

NORTHERN TERRITORY OF AUSTRALIA

COOMALIE COMMUNITY GOVERNMENT SCHEME

As in force at 27 August 1997

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 27 August 1997

COOMALIE COMMUNITY GOVERNMENT SCHEME

Community Government Scheme under the *Local Government Act*

Part I Council

1 Name of scheme

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

2 Definitions

In this scheme, unless the contrary intention appears:

candidate means a person who has been nominated and accepted, under clause 20, as a candidate for election to the council and who has not withdrawn his consent to the nomination before the close of nominations.

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

clerk, for the purposes of Part III except clauses 40 and 41, also includes the Chief Electoral Officer and a person appointed to conduct an election under clause 40.

council means the Coomalie Community Government Council.

election day means a day specified in clause 17 for the holding of an election.

election notice means a notice under clause 18(1) that an election is to be held.

elector means a person enrolled or entitled to be enrolled on the roll of electors for a ward.

polling official means an official appointed under clause 25.

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 that parcel of land in the Hundreds of Cavenagh, Colton, Goyder, Howard, Waterhouse and Playford in the Northern Territory of Australia shown on the plan in Schedule 1, containing an area of 1500 square kilometres more or less, and bounded by lines commencing at the southwestern corner of Section 796 Hundred of Cavenagh, thence easterly by a straight line to the southeastern corner of Section 926 Hundred of Cavenagh; thence northerly, easterly, southerly, again easterly, again southerly, again easterly, again southerly, again easterly, again southerly, again easterly and again southerly by western, northern and eastern boundaries of Northern Territory Portion 1678 (Woolnough Reserve) to the southeastern corner of former Section 1017 Hundred of Colton; thence due east to the centreline of Adelaide River; thence by that centreline to its intersection with the northerly prolongation of the eastern boundary of Section 111 Hundred of Playford; thence southerly by that prolongation and that eastern boundary and across an unnamed road to the southernmost southeastern corner of Section 111; thence westerly by the southern boundaries of Sections 111, 186 and 172 Hundred of Playford to the southernmost southwestern corner of Section 172; thence southwesterly by a straight line to the southernmost southeastern corner of the Town of Adelaide River declared in the Northern Territory Government *Gazette* dated 11 May 1988; thence westerly by the southernmost boundary of that Town and its westerly prolongation to the eastern boundary of the Hundred of Waterhouse; thence northerly by that eastern boundary to a southeastern boundary of Lot 129 Town of Adelaide River; thence southwesterly, northerly and easterly by southeastern, western and northern boundaries of that Lot to the westernmost corner of Section 82 Hundred of Waterhouse; thence easterly by the northern boundary of that Section to a southwestern boundary of the North Australia Railway; thence by that Railway to the northernmost northeastern corner of Section 94 Hundred of Waterhouse; thence westerly, southerly, again westerly, again southerly and again westerly by northern and western boundaries of that Section to the northernmost northeastern corner of Section 93 Hundred of Waterhouse; thence southerly, generally westerly, generally southerly, generally westerly, generally northerly, westerly and northerly by eastern, southern and western boundaries of that Section to its northernmost northwestern corner; thence westerly and northerly by northern and eastern boundaries of Section 94 Hundred of Waterhouse to the southernmost corner of Section 92 Hundred of Waterhouse; thence generally northwesterly, northerly

and generally northeasterly by southwestern, western and northwestern boundaries of that Section to its northernmost northwestern corner; thence generally northeasterly by southeastern boundaries of Section 95 Hundred of Waterhouse to its easternmost corner; thence generally northeasterly, generally northwesterly, again generally northeasterly, again generally northwesterly, generally westerly and generally southwesterly by southeastern, northeastern, northern and northwestern boundaries of Section 2922 Hundred of Goyder to the eastern boundary of Hundred of Finniss; thence northerly by the eastern boundaries of Hundred of Finniss and Hughes to the southeastern corner of Section 797 Hundred of Hughes; thence easterly by a straight line to the point of commencement.

4 Wards

The wards which together constitute the community government area are:

- (a) the Batchelor Township ward;
- (b) the Adelaide River Township ward;
- (c) the Batchelor Rural ward;
- (d) the Adelaide River Rural ward;
- (e) the Lake Bennett ward; and
- (f) the Coomalie/Tortilla ward,

each of which is more particularly described in Part A of Schedule 2, and shown on a plan in Part B of that Schedule.

5 Community Government Council

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

6 Common Seal

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

7 Members of council

- (1) The council shall consist of 9 members, who shall be declared or elected for each ward, in the manner provided by this scheme, as follows:
 - (a) for the Batchelor Township ward – 3 members;
 - (b) for the Adelaide River Township ward – 2 members; and
 - (c) for each of the other wards – one member.
- (2) The term of office of a member shall expire on the Saturday immediately after the next election day.

8 Eligibility for membership

- (1) A person is eligible for nomination as a member of the council if he:
 - (a) is enrolled as a voter under clause 16; and
 - (b) lives in the community government area, and has lived there continuously for a period of not less than 12 months immediately before his nomination.
- (2) The office of a member becomes vacant if he ceases to be so enrolled, or if he ceases to live ordinarily in the community government area.

9 President and Vice-President of Council

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

10 Meetings of council

- (1) The council shall meet to transact its business not less than once each month.
- (2) The date and time of a council meeting shall be as decided by a previous meeting or, in default of that, by the clerk or, where necessary, the Minister or a person authorized by the Minister for that purpose.
- (3) The President may call a special meeting of the council by giving at least 7 days notice to the other members.
- (4) By giving the President notice in writing requesting a special meeting of the council and stating the reasons for the request:
 - (a) 3 or more members; or
 - (b) 50 or more electors,may require the President to call a special meeting of the council; and the President shall call such a meeting for a date not later than 14 days after the day on which the request is received, and shall notify the members accordingly.
- (5) Where, under subclause (3) or (4), a special meeting is to be held, the clerk shall cause a written notice of the meeting to be prominently displayed in a place which he considers likely to be frequented by residents.
- (6) A notice under subclause (5) shall specify:
 - (a) the date, time and place of; and
 - (b) the reason for the calling of,the special meeting.
- (7) Where a member is absent in person from 3 consecutive meetings of the council:
 - (a) without the prior consent of the council; or
 - (b) for reasons which the council does not accept as satisfactory,the council may declare him to be no longer a member, and his office as such to be vacant, and shall instruct the clerk to give notice to that effect accordingly.

11 Meetings to be open

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

12 Procedure at meetings of council

- (1) Meetings of the council shall be presided over by the President, or by the Vice-President in his absence, or by a member chosen by the other members in the absence of both the President and the Vice-President.
- (2) The conduct of meetings of the council shall be in accordance with the standing orders determined, from time to time, by the council.
- (3) The council shall keep a record of its proceedings.
- (4) The quorum for a meeting of the council shall be a majority of the members then in office.
- (5) Questions before a meeting of the council shall be decided by a majority of the votes of the members then in office and, in the event of an equality of votes, the matter shall be taken to have been defeated.

Part II Functions and powers of council**13 Functions**

The council may perform the following functions:

- (a) the establishment and maintenance of parks, gardens and recreational areas and carrying out landscaping and other associated works;
- (b) the establishment and maintenance (alone or in association with any other body) of sports facilities, community halls, public toilets, ablution blocks and any other public facilities;
- (c) the provision of a service for the collection and disposal of garbage, the establishment and maintenance of garbage dumps, and the control of litter generally;
- (d) the removal of health hazards;
- (e) the provision of vocational and other training;

- (f) 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;
- (g) the development and maintenance of cemeteries;
- (gg) the control, prohibition or impounding of animals;
- (h) 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;
- (j) the hiring out, for reward, of any plant, appliance or equipment belonging to the council and the repair and maintenance, for reward, of any plant, appliance or equipment not owned by the council;
- (k) the contracting of works projects within or without the community government area; and
- (m) the facilitation of the establishment within the community government area of private commercial enterprises.

14 Powers

- (1) The council has (in addition to the powers conferred on it by the *Local Government Act*, and, in particular, its power under section 292 of the Act to make by-laws with respect to the matters there stated) 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 *Local Government Act*.
- (4) Liability for the payment of rates declared by virtue of subclause (2) shall be determined in accordance with section 122 of the Act, and all other provisions with respect to rates contained in the Act or regulations under the Act shall apply to and in relation to rates so declared to the extent that they are capable of doing so and with

any necessary modifications.

- (5) Without prejudice to the powers of charging conferred on it by section 272(2) of the Act, the council may for the purpose of raising revenue for the performance of its functions declare charges to be payable by reason of a person's residence in the community government area or his carrying on of a business in the area or his having an interest in ratable land in the area.
- (6) The council may exempt persons, or any class of persons, from all or part of the rates or charges for which they would otherwise have been liable by virtue of this clause.
- (7) The council may, by agreement with that body, take over and manage any activity of the Adelaide River Progress Association Incorporated consistent with the functions of the council.
- (8) The council may contract with the Territory or other person in order to perform any of its functions.

Part III Elections

15 Eligibility to vote

- (1) A person is eligible to vote at a council election if he:
 - (a) has attained the age of 18 years at the close of the rolls under clause 16(2);

immediately before the close of the rolls:

has, throughout the period of 6 months immediately before the closure, ordinarily resided in the community government area; or

owns an estate of freehold in land in the area; and
 - (c) has, before the closure of the rolls, lodged with the clerk a duly completed application for enrolment in the form provided by the council.
- (2) Subject to subclause (3), a person eligible to vote at an election is entitled to be enrolled under clause 16(1) for the ward in which he resides or owns an estate of freehold at the close of the rolls.
- (3) Where but for this subclause a person would be entitled to be enrolled in 2 or more wards, he shall be enrolled only in such one of those wards as he may elect for the purpose.

16 Roll of electors

- (1) The clerk shall maintain for each ward a roll of the full names and addresses of person who are eligible to vote at an election.
- (2) The clerk shall close the rolls at 12 noon on the Friday 22 days before election day.
- (3) Except as provided by clause 28(2) or to correct an oversight in the making up of a roll, the clerk shall not add any names to an electoral roll in the period between its closure and the conclusion of the election.
- (4) A resident of, or person owning an estate of freehold in land in, the community government area may inspect the electoral rolls at the offices of the council during the time that the offices are open.

17 Date of election

- (1) For the purposes of this clause, ***election*** does not include a by-election.
- (2) The first election shall be held on Saturday 2 March 1991, and, subject to subclause (3), subsequent elections shall be held on the second Saturday in May in every third year after the end of that year.
- (3) Where a council is elected under clause 41 in a year which is not an election year under subclause (2), the subclause shall not apply to any subsequent election, and elections shall thereafter be held on the second Saturday in May in every third year after the end of the year in which the election is held under clause 41.

18 Notice of elections

- (1) The clerk shall give not less than 28 days notice before an election day that an election is to be held.
- (2) An election notice shall be prominently displayed at such places in each ward as the clerk considers likely to reasonable ensure that all residents who are eligible to vote have notice of the election.

19 Content of election notice

An election notice shall specify:

- (a) the date of the closure of the electoral rolls;
- (b) the person who may nominate persons, and be nominated, as candidates;

- (c) the date and time by which nominations of candidates must be lodged with the clerk;
- (d) the manner in which nominations shall be lodged; and
- (e) the date of the election, the times and places of polling and the place at which the votes are to be counted.

20 Nominations

- (1) A person who is enrolled as a voter under clause 16 may, by lodging a written nomination with the clerk, nominate for election as a member of the council for his ward a person enrolled for that or any other ward.
- (2) The clerk shall not accept a nomination unless he is satisfied:
 - (a) that it sufficiently identifies the proposed candidate;
 - (b) that the proposed candidate is eligible under clause 8(1) to be nominated; and
 - (c) the proposed candidate has consented to the nomination, and has not consented to nomination for any other ward,and he is supplied with a recent photograph of the proposed candidate which, in the opinion of the clerk, is suitable for display in accordance with subclause (5).
- (3) A candidate may withdraw his consent to his nomination at any time before the close of nominations.
- (4) Nominations of candidates for election shall close at 12 noon on the Friday 15 days before election day.
- (5) As soon as practicable after nominations have closed, the clerk shall display in each ward, in the same places as the election notice, a list of the names of the candidates for the ward, together with a photograph of each of them.

21 Declaration or election of members

- (1) Where at the close of nominations under clause 20(4) the number of candidates for a ward does not exceed the number of members required for that ward, the clerk shall, by a notice displayed in the same places as the election notice, declare the candidate or candidates in question to be a member, or as the case may be the members, of the council for that ward.

- (2) Subject to subclause (3), where at the close of nominations there are more candidates for a ward than the number of members required, an election to decide which of them shall be the member or members for the area shall be held on election day.
- (3) If a candidate dies between the close of nominations and election day, and the effect of the death is to reduce the number of candidates to the number of members required for the ward in question, subclause (2) shall not require the holding of an election for that ward but subclause (1) shall apply instead as if the candidate had withdrawn before the close of nominations.
- (4) In the event of all of the candidates for all of the wards being declared members by virtue of subclause (1) or (3), the clerk shall within 7 days send a copy of his notice or notices under that subclause to the Minister.

22 Ballot-papers

- (1) Where an election of members for a ward is to be held under clause 21(2), the clerk shall cause ballot-papers to be printed in sufficient numbers for the purposes of the election.
- (2) The clerk shall determine, by ballot, the order of names of candidates on a ballot-paper.

23 Polling places

- (1) The clerk shall set aside for the purpose of an election one polling place in Batchelor, one in Adelaide River, and such additional place or places as he may consider necessary or desirable.
- (2) A polling place shall have separate polling booths constructed so as to screen a voter from observation while he marks his ballot-paper.

24 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 by which ballot-papers may be put into the ballot-box.

25 Polling officials

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

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

26 Scrutineers

- (1) Each candidate may, by notice in writing, appoint such persons as he thinks fit to be his scrutineers for the purposes of the election.
- (2) One scrutineer for each candidate shall be entitled to remain in each polling place with the clerk or polling officials to observe the conduct of the voting and counting of votes.
- (3) A scrutineer shall not disclose to any person anything relating to the vote of a voter.

27 Hours of polling

The clerk shall ensure that, on the day of an election, each polling place is open and remains open between the hours of 8 am and 6 pm where the place is in a ward with a roll of electors of 100 persons or more and for a minimum of 2 consecutive hours within those times where the place is in a ward with a roll of electors of less than 100 persons.

28 Entitlement to vote

- (1) Subject to subclause (2), a person whose name appears on an electoral roll shall vote, and a person whose name does not appear shall not be entitled to vote, at an election.
- (2) Where the clerk is satisfied that a person is eligible under clause 15 to vote, but his name has not been entered on any roll, the clerk shall, upon the person signing a declaration that he made a claim for enrolment before the closure of the rolls under clause 16(2):
 - (a) alter the appropriate roll by writing the person's name on it;
 - (b) initial the alteration; and
 - (c) then permit that person to vote.

29 Exhibition of ballot-box

- (1) The clerk 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, and shall then securely fasten its cover.
- (2) The clerk shall ensure that the ballot-box remains securely fastened during the hours that the polling place is open for voting.

30 Presence in polling place

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

31 Voting procedure

- (1) A voter shall state his name to the clerk or polling official, who shall check that the name appears on an electoral roll.
- (2) Where a voter's name is on an electoral roll and a line has not been drawn through it, the clerk or official shall draw a line through the voter's name and hand him a ballot-paper for the ward in which the voter is enrolled.
- (3) Immediately before the clerk or official hands a voter a ballot-paper, the clerk or official shall initial the back of the ballot-paper.
- (4) After the clerk or official hands him a ballot-paper, the voter shall go into an unoccupied booth and:
 - (a) shall vote for at least one candidate;
 - (b) may if he wishes vote for 2 or more candidates; and
 - (c) shall record a single vote by placing the number "1" in the square on the ballot-paper opposite the name of the candidate of his choice, and 2 or more votes by placing the number "1" in the square opposite the name of the candidate for whom he votes as his first preference and consecutively increasing numbers in the squares opposite the names of additional candidates in the order of his preference for them.
- (5) Where the voter spoils a ballot-paper or marks it in a way that he did not intend, he may return it to the clerk or official who may write "spoilt" across the front of it and give the voter (after initialling it on the back) a new ballot-paper.
- (6) The clerk shall retain spoilt ballot-papers for dealing with in accordance with clause 37.
- (7) When the voter has completed his ballot-paper he shall fold it to conceal the names of the candidates and place it in the ballot-box.
- (8) Each voter shall vote only once at each election.
- (9) Subject to subclause (11), a voter shall enter a booth alone.

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- (10) Subject to subclause (11), no person, other than a voter who has been issued with a ballot-paper, shall vote on the ballot-paper.
 - (11) Where the clerk or official in charge of the polling place is satisfied that a voter is, for any reason, unable to vote without assistance, the voter may appoint a person to assist him and the clerk or official shall permit that person to accompany the voter into a booth and mark the ballot-paper in accordance with the voter's instructions and deposit it in the ballot-box for him.

32 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; or
 - (b) will be absent from the community government area during the hours when the polling places will be open,may apply in person or in writing to the clerk for a postal ballot-paper.
- (2) An application in writing for a postal ballot-paper shall give an address to which the ballot-paper may be posted.
- (3) Where, before the date of the election, the clerk receives an application for a postal ballot-paper and the name of the applicant is on an electoral roll, he shall:
 - (a) 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:
 - (a) shall vote for at least one candidate;
 - (b) may if he wishes vote for 2 or more candidates; and
 - (c) shall record a single vote by placing the number "1" in the square on the ballot-paper opposite the name of the candidate of his choice, and 2 or more votes by placing the number "1" in the square opposite the name of the candidate for whom he votes as his first preference and consecutively increasing

numbers in the squares opposite the names of additional candidates in the order of his preference for them.

- (5) After an applicant for a postal ballot-paper has voted he shall return the ballot-paper in the marked self-addressed envelope to the clerk.
- (6) Where the clerk, on or before 6 pm on election day, receives an envelope apparently containing a postal ballot-paper the clerk shall, during the hours of polling, place that envelope, unopened, in the ballot-box and the envelope shall be opened and the vote counted in accordance with clause 33.
- (7) Where the clerk, after 6 pm on election day, 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.

33 Counting of votes

- (1) After 6 pm on election day and as soon as practicable after voting has finished, the clerk and polling officials shall, at the place notified in the election notice under clause 19(e) and in the presence of a scrutineer or at least one other person (not being a candidate) who was eligible to vote, open the ballot boxes, count the number of ballot-papers, compare that number with the number of names through which a line has been drawn on the electoral roll or against which the letters "PBP" have been written, and prepare a statement which reconciles the number of ballot-papers issued and counted.
- (3) After a statement under subclause (2) has been prepared, the clerk and officials shall count the votes received by each candidate in accordance with the procedures specified in Schedule 3 and in the presence of a scrutineer or at least one other person (not being a candidate) who was eligible to vote.
- (4) During the counting of votes, the clerk shall, subject to subclause (5), set aside as an informal vote a ballot-paper where the voter has failed to comply with clause 31(4) or 32(4).
- (5) A ballot-paper shall not be set aside under subclause (4) by reason only that the voter has marked it otherwise than in the manner required by clause 31(4) or 32(4) if, or to the extent that, in the opinion of the clerk, the voter's intention is clearly shown.
- (6) The clerk shall, immediately after counting the votes, sign a certificate stating:
 - (a) the names of the polling officials who assisted him in the count;

- (b) the names of the scrutineers who attended the count;
- (c) the total number of formal votes;
- (d) the total number of votes received by each candidate for election as a member;
- (e) the number of postal ballot-papers issued by him and included in the count in accordance with clause 32(6); and
- (f) the total number of informal votes.

34 Declaration of result

- (1) The clerk shall, as soon as practicable after the votes have been counted for a ward, declare the result of the election for that ward by a notice displayed in the same places therein as the election notice.
- (2) A notice under subclause (1) shall:
 - (a) list the candidates for the ward in the order in which they appeared on the ballot-paper;
 - (b) state the number of votes received by each candidate; and
 - (c) subject to Schedule 3, declare:
 - (i) in the case of the Batchelor Township ward, the 3 candidates with the most votes to have been elected as members of the council for that ward;
 - (ii) in the case of the Adelaide River Township ward, the 2 candidates with the most votes to have been so elected; and
 - (iii) in the case of each other ward, the candidate with the most votes to have been elected as the member for that ward.

35 Transmission of details to Minister

Not more than 7 days after the counting of votes for one or more wards, the clerk shall forward to the Minister:

- (a) the certificate or certificates signed by him under clause 33(6).
- (b) a copy of the notice or notices given by him under clause 34(1); and

- (c) details of any declaration made by him under clause 21 in relation to any other ward.

36 Re-count

- (1) The clerk, at any time before a candidate is declared to be elected, may, on the written request of a candidate or of his own motion, re-count the ballot-papers.
- (2) A request under sub-clause (1) shall contain a statement of the reasons for the request.

37 Retaining ballot-papers

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

38 Adjournment of polling in emergency

- (1) If it appears to the clerk to be necessary or desirable to do so by reason of:
 - (a) riot or open violence; or
 - (b) fire, storm, tempest or flood or a similar occurrence,he may adjourn polling at an election from day to day to a maximum of 21 days beginning with the day of the election.
- (2) The clerk shall take such steps as he may consider necessary and practicable to inform persons entitled to vote of an adjournment under subclause (1).
- (3) Where polling has been adjourned under subclause (1), the provisions of clauses 33 and 35 shall apply as from the time when voting is finally concluded, and clause 7(2) (in relation to members of the former council) and clause 32 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.

39 By-elections

- (1) Subject to clause 41, where the office of a member is or becomes vacant for any reason whatever, a by-election shall be held to fill the vacancy unless it arises less than 12 months before the latest day for the holding of the next election in which case, if the vacancy occurs not less than 6 months before that day, the council shall

appoint an elector for the ward in respect of which the vacancy occurred to fill the vacancy but, if the vacancy occurs 6 months or less before that date, the council need not make such an appointment.

- (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.

40 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.

41 Resignation of council

- (1) If all the members of the council cease to be members, or, throughout a continuous period of 70 days, there is no occasion on which a quorum is present for a meeting of the council, the clerk shall be deemed to constitute the council for the purposes of:
 - (a) determining the date of an election of a new council; and
 - (b) exercising a power of the council under this scheme.
- (2) Subject to this scheme, when the clerk determines under subclause (1)(a) the date of an election of a new council, the date which he determines shall be as soon as is practicable, and in any case not later than 3 months after the event giving rise to the determination.
- (3) For the purposes of exercising a power of the council in pursuance of subclause (1)(b), the clerk shall appoint a person whose name appears on the electoral roll as his assistant.
- (4) A council elected under subclause (2), shall hold office for a term expiring on the Saturday immediately after the next election day as determined in accordance with clause 17(3).

Schedule 1 Coomalie Community Government Boundaries

clause 3

See hard copy for map

Schedule 2 Wards

clause 4

Part A Descriptions

BATCHELOR TOWNSHIP WARD

The Batchelor Township ward is all that parcel of land at Batchelor in the Hundred of Goyder County of Palmerston in the Northern Territory of Australia containing an area of 10 square kilometres more or less and bounded by lines described as follows: commencing at a point bearing 89° 52' for 554.66 metres from the northwestern corner of former Section 1172 Hundred of Goyder; thence by lines bearing 339° 41' for 137.6 metres; 359° 44' for 1356.47 metres; 332° 45' for 141.42 metres; 56° 21' 10" for 80.97 metres; 319° 57' 30" for 184.37 metres; 313° 33' 30" for 868.58 metres; 90° for 3338.43 metres; 180° for 1543.54 metres; 263° 54' for 929.19 metres; 179° 18' 30" for 749.35 metres; 89° 51' 30" for 1012.56 metres; 179° 51' for 1610.45 metres; 269° 51' for 2690.78 metres; 0° for 1610.97 metres to the point of commencement.

ADELAIDE RIVER TOWNSHIP WARD

The Adelaide River Township ward is all that parcel of land in the Hundreds of Waterhouse and Playford in the Northern Territory of Australia containing an area of 8 square kilometres more or less and bounded by lines commencing at the westernmost corner of Section 82 Hundred of Waterhouse: thence easterly and southeasterly by northern and northeastern boundaries of that Section to a western boundary of the Town of Adelaide River declared in *Northern Territory Government Gazette* dated 11 May 1988; thence by western, northern and eastern boundaries of that Town to its southernmost southeastern corner; thence westerly by the southernmost boundary of that Town and its westerly prolongation to the eastern boundary of the Hundred of Waterhouse; thence northerly by that eastern boundary to a southeastern boundary of Lot 129 Town of Adelaide River; thence southwesterly, northerly and easterly by southeastern, western and northern boundaries of that Lot to the point of commencement.

BATCHELOR RURAL WARD

The Batchelor Rural ward is all that parcel of land in the Hundreds of Goyder and Waterhouse in the Northern Territory of Australia containing 126 square kilometres more or less and bounded by lines commencing at the southwestern corner of Section 973 Hundred of Goyder; thence easterly, southerly, again easterly, again southerly, again easterly, again southerly and again easterly by northern and eastern boundaries of Section 2915 Hundred of Goyder to the northwestern corner of Section 2008 Hundred of Goyder;

thence easterly by the northern boundary of that Section to its northeastern corner; thence easterly by a straight line to the westernmost corner of Section 2917 Hundred of Goyder; thence easterly by the southern boundaries of Sections 2918 and 2104 Hundred of Goyder; thence easterly by a straight line to the southwestern corner of Section 2919 Hundred of Goyder; thence southerly by the western boundaries of Sections 2920, 2817 and 2830 Hundred of Goyder and across an unnamed road to the southwestern corner of Section 2830; thence easterly by the southern boundary of that Section to the westernmost northwestern corner of Section 2894 Hundred of Goyder; thence southerly by the western boundaries of Sections 2894, 1168, 1167, 1166, 1165 and 1164 Hundred of Goyder and across an unnamed road to the northern boundary of Hundred of Waterhouse; thence easterly by that northern boundary to the northeastern corner of Section 33 Hundred of Waterhouse; thence southerly and westerly by eastern and southern boundaries of that Section to the northeastern corner of Section 1187 Hundred of Waterhouse; thence southerly by the eastern boundaries of Sections 1187 and 1189 Hundred of Waterhouse to the southeastern corner of Section 1189; thence westerly by the southern boundary of that Section to its intersection with the northerly prolongation of the eastern boundary of Section 1268 Hundred of Waterhouse; thence southerly by that prolongation and that eastern boundary to the southeastern corner of that Section; thence westerly by the southern boundary of that Section to an eastern boundary of the former North Australia Railway; thence generally southerly by eastern boundaries of the former Railway to its intersection with the southeasterly prolongation of the easternmost northeastern boundary of Section 78 Hundred of Waterhouse; thence northwesterly by that prolongation and that northeastern boundary to the southeastern corner of Section 1270 Hundred of Waterhouse; thence westerly by the southern boundary of that Section to a southeastern corner of Section 11 Hundred of Waterhouse; thence generally southwesterly and northwesterly by southeastern and southwestern boundaries of that Section to the southeastern corner of Section 12 Hundred of Waterhouse; thence westerly and northerly by southern and western boundaries of that Section to the southwestern corner of Section 13 Hundred of Waterhouse; thence northerly by the western boundary of that Section and its northerly prolongation to the southeastern corner of Lot 6 on Plan LTO 83/9; thence westerly by a straight line to the southeastern corner of Lot 5 on Plan LTO 83/9 Hundred of Waterhouse; thence westerly by the southern boundary of that Lot to its southwestern corner; thence northerly by the eastern boundary of Section 91 Hundred of Waterhouse and its northerly prolongation to the southern boundary of Hundred of Goyder; thence westerly by that southern boundary to the southernmost southeastern corner of Section 2922 Hundred of Goyder; thence generally northeasterly, generally northwesterly, generally northeasterly, generally westerly and generally southwesterly by southeastern, northeastern, northern and northwestern boundaries of that Section to the eastern boundary of Hundred of Finniss; thence northerly by that eastern boundary to the point of commencement.

ADELAIDE RIVER RURAL WARD

The Adelaide River Rural ward is all that parcel of land in the Hundreds of Waterhouse and Playford in the Northern Territory of Australia containing an area of 237 square kilometres more or less and bounded by lines commencing at the northeastern corner of Section 95 Hundred of Waterhouse: thence easterly by the southern boundary of the Hundred of Goyder to its intersection with the northerly prolongation of the eastern boundary of Section 91 Hundred of Waterhouse; thence southerly by that prolongation and that eastern boundary to the southeastern corner of that Section; thence easterly by the southern boundary of Lot 5 on Plan LTO 83/9 Hundred of Waterhouse to its southeastern corner; thence easterly by a straight line to the southwestern corner of Lot 6 on Plan LTO 83/9 Hundred of Waterhouse; thence southerly by a straight line to the northwestern corner of Section 13 Hundred of Waterhouse; thence southerly by the western boundaries of Sections 13 and 12 Hundred of Waterhouse to the southwestern corner of Section 12; thence easterly by the southern boundary of Section 12 to the southwestern corner of Section 11 Hundred of Waterhouse; thence southeasterly and generally northeasterly by southwestern and southeastern boundaries of that Section to the southwestern corner of Section 1270 Hundred of Waterhouse; thence easterly by the southern boundary of that Section to its southeastern corner; thence southeasterly by a northeastern boundary of Section 78 Hundred of Waterhouse and its southeasterly prolongation to the eastern boundary of the former North Australia Railway; thence generally northerly by that eastern boundary to a southwestern corner of Section 34 Hundred of Waterhouse; thence southeasterly and southerly by southwestern and western boundaries of that Section to the northernmost northwestern corner of Section 35 Hundred of Waterhouse; thence easterly by the northern boundary of that Section to the northwestern corner of Section 25 Hundred of Playford; thence easterly by the northern boundary of that Section and its easterly prolongation to its intersection with the centreline of Stuart Highway; thence generally southerly by that centreline to its intersection with the easterly prolongation of the northern boundary of that part of Section 183 Hundred of Playford west of Stuart Highway; thence westerly by that prolongation and that northern boundary to the westernmost northwestern corner of Section 183; thence southerly by the western boundary of that Section to its westernmost southwestern corner; thence southeasterly by a southwestern boundary of Section 183 and its southeasterly prolongation to its intersection with the centreline of Stuart Highway; thence generally southerly by that centreline to its intersection with the centreline of Stapleton Creek; thence by that centreline and its southeasterly prolongation to the centreline of Adelaide River; thence generally easterly by that centreline to its intersection with the northerly prolongation of the eastern boundary of Section 111 Hundred of Playford; thence southerly by that prolongation and that eastern boundary and across and unnamed road to the southeastern corner of Section 111; thence westerly by the southern boundaries of Sections 111, 186 and 172 Hundred of Playford to the southwestern corner of Section 172; thence southwesterly by a straight line to the southernmost southeastern corner of the Town of Adelaide

River declared in *Northern Territory Government Gazette* dated 11 May 1988; thence by the eastern, northern and western boundaries of that Town to a southwestern boundary of the North Australia Railway; thence by that Railway to the northernmost northeastern corner of Section 94 Hundred of Waterhouse; thence westerly, southerly, again westerly, again southerly and again westerly by northern and western boundaries of that Section to the northernmost northeastern corner of Section 93 Hundred of Waterhouse; thence southerly, generally westerly, generally southerly, generally westerly, generally northerly, westerly and northerly by eastern, southern and western boundaries of that Section to its northernmost northwestern corner; thence westerly and northerly by northern and eastern boundaries of Section 94 Hundred of Waterhouse to the southernmost corner of Section 92 Hundred of Waterhouse; thence generally northwesterly, northerly and generally northeasterly by southwestern, western and northwestern boundaries of that Section to its northernmost northwestern corner; thence generally northeasterly by southeastern boundaries of Section 95 Hundred of Waterhouse to the point of commencement.

LAKE BENNETT WARD

The Lake Bennett ward is all that parcel of land in the Hundreds of Colton and Howard in the Northern Territory of Australia containing an area of 165 square kilometres more or less and bounded by lines commencing at the southeastern corner of Section 128 Hundred of Howard; thence generally westerly by the northern boundaries of Section 68 Hundred of Howard to its northernmost northwestern corner; thence westerly by a southern boundary of Northern Territory Portion 1678 (Woolnough Reserve) to the centreline of Stuart Highway; thence generally northerly by that centreline to its intersection with the westerly prolongation of the southern boundary of Section 204 Hundred of Colton; thence easterly, southerly, again easterly and again southerly by northern and eastern boundaries of Northern Territory Portion 1678 to the southeastern corner of former Section 1017 Hundred of Colton; thence due east to the centreline of Adelaide River; thence by that centreline to its intersection with the easterly prolongation of the southern boundary of Section 128 Hundred of Howard; thence westerly by that prolongation to the point of commencement.

COOMALIE/TORTILLA WARD

The Coomalie/Tortilla ward is all that parcel of land in the Hundreds of Cavenagh, Colton, Goyder, Howard, Waterhouse and Playford in the Northern Territory of Australia containing an area of 954 square kilometres more or less and bounded by lines commencing at the southwestern corner of Section 796 Hundred of Cavenagh: thence easterly by a straight line to the southeastern corner of Section 926 Hundred of Cavenagh; thence northerly, easterly, southerly, again easterly, again southerly, again easterly, again southerly and again easterly by western, northern and eastern boundaries of Northern Territory Portion 1678 (Woolnough Reserve) to the centreline of the Stuart Highway; thence generally southerly by that centreline to its intersection with a

southern boundary of Northern Territory Portion 1678; thence easterly by that southern boundary to the northernmost northwestern corner of Section 68 Hundred of Howard; thence generally easterly by the northern boundaries of that Section to the southeastern corner of Section 128 Hundred of Howard; thence easterly by the easterly prolongation of the southern boundary of that Section to its intersection with the centreline of Adelaide River; thence by that centreline to its intersection with the southeasterly prolongation of the centreline of Stapleton Creek; thence by that prolongation and the centreline of Stapleton Creek to its intersection with the centreline of Stuart Highway; thence generally northerly by the centreline of Stuart Highway to its intersection with the southeasterly prolongation of the southwestern boundary of that part of Section 183 Hundred of Playford west of Stuart Highway; thence northwesterly by that prolongation and that southwestern boundary to the westernmost southwestern corner of Section 183; thence northerly by the westernmost boundary of that Section to its westernmost northwestern corner; thence easterly by a northern boundary of Section 183 and its easterly prolongation to its intersection with the centreline of Stuart Highway; thence generally northerly by that centreline to its intersection with the easterly prolongation of the northern boundary of Section 25 Hundred of Playford; thence westerly by that prolongation, that northern boundary and the northern boundary of Section 35 Hundred of Waterhouse to the northernmost northwestern corner of Section 35; thence generally northerly by western boundaries of Section 34 Hundred of Waterhouse to the southern boundary of Section 1268 Hundred of Waterhouse; thence easterly by the southern boundary of that Section to its easternmost southeastern corner; thence northerly by the eastern boundary of Section 1268 and its northerly prolongation to the southern boundary of Section 1189 Hundred of Waterhouse; thence easterly by that southern boundary to the easternmost southeastern corner of that Section; thence northerly by the eastern boundaries of Sections 1189 and 1187 Hundred of Waterhouse to the southern boundary of Section 33 Hundred of Waterhouse; thence easterly and northerly by southern and eastern boundaries of that Section to the southern boundary of the Hundred of Goyder; thence westerly by that southern boundary to the southwestern corner of Section 1164 Hundred of Goyder; thence northerly by the western boundaries of Sections 1164, 1165, 1166, 1167, 1168 and 2894 Hundred of Goyder and across an unnamed road to the southern boundary of Section 2830 Hundred of Goyder; thence westerly by that southern boundary to the southwestern corner of Section 2830; thence northerly by the western boundaries of Sections 2830, 2817 and 2920 Hundred of Goyder and across an unnamed road to the northernmost northwestern corner of Section 2920; thence westerly by a straight line to the southeastern corner of Section 2104 Hundred of Goyder; thence westerly by the southern boundaries of Sections 2104 and 2918 Hundred of Goyder to the westernmost corner of Section 2917 Hundred of Goyder; thence westerly by a straight line to the southeastern corner of Section 2897 Hundred of Goyder; thence westerly by the southern boundary of that Section to a northeastern corner of Section 2915 Hundred of Goyder; thence westerly, northerly, again westerly, again northerly, again westerly, again northerly and again westerly

by northern and eastern boundaries of that Section to the eastern boundary of Hundred of Finniss; thence northerly by the eastern boundaries of Hundreds of Finniss and Hughes to the southeastern corner of Section 797 Hundred of Hughes; thence easterly by a straight line to the point of commencement. The Batchelor Township ward is, however, excluded from the area above described.

Part B Plans

BATCHELOR TOWNSHIP WARD

BATCHELOR TOWNSHIP WARD

See hard copy for plan

ADELAIDE RIVER TOWNSHIP WARD

ADELAIDE RIVER TOWNSHIP WARD

See hard copy for plan

BATCHELOR RURAL WARD

BATCHELOR RURAL WARD

See hard copy for plan

ADELAIDE RIVER RURAL WARD

ADELAIDE RIVER RURAL WARD

See hard copy for plan

LAKE BENNETT WARD

LAKE BENNETT WARD

See hard copy for plan

COOMALIE/TORTILLA WARD

COOMALIE TORTILLA WARD

See hard copy for plan

Schedule 3 Method of counting votes at contested elections

clause 33(2)

Part I Definitions

1. In this Schedule:

absolute majority of votes means a greater number than one-half of the unrejected ballot-papers that have not become exhausted at any count.

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

exhausted, in relation to a ballot-paper, means not indicating a preference for any of the continuing candidates.

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.

Part II Election of one member only

2. Where one candidate only is to be elected at an election or by-election, the votes shall be counted and the result of the election ascertained by the clerk, or under his 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 him shall be counted to the candidate (if any) next in the order of the voter's preference;
- (f) if a candidate then has an absolute majority of votes, he shall be declared elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his ballot-papers to the continuing candidate next(if at all) 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 III Election of 2 members

- 3. Where 2 candidates are to be elected at an election or by-election, the votes shall be counted and the result of the election ascertained by the clerk, or under his direction and supervision, in accordance with the following provisions:
 - (a) one of the candidates shall be elected in accordance with paragraph 2.
 - (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 (if any) 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;
 - (d) if a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the count shall proceed as provided in paragraph 2(d), (e) and (f) (but so that, in the application of paragraph 2(d) and (e), any reference to first preference votes shall be read as a reference to all the votes counted to a candidate under this Part), until one candidate has received an absolute majority of votes: and
 - (e) the candidate who has received an absolute majority of votes shall be elected.

Part IV Election of 3 members

4. (1) Where 3 candidates are to be elected at an election or by-election, 2 of the candidates shall be elected in accordance with the provisions of paragraphs 2 and 3.
- (2) The third candidate shall be elected in the manner provided for the election of the second candidate, provided that a ballot-paper on which a first preference for any elected candidate is marked shall be placed in the parcel of the continuing candidate next (if at all) in the order of the voter's preference.

Part V Supplementary

5. (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 subparagraph (2) shall be excluded.
 - (2) For the purposes of subparagraph (1), 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.
6. 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.

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***Coomalie Community Government Scheme***

Notified	7 December 1990
Commenced	7 December 1990

Amendment of Coomalie Community Government Scheme

Notified	14 April 1994
Commenced	14 April 1994

Amendment of Coomalie Community Government Scheme

Notified	27 August 1997
Commenced	27 August 1997