

NORTHERN TERRITORY OF AUSTRALIA

TNORALA LOCAL MANAGEMENT COMMITTEE REGULATIONS

As in force at 7 November 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Regulations as in force at 7 November 2011. Any amendments that commence after that date are not included.

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## TNORALA LOCAL MANAGEMENT COMMITTEE REGULATIONS

### Regulations under the *Territory Parks and Wildlife Conservation Act*

#### 1 Citation

These Regulations may be cited as the *Tnorala Local Management Committee Regulations*.

#### 2 Interpretation

In these Regulations, unless the contrary intention appears:

***Chairman*** means the Chairman of the Committee.

***Committee*** means the Tnorala Local Management Committee established under regulation 3.

***member*** means a member of the Committee.

***relevant Aboriginals*** means:

- (a) the traditional Aboriginal custodians of the land within the Reserve;
- (b) Aboriginals entitled to enter on and use or occupy the land within the reserve in accordance with Aboriginal tradition, whether or not the entitlement is qualified as to place, time, circumstance, purpose, permission or by any other factor; and
- (c) Aboriginals who are permitted by the Aboriginals referred to in paragraph (a) or (b) to enter on and use or occupy the land within the Reserve.

***Reserve*** means the area declared to be a reserve by the Administrator under section 12 of the Act, being Northern Territory Portion 937.

#### 3 Establishment of Committee

There is established by these Regulations a committee to be known as the Tnorala Local Management Committee.

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#### 4           **Composition of Committee**

- (1) The Committee shall consist of 6 members appointed by the Minister of whom:
  - (a) 4 shall be persons appointed on the nomination of the Tnorala Aboriginal Corporation; and
  - (b) 2 shall be persons appointed on the nomination of the Commission.
- (2) A person who is a member of the Legislative Assembly or of either House of the Parliament of the Commonwealth is not eligible to be appointed or to hold office as a member.
- (3) As soon as practicable after an appointment under subregulation (1) has been made, the Minister shall cause notice of the appointment to be published in the Gazette.
- (4) Subject to regulations 5 and 6, a member holds office for a period of 3 years but:
  - (a) is eligible for reappointment; and
  - (b) shall continue in office until reappointed or a successor is appointed.
- (5) Where a member is or is about to become unable, whether on account of illness or otherwise, to perform the duties of the member's office, the Minister may, where the member was appointed under:
  - (a) regulation 4(1)(a), on the recommendation of the Tnorala Aboriginal Corporation; or
  - (b) regulation 4(1)(b), on the recommendation of the Commission,  
  
appoint a person to act in place of the member during the period the member is unable to perform the duties, unless the member has, under regulation 8(4), given to another member a general authority to vote for him or her at meetings of the Committee during the first-mentioned member's inability to perform his or her duties.
- (6) A person appointed to act in the place of a member has all the functions and powers of the member.
- (7) The performance of a function or the exercise of a power of the Committee is not affected by reason only of there being a vacancy in the office of a member.

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## **5 Resignation of member**

A member may resign office by writing signed by or with the authority of the member, delivered to the Minister.

## **6 Appointment of new member**

(1) The Minister shall, as soon as practicable after:

- (a) receiving the resignation of a member;
  - (b) becoming aware of a member's inability to continue as a member because of illness or for any other reason; or
  - (c) proof of a breach by a member of regulation 10,
- terminate the appointment of the person as a member.

(2) The Minister shall, as soon as practicable after:

- (a) becoming aware of the death of a member; or
- (b) under subregulation (1), terminating the appointment of a person as a member,

appoint another person, with the same qualification for membership as the person in whose place the person is appointed, to be a member.

## **7 Chairman**

(1) The Minister shall, as soon as practicable after the establishment of the Committee, or at any time when the office of Chairman is vacant, convene a meeting of the Committee for the purpose of electing a member as Chairman.

(2) The Minister shall appoint one of the members appointed under regulation 4(1)(a) to preside at a meeting referred to in subregulation (1).

(3) The Chairman shall be elected by the Committee from among the members appointed under regulation 4(1)(a).

(4) Where a member is elected as Chairman at a meeting referred to in subregulation (1), the member shall preside at the meeting in place of the member appointed under subregulation (2).

(5) Subject to subregulation (6), the Chairman holds office, provided he or she remains a member, for 3 years but is eligible for re-election.

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- (6) The Committee may at any time, by resolution, elect a new Chairman having the qualification referred to in subregulation (3) and, on the passing of such a resolution, the person who held the office immediately before the resolution was passed ceases to hold the office.

## **8 Calling of meetings, procedure, &c.**

- (1) The Chairman shall call such meetings of the Committee as are necessary for the performance of its functions and the exercise of its powers but in any case shall call not less than 4 meetings in each calendar year.
- (2) At any time:
- (a) the Minister may direct; or
  - (b) not less than 3 members may request,
- the Chairman to call a meeting of the Committee and the Chairman shall call a meeting accordingly.
- (3) At a meeting of the Committee:
- (a) the Chairman, if present, shall preside or, if the Chairman is not present, the members present shall elect one of their number to preside;
  - (b) subject to subregulation (4), 4 members, of whom 3 shall be members appointed under regulation 4(1)(a), constitute a quorum;
  - (c) questions arising shall be determined by a majority of the votes of the members present and, in the event of an equality of votes, the person presiding shall have a casting vote as well as a deliberative vote; and
  - (d) subject to these Regulations, the Committee shall determine the procedures to be followed at or in connection with the meeting.
- (4) A member may, in writing under the member's hand or with the member's authority, give to another member a general authority to vote for the first-mentioned member at a meeting of the Committee and the member given the authority may vote for the first-mentioned member at the meeting and shall, for the purposes of subregulation (3)(b), be counted towards a quorum as though he or she were also the first-mentioned member but the authorised member shall not vote on behalf of more than one member, and

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may be counted in place of one member only with the same qualification.

- (5) The Committee shall cause records of the Committee's meetings to be kept and, as soon as practicable after each meeting, shall cause a copy of the minutes of the meeting to be given to each member, the Minister and the Central Land Council.
- (6) A member may require the Committee to admit to a meeting of the Committee such persons as the member considers necessary to advise the member on matters being considered at the meeting and may require the Committee to allow such persons, or any of them, to address the meeting on the member's behalf, and the Committee shall admit those persons and allow them to address the meeting accordingly.
- (7) A person admitted pursuant to subregulation (6) to a meeting of the Committee shall not vote on a matter at the meeting.

## **9 Functions and powers of Committee**

- (1) The Committee is, in the performance of its functions and the exercise of its powers, subject to the Act and the plan of management for the Reserve.
- (2) The functions of the Committee are:
  - (a) to assist the Commission in the preparation and assessment of the plan of management for the Reserve and of any subsequent amendments of the plan;
  - (b) to determine, for the purpose of providing guidance to the Commission, matters relating to the day to day management of the Reserve;
  - (c) to determine, in consultation with the Commission, the location of works and facilities in the Reserve;
  - (d) to assist the Commission in protecting sites and areas in the Reserve that are significant to Aboriginals in accordance with Aboriginal tradition;
  - (e) to nominate Aboriginals to assist in the selection of persons to be employed in the Reserve;
  - (f) to protect the rights of relevant Aboriginals to use the Reserve;
  - (g) to make recommendations to the Commission relating to the content of educational or interpretive programs to be used in the Reserve;

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- (h) to make recommendations to the Commission relating to filming in the Reserve;
  - (j) to make recommendations to the Commission relating to staff training programs for persons employed by the Commission in the Reserve and in particular relating to the Aboriginal content of such programs
  - (k) to make recommendations to the Commission relating to the granting of concessions and licences for tour operations and commercial enterprises in the Reserve;
  - (m) to make recommendations to the Commission relating to entry and other charges, if any, in the Reserve and the application of those charges;
  - (n) to seek reservations of land under Part 6, Division 1 of the *Mineral Titles Act* in respect of the Reserve;
  - (p) to make recommendations to the Commission relating to access by persons, other than relevant Aboriginals, to areas within the Reserve;
  - (q) to make recommendations to the Commission relating to camping in the Reserve and the establishment of camping grounds, if any'
  - (r) to encourage Aboriginal business and commercial initiatives and enterprises in the Reserve;
  - (s) to make recommendations to the Commission relating to the employment, including the terms and conditions of employment, of relevant Aboriginals in the Reserve; and
  - (t) to make recommendations to the Commission relating to the expenditure of budgetary allocations in the Reserve.
- (3) The Committee has the power to do all things that are necessary or convenient to be done for or in connection with, or incidental to the performance of, its functions.

## **10 Members shall not disclose information**

A member shall not disclose information obtained in the course of the member's duties as a member unless the disclosure is made in the course of those duties.

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**11            Publication of Regulations**

- (1) Section 57 of the *Interpretation Act* does not apply to these Regulations.
- (2) Copies of these Regulations shall be available for inspection by members of the public during office hours at the offices of the Commission.



## 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

#### *Tnorala Local Management Committee Regulations*

Notified	26 February 1993
Commenced	26 February 1993

#### *Mineral Titles (Consequential Amendments) Act 2010 (Act No. 37, 2010)*

Assent date	18 November 2010
Commenced	7 November 2011 ( <i>Gaz</i> G41, 12 October 2011, p 5)

### 3 LIST OF AMENDMENTS

r 9            amd Act No. 37, 2010, s 14