



NORTHERN TERRITORY OF AUSTRALIA

No. 45 of 1981

AN ACT

To amend the Jabiru Town Development Act

[Assented to 29 June 1981]

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 1981.

2. PRINCIPAL ACT

The Jabiru Town Development Act is in this Act referred to as the Principal Act.

3. COMMENCEMENT

(1) Sections 5 and 6(a) shall be deemed to have come into operation on 12 January 1979.

(2) Subject to sub-section (1), this Act shall come into operation on the date on which it is assented to by the Administrator.

4. DEFINITIONS

Section 3 of the Principal Act is amended by inserting after the definition of "Chairman" the following:

"'Director' means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Conservation Act 1975 of the Commonwealth;"

5. FUNCTIONS OF AUTHORITY

Section 15 of the Principal Act is amended by adding the following:

"(2) The Authority may perform the functions listed in sub-section (1) on or in relation to land outside Jabiru."

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6. POWERS OF AUTHORITY

Section 16 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "powers." and substituting "powers and may do those things outside the town of Jabiru.";
- (b) by omitting from sub-section (2)(m) "and"; and
- (c) by omitting from sub-section (2)(n) "other community activities." and substituting the following:
"other community activities;
- (p) arrange for or undertake the impounding, removal, destruction or disposal of animals found straying in Jabiru; and
- (q) arrange for or undertake the removal of abandoned vehicles or chattels from places where they have been left in contravention of by-laws made under this Act or abandoned and for the impounding and disposal of such vehicles or chattels."

7. NEW SECTION

The Principal Act is amended by inserting after section 16 the following:

"16A. PROVISION OF SERVICES FOR DIRECTOR

"The Authority may -

- (a) upon request, provide services to the Director, and charge for those services;
- (b) accept a delegation of powers or functions made by the Director under section 20 of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth, and exercise and perform the powers and functions so delegated; and
- (c) authorize the staff of the Authority to exercise such powers and perform such functions as may be given to it in accordance with an arrangement made under section 36(4) of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth."

8. REPEAL AND SUBSTITUTION

Section 17 of the Principal Act is repealed and the following substituted:

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"17. LOCAL GOVERNMENT FUNCTIONS FOR JABIRU TO DATE"

"(1) The Minister may, by notice in the Gazette, declare that such sections of such Acts as are specified in the notice shall apply to and in relation to the Authority or Jabiru as though the Authority were a council, and Jabiru were a municipality or a community government area, within the meaning of the Local Government Act, and those sections shall, with the necessary changes, apply accordingly.

"(2) A declaration made under sub-section (1) may, where there is a reference in a section to the exercise or performance of a power or function by a particular officer or employee of a council, specify the member of the staff of the Authority who shall exercise or perform that power or function on behalf of the Authority."

9. NEW SECTION

The Principal Act is amended by inserting after section 19 the following:

"19A. DELEGATION

"(1) The Authority may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.

"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Authority.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Authority."

10. RATES AND CHARGES

Section 23 of the Principal Act is amended by omitting from sub-section (1) "a class of such persons" and substituting "a class of such persons or on any land in Jabiru".

11. BY-LAWS

Section 31 of the Principal Act is amended -

(a) by inserting after sub-section (1) the following:

"(1A) The Authority may make by-laws -

(a) where regulations made under the National Parks and Wildlife Conservation Act 1975 of the Commonwealth, applying to the Kakadu National Park, are not applied to Jabiru, in place of those regulations; and

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(b) where a matter contained in the lease of Jabiru from the Director to the Authority, or the plan of management prepared by the Director under section 11 of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth is such that it is necessary or convenient for the Authority to make provision for it in by-laws.";

(b) by omitting sub-section (2)(b) and substituting the following:

"(b) the levying and collection of rates, fees or charges,";

(c) by omitting from sub-section (2)(d) "this section; and" and substituting the following:

"this section;

(da) the enabling of a person who is alleged to have contravened a provision of by-laws made under this section to pay to the Authority as an alternative to prosecution, a fixed penalty in lieu of the penalty by which a contravention of that provision is otherwise punishable; and";

(d) by adding the following:

"(3) By-laws which provide for the imposition of a fixed penalty shall specify -

(a) the amount of the fixed penalty;

(b) subject to sub-section (4), the form of a notice of infringement;

(c) the person or persons who may issue a notice of infringement; and

(d) the period within which the fixed penalty shall be paid in order to avoid prosecution.

"(4) A notice of infringement shall indicate -

(a) the name of the alleged offender or a description of the property creating or the subject of the alleged offence sufficient to identify that property;

(b) in general terms the nature of the offence alleged to have been committed;

(c) the date, time and place of the alleged offence;

(d) the amount of the fixed penalty;

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- (e) the period within which, and the place where, the fixed penalty may be paid; and
- (f) that the alleged offender may, if he so wishes, be dealt with by a court of competent jurisdiction."

12. NEW SECTION

The Principal Act is amended by inserting after section 31 the following:

"31A. PROCEEDINGS TAKEN BY AUTHORITY

"The Authority, or the Chairman or a person authorized by the Authority in that behalf, may direct, either generally or in a particular case, that proceedings be taken -

- (a) for the recovery of any rate, charge, fee or money owing under this Act; or
- (b) for the recovery of any penalty in respect of an offence against this Act or by-laws made under this Act.

"31B. FINES TO BE PAID TO AUTHORITY

"All fines and monetary penalties recovered for offences against by-laws made under this Act shall be paid to the Authority."

13. REGULATIONS

Section 32 of the Principal Act is amended by adding the following:

"(2) Where a provision of or made under an Act is inconsistent with the National Parks and Wildlife Conservation Act 1975 of the Commonwealth or any regulations made under that Act, the Administrator may make regulations either declaring that that provision shall not apply in or in relation to Jabiru or adapting or modifying that provision in its application to or in relation to Jabiru and, where a provision has been so adapted or modified, the provision shall apply accordingly."

