1978, s 14; No. 28, 1984, s 3