

NORTHERN TERRITORY OF AUSTRALIA

JABIRU TOWN DEVELOPMENT REPEAL ACT 2021

As in force at 16 December 2021

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

JABIRU TOWN DEVELOPMENT REPEAL ACT 2021

An Act to repeal the *Jabiru Town Development Act 1978* and for related purposes

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Jabiru Town Development Repeal Act 2021*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

3 Definitions

In this Act:

Authority means the Jabiru Town Development Authority under the repealed Act before the commencement.

commencement means the commencement of section 4 of this Act.

Jabiru Town means the land specified as Jabiru town land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

repealed Act means the *Jabiru Town Development Act 1978* as in force immediately before its repeal.

Part 2 Repeals and transitional matters

4 Repeals

(1) The following Acts are repealed:

(a) the *Jabiru Town Development Act 1978* (Act No. 2 of 1979);

(b) the *Jabiru Town Development Amendment Act 1984* (Act No. 6 of 1984);

(c) the *Jabiru Town Development Amendment Act 2008* (Act No. 24 of 2008).

(2) The subordinate legislation specified in Schedule 1 is repealed.

5 Abolition of Jabiru Town Development Authority

On the commencement:

(a) the Authority is abolished; and

(b) the Chairman and each member of the Authority goes out of office.

6 Normalisation of local government area

(1) Subject to this Act and the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), Jabiru Town becomes part of the council area of West Arnhem Regional Council.

(2) Subject to section 7 of the *Control of Roads Act 1953*, a road within the Jabiru Town is a road within the care, control and management of the West Arnhem Regional Council in accordance with section 271 of the *Local Government Act 2019*.

7 Transfer of property, rights, liabilities and obligations and substitution of parties

(1) On and from the commencement, all property, rights, liabilities and obligations of the Authority are taken to be the property, rights, liabilities and obligations of the Territory.

(2) If the Authority is a party to any contract, agreement or arrangement immediately before the commencement, West Arnhem Regional Council is substituted for the Authority as a party to that contract, agreement or arrangement.

8 Superseded references

Without limiting section 7, on and from the commencement, in any instrument, contract or document of any other kind:

(a) a reference to the repealed Act or a provision of the repealed Act is taken to be a reference to the *Local Government Act 2019* or the most equivalent provision of that Act (as the case requires); and

- (b) a reference to the Authority is taken to be a reference to the West Arnhem Regional Council.

9 By-laws saved

- (1) Subject to subsection (2), despite the repeal of the repealed Act, a by-law made under section 31 of the repealed Act that is not repealed by Schedule 1 continues in force as if it were a by-law made under section 275 of the *Local Government Act 2019*, subject to the amendments made by Schedule 3.
- (2) A by-law continued in force under subsection (1):
 - (a) applies only to the Jabiru Town area of West Arnhem Regional Council; and
 - (b) is repealed on 1 January 2025 (if not earlier repealed).
- (3) Despite section 3, definition **Authority**, a reference to the Authority in a by-law continued in force under subsection (1) is taken to be a reference to the West Arnhem Regional Council.

Part 3 Consequential amendments and further repeal

10 Laws amended

Schedules 2 and 3 amend the laws mentioned in them.

11 Repeal

This Part is repealed on the day after it commences.

Schedule 1 Subordinate legislation repealed

section 4(2)

<i>Jabiru Town Development (Aboriginal Camping Areas) By-laws 1987</i>	Subordinate Legislation No. 29 of 1987
<i>Jabiru Town Development (Caravan Parks) By-laws 1983</i>	Subordinate Legislation No. 44 of 1983
<i>Jabiru Town Development (Chemical Preparations) By-laws 1983</i>	Subordinate Legislation No. 34 of 1983
<i>Jabiru Town Development (Community Hall) Amendment By-laws 1984</i>	Subordinate Legislation No. 45 of 1984
<i>Jabiru Town Development (Roads and Public Places) Amendment By-laws 1984</i>	Subordinate Legislation No. 44 of 1984
<i>Jabiru Town Development Regulations 1982</i>	Subordinate Legislation No. 61 of 1982

Schedule 2 By-laws amended

section 10

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Jabiru Town Development (Control of Animals) By-laws 1984</i>		
by-laws 1 and 2, definition <i>controlled dog</i>	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>
<i>Jabiru Town Development (Control of Dogs) By-laws 1992</i>		
by-law 1	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>
by-law 3(1), definition <i>authorised person</i>	(which applies to and in relation to the Authority and Jabiru by virtue of section 17 of the Act)	
Schedule 1, Forms 1, 2, 3, 4, 5 and 6	<i>Jabiru Town Development Act 1978</i> <i>JABIRU TOWN DEVELOPMENT</i>	<i>Local Government Act 2019</i> <i>WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN)</i>
Schedule 1, Forms 2, 3, 4, 5 and 6	19 <i>(all references)</i>	20
Schedule 1, Form 6	<i>Jabiru Town Development</i> Jabiru Town Council <i>(all references)</i>	<i>West Arnhem Regional Council (Jabiru Town)</i> West Arnhem Regional Council
<i>Jabiru Town Development (Refuse) By-laws 1983</i>		
by-law 1	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>
by-law 2, definition <i>Town Manager</i>	whole definition	

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
by-law 5(1)	Town Manager	Council Services Manager
<i>Jabiru Town Development (Roads and Public Places) By-laws 1983</i>		
by-law 1	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>
by-law 39(3)	whole subsection	(3) In this by-law: caravan means a habitable container designed to be towed, driven or carried by a vehicle, whether or not the container is fixed or mobile or has wheels, and includes a demountable accommodation unit.
by-laws 56(4) and (5) and 69(2) and (3)	whole subsection	
by-law 74(2)	Town	Council Services
Schedule	whole schedule	
<i>Jabiru Town Development (Stallholders) By-laws 1983</i>		
by-law 1	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>
by-law 2, definition Town Manager	whole definition	
by-laws 4(1) and 7(2)(b)	Town	Council Services

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Schedule	19 <i>(all references)</i>	20
	Town	Council Services
<i>Jabiru Town Development (Swimming Pool Complex) By-laws 1982</i>		
by-law 1	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>
by-law 2, definition <i>Town Manager</i>	whole definition	
by-laws 9(4) and 10(3)	Town Manager <i>(all references)</i>	Council Services Manager

Schedule 3 Other laws amended

section 10

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
<i>Agricultural and Veterinary Chemicals (Control of Use) Regulations 2005</i>		
regulation 13(3), definition <i>public authority</i> , paragraph (c)	council; or	council.
regulation 13(3), definition <i>public authority</i> , paragraph (d)	whole paragraph	
<i>Interpretation Act 1978</i>		
section 17, definition <i>statutory corporation</i>	or the Authority or Council within the meaning of the <i>Jabiru Town Development Act 1978</i>	
<i>Local Government Act 2019</i>		
section 349(5), note	whole note	
<i>Swimming Pool Safety Act 2004</i>		
section 3(1) and (2)	, a local government council or the Jabiru Town Development Authority	or a local government council
<i>Uncollected Goods Regulations 2004</i>		
regulation 2(a)(iii)	<i>Jabiru Town Development</i>	<i>West Arnhem Regional Council (Jabiru Town)</i>

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

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date 15 December 2021

Commenced 16 December 2021 (s 2)