



NORTHERN TERRITORY OF AUSTRALIA

No. 24 of 1982

AN ACT

To amend the *Jabiru Town Development Act*

[Assented to 16 June 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Jabiru Town Development Amendment Act 1982*.

2. NEW PART

The *Jabiru Town Development Act* is amended by inserting after section 25 the following:

"PART IIIA - JABIRU TOWN ADVISORY COUNCIL

"25A. DEFINITIONS

In this Part, unless the contrary intention appears -

'appointed member' means a member appointed by the Minister;

'Chairman' means the Chairman of the Council;

'Council' means the Jabiru Town Advisory Council established by section 25B;

'Deputy Chairman' means the Deputy Chairman of the Council;

'elected member' means a member elected to the Council in accordance with this Part or co-opted onto the Council in accordance with section 25F;

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'general election' means an election of members held in accordance with section 25E(2);

'member' means a member of the Council;

'Returning Officer' means the person named or appointed as Returning Officer under section 25E(1);

'Town Manager' means the person appointed by the Authority as Town Manager of Jabiru.

"25B. ESTABLISHMENT OF COUNCIL

"(1) There shall be a council, to be known as the Jabiru Town Advisory Council, which shall consist of not less than 8 persons, 5 of whom shall be elected by persons residing within 10 kilometres of Jabiru Police Station and 3 of whom shall be appointed by the Minister.

"(2) The Minister may, by notice in the *Gazette*, determine that the numbers of elected and appointed members of the Council be increased, subject to subsection (3), to those specified in the notice.

"(3) The numbers specified in a notice under subsection (2) shall be such that the number of elected members exceeds the number of appointed members by not less than 2.

"25C. FUNCTION OF COUNCIL

"The Council shall advise the Authority on -

- (a) those matters within the competence of the Council of a municipality constituted under the *Local Government Act* as are included in Part XV of that Act, as if the Authority were a Council constituted under that Act;
- (b) such other matters as the Minister from time to time specifies in writing,

insofar as those matters fall within the powers of the Authority under or by virtue of this Act and relate to the area administered by the Authority.

"25D. FIRST MEMBERS OF COUNCIL

"(1) The 5 persons elected at the election held on 22 May 1982 shall be deemed to have been elected to the Council in accordance with this Part and shall hold office, subject to this Part, until an election is held, in accordance with this Part, in May 1984.

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"(2) The Minister shall appoint 3 persons, who need not be qualified for election as members, to serve on the Council for a period of 2 years.

"(3) Members appointed under sub-section (2) are eligible for re-appointment.

"(4) The Minister may, when appointing a member, appoint a person to act as that member's deputy in the event that the appointed member is unable to attend a meeting of the Council.

"25E. ELECTION OF MEMBERS

"(1) For the purpose of conducting elections under this Part the Town Manager shall be the Returning Officer unless the Authority, by instrument in writing, appoints some other person to be the Returning Officer.

"(2) Subject to section 25D(1), an election of members shall be conducted in the month of May at 2-yearly intervals at the time and in the manner set out in by-laws made under section 25K.

"(3) A person who, on the day fixed in accordance with by-laws made under section 25K as enrolment day -

- (a) is enrolled as an elector for an election of members of the Legislative Assembly; and
- (b) resides within 10 kilometres of the Police Station at Jabiru,

is qualified to be enrolled by the Returning Officer as an elector for the purpose of electing the elected members of the Council.

"(4) Subject to the by-laws made under section 25K, only persons whose names are included on the roll of electors prepared by the Returning Officer may vote at an election of members.

"(5) A person who -

- (a) is qualified under this section to be enrolled as an elector;
- (b) is not a member or employee of the Authority;
- (c) is not an undischarged bankrupt; and
- (d) is not under sentence of imprisonment for one year or longer for an offence against a law of the Commonwealth or of a State or Territory of the Commonwealth,

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may be nominated, in accordance with the by-laws made under section 25K, for election as a member.

"(6) An elected member retiring or ceasing to hold office by reason of the expiry of the period for which he was elected is, if qualified, eligible for re-election.

"25F. FILLING OF CASUAL VACANCIES OF ELECTED MEMBERS

"(1) Where the office of an elected member becomes vacant within 18 months after the last general election, the Council shall co-opt the person who -

- (a) is qualified for election to the Council;
- (b) was a candidate for election to the Council at the last general election; and
- (c) received the highest number of votes counted to an unsuccessful candidate at that election.

"(2) Where the office of an elected member becomes vacant within 18 months after the last general election, and no person qualifies for co-option under subsection (1), a supplementary election shall be held to fill the vacancy and the by-laws made under section 25K shall, so far as relevant, apply to a supplementary election as if it were a general election.

"(3) Where the office of an elected member becomes vacant more than 18 months after the last general election, the vacancy shall not be filled until the next succeeding election under section 25E(2) takes place.

"25G. VACATION OF OFFICE

"A member of the Council shall be deemed to have vacated his office if he -

- (a) becomes bankrupt or insolvent or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his salary or remuneration for their benefit;
- (b) fails to attend 3 consecutive meetings of the Council without having obtained from the Chairman permission in writing for those absences;
- (c) becomes permanently incapable of performing the duties of his office;

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- (d) is convicted or is liable to be sentenced for an offence punishable under a law of the Commonwealth or of a State or Territory of the Commonwealth by imprisonment for one year or more;
- (e) is no longer qualified to be enrolled under section 25E(3) as an elector; or
- (f) resigns his office by instrument in writing addressed to the Chairman of the Authority.

"25H. CHAIRMAN AND DEPUTY CHAIRMAN

"(1) There shall be a Chairman and Deputy Chairman of the Council.

"(2) For the purposes of the first meeting of the Council after the commencement of this Part, the Chairman of the Authority shall appoint a member to be the Chairman, and another member to be the Deputy Chairman and the Chairman and Deputy Chairman so appointed shall hold office until a Chairman and Deputy Chairman respectively are elected by the Council.

"(3) At its first meeting after the commencement of this Part, and thereafter at its first meeting after a general election, the Council shall elect from amongst the elected members of the Council a Chairman and Deputy Chairman.

"(4) The office of Deputy Chairman becomes vacant if its holder is elected to be the Chairman and the office of Chairman or Deputy Chairman becomes vacant if its holder -

- (a) ceases to be a member of the Council;
- (b) resigns his office by instrument in writing addressed to the Chairman of the Authority; or
- (c) is removed from office by a resolution of the Council.

"(5) When the office of Chairman or Deputy Chairman becomes vacant, the Council shall elect a Chairman or Deputy Chairman, as the case requires, from amongst the elected members of the Council.

"(6) When the office of Chairman is vacant or when the Chairman is, because of absence or illness or for any other reason, unable to exercise his powers or perform his duties, the Deputy Chairman has and may exercise those powers and has and shall perform those duties.

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"25J. MEETINGS OF COUNCIL

"(1) Subject to sub-section (2), the Council shall meet at such place within Jabiru and at such times as the Chairman from time to time determines.

"(2) The Chairman shall, within 3 days after he receives a written request to do so, signed by -

(a) the Chairman of the Authority; or

(b) not less than 3 members,

convene a meeting of the Council for a date not less than 10 days nor more than 21 days after the date upon which he received the written request.

"(3) At a meeting of the Council -

(a) 5 members, of whom at least one shall be a member appointed by the Minister, shall form a quorum;

(b) all questions before the Council shall be decided by a majority of votes, and the Chairman shall have a casting vote as well as a deliberative vote;

(c) in the absence of the Chairman, the Deputy Chairman shall have a casting vote as well as a deliberative vote; and

(d) the Town Manager shall act as secretary to the Council and shall take and record minutes.

"(4) The Authority may, after consulting the Council, make by-laws regulating, subject to this section, the procedures to be adopted at meetings of the Council.

"25K. ELECTIONS BY-LAWS

"(1) The Authority may make by-laws, not inconsistent with this Part, setting out the manner in which elections held under this Part shall be conducted.

"(2) Without limiting the generality of sub-section (1), the by-laws may make provision for -

(a) the preparation by the Returning Officer of a roll of electors;

(b) fixing the date of an election;

(c) the nomination of candidates for election;

(d) voting by persons unable to vote on the date fixed for the election;

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- (e) the conduct of the poll; and
 - (f) the counting of votes and determination of the results of the poll."
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