

THE NORTHERN TERRITORY OF AUSTRALIA

No. 2 of 1979

AN ACT

To provide for and in relation to the construction and management of the town of Jabiru

[Assented to 3 January 1979]

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:

PART I - PRELIMINARY

1. This Act may be cited as the Jabiru Town Development Act 1978.

Short title

2. This Act shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.

Commencement

3. In this Act, unless the contrary intention appears -

Definitions

"Authority" means the Jabiru Town Development Authority established by this Act;

"Chairman" means the Chairman of the Authority and includes the Deputy Chairman while he is acting in the office of the Chairman;

"Jabiru" means the town to be constituted and named Jabiru;

"lease" includes sub-lease;

"member" means a member of the Authority and includes -

(a) the Chairman; and

(b) the deputy of a member while he is acting in the office of the member;

"Parks Act" means the National Parks and Wildlife Conservation Act 1975 of the Commonwealth;

"participating body" means a body that is declared under section 7(3) to be a participating body;

Jabiru Town Development

"principal representative" means a person who is nominated under section 7(2) to be a principal representative on the Authority.

PART II - JABIRU TOWN DEVELOPMENT AUTHORITY

Establishment
of Authority

4.(1) There is established by this Act a corporation by the name of the Jabiru Town Development Authority.

(2) The Authority -

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Authority affixed to a document and shall presume that it was duly affixed.

(4) In the exercise of its powers and the performance of its functions, the Authority shall -

- (a) act in accordance with the provisions of any leases given to the Authority under the Parks Act and any Plan of Management made under that Act insofar as it relates to the areas, if any, leased to the Authority;
- (b) subject to paragraph (a), comply with the directions, if any, given to it by the Minister; and
- (c) act in the interests of the good government of Jabiru.

Composition
of Authority

5.(1) The Authority consists of -

- (a) the Chairman; and
- (b) not more than 6 other members.

(2) The exercise of the powers and the performance of the functions of the Authority is not affected by reason only of there being a vacancy or vacancies in the membership of the Authority.

Jabiru Town Development

6. The Minister may appoint a person who is an employee within the meaning of the Public Service Act to be the Chairman of the Authority.

Appointment
of
Chairman

7.(1) Subject to this section, the Minister may, in his discretion, appoint a person to be a member of the Authority.

Appointment
of other
members

(2) Each participating body may nominate one person to be its principal representative on the Authority and, where it does so, the Minister shall appoint that person to be a member of the Authority.

(3) For the purposes of sub-section (2), the Minister may, after giving to persons and bodies who are directly involved financially in -

- (a) the development of the town of Jabiru; and
- (b) mining a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth in the Alligator Rivers Region within the meaning of the Environment Protection (Alligator Rivers Region) Act 1978 of the Commonwealth,

an opportunity to make submissions to him, declare such a person or body, or a person or body in which such a person or body has an interest, to be a participating body.

8.(1) The Minister may appoint a member to be the Deputy Chairman.

Deputy
members

(2) A member, other than the Chairman, may appoint a person to be his deputy.

(3) The deputy of a member may act in the office of that member -

- (a) while that member is unable or unwilling to exercise a power or perform a function as a member; or
- (b) if that member is Deputy Chairman, while the member is acting in the office of the Chairman.

9.(1) Subject to sub-section (3), the Minister shall not terminate the appointment of a principal representative except upon the request of the participating body that nominated that member.

Termination
of appoint-
ment

Jabiru Town Development

(2) Where a participating body requests the Minister to terminate the appointment of its principal representative, the Minister shall thereupon terminate the appointment of that member.

(3) The Minister may terminate the appointment of a principal representative who -

- (a) has been convicted and is under sentence of imprisonment for 3 months or longer for an offence against the law of the Commonwealth or of a State or Territory;
- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (c) is absent, except on leave granted by the Authority, from 3 consecutive meetings of the Authority; or
- (d) fails to comply with section 14.

Resignation

10.(1) A member may resign his office by writing under his hand delivered to the Minister.

(2) A deputy of a member may resign his office by writing under his hand delivered to the member whose deputy he is, but the resignation is not effective until notice of the resignation is given to the Minister.

Remuneration
and
allowances

11. A person who is a member or the deputy of a member and is not -

- (a) an employee within the meaning of the Public Service Act; or
- (b) a principal representative or the deputy of a principal representative,

shall be entitled to receive in respect of his services such remuneration, allowances and expenses, and at such rates, as the Administrator determines.

Frequency
of meetings

12.(1) Subject to this section, the Authority shall meet as often as the Chairman considers necessary for the exercise of its powers and the performance of its functions, but so that the period between any 2 successive meetings does not exceed 3 months.

Jabiru Town Development

(2) The Chairman shall call a meeting of the Authority within 7 days after he receives a written request to do so, signed by not less than 3 members.

(3) The Chairman shall fix the place, date and time of a meeting of the Authority and shall give not less than 7 days notice of the meeting to each member, unless the member accepts less notice.

13.(1) Subject to this Act, at a meeting of the Authority -

Procedure
at meetings

- (a) 3 members, one of whom is the Chairman and one of whom is a principal representative, form a quorum;
- (b) the Chairman shall preside;
- (c) all questions shall be decided by a majority of the votes of the members present and voting; and
- (d) the Chairman shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

(2) The Authority shall keep a record of its proceedings.

(3) Subject to this Act and to the Financial Administration and Audit Act, the Authority shall determine its own procedures.

14.(1) A member who is directly or indirectly interested in -

Disclosure
of interest

- (a) a contract made or proposed to be made by the Authority; or
- (b) an existing or proposed project of the Authority,

shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Authority and, unless the Authority otherwise directs or the member is a principal representative, the member -

- (a) shall not take part after the disclosure in any deliberation or decision of the Authority relating to the contract or project, as the case requires; and

Jabiru Town Development

(b) shall be disregarded for the purpose of constituting the quorum for any such deliberation or decision.

(3) A member who has made a disclosure under sub-section (1), may not vote on any question relating to the giving to him of a direction under sub-section (2).

PART III - FUNCTIONS AND POWERS OF THE
AUTHORITY

Functions
of the
Authority

15. Subject to this Act the functions of the Authority are -

- (a) to develop and maintain the town of Jabiru;
- (b) to give leases of land and premises and parts of premises in the town of Jabiru;
- (c) to administer, manage and control the town of Jabiru;
- (d) to carry out such local government functions as are conferred on it by or under this Act;
- (e) to carry out such functions as are referred to it by or under a lease or Plan of Management under the Parks Act; and
- (f) to protect the environment in so far as it is affected by the construction and operation of the town of Jabiru.

Powers of the
Authority

16.(1) The Authority has power to do all things necessary or convenient to be done for or in connexion with, or incidental to, the performance of its functions and the exercise of its powers.

(2) Without limiting the generality of sub-section (1), for the purpose of performing any or all of its functions, the Authority may, subject to this Act -

- (a) carry out investigations, conduct tests and design and construct works for the provision and reticulation of water, electricity and other services and for the treatment and disposal of sewage, garbage and other waste products;
- (b) determine the use of land;

Jabiru Town Development

- (c) carry out sub-divisions, including the building of roads, the provision of street lighting and other works and services and the development of parks and other community areas;
- (d) construct, erect, repair, extend, demolish or rebuild public buildings, works, utilities and structures of all kinds;
- (e) build, or encourage the building of, houses, flats, hostels, theatres, shops, offices, amenities, industrial buildings and other business and commercial premises;
- (f) acquire, hold and dispose of any interest or right in or in relation to any real or personal property;
- (g) carry on an industry, a business or a commercial operation;
- (h) encourage the establishment and carrying on of industries, businesses and commercial operations;
- (j) control, manage and maintain property, works, services and amenities;
- (k) make charges for work done and for services, facilities, amenities and utilities provided;
- (m) beautify, or provide incentives to persons to beautify, Jabiru; and
- (n) satisfy community needs, including by providing, or subsidising the provision of, entertainment, functions and other community activities.

(3) Nothing contained in sub-section (2) shall be read as restricting any other law in force in the Territory in its operation in Jabiru.

17.(1) The Minister may, by notice in the Gazette, declare that the Authority has, in relation to Jabiru, a power or function that a council or a community government council has or can be given under the Local Government Act.

Local
Government
functions

(2) Upon the publication of a notice in pursuance of sub-section (1), the Authority has and may exercise the power and has and may perform the function specified in the notice as though -

Jabiru Town Development

- (a) references in the Local Government Act to a council or community government council, as the case may be, were references to the Authority; and
- (b) references in the Local Government Act to a municipality or local government area, as the case may be, were references to Jabiru.

Cemetery

18.(1) The Minister may, by notice in the Gazette, appoint the Authority to be the trustee of a public cemetery at Jabiru.

(2) Where the Authority is appointed to be the trustee of a cemetery under sub-section (1) -

- (a) sections 8 to 12 inclusive and 32 to 35 inclusive of the Cemeteries Act do not apply in relation to that cemetery; and
- (b) a reference in the Cemeteries Act to a Board of Trustees shall be read, in relation to that cemetery, as a reference to the Authority.

Agreements

19.(1) The Authority may enter into an agreement with the Commonwealth, the Northern Territory, an authority established by the Commonwealth or the Northern Territory or a participating body for the purpose of exercising its powers or performing its functions.

(2) An agreement entered into in pursuance of sub-section (1) may include provisions relating to -

- (a) the funding of the Authority;
- (b) the exercise of the powers or the performance of the functions of the Authority by the officers or employees of a party to the agreement; and
- (c) the acceptance by the Authority of a lease of the area of land surveyed as the site for the town of Jabiru, and of rights in respect of other areas of land.

Encouragement of industry

20.(1) The Authority may -

- (a) engage consultants and contractors; and
- (b) encourage industry, business and commerce,

Jabiru Town Development

for the purpose of carrying out works and for the purpose of arranging and providing services and facilities.

(2) Without limiting the generality of sub-section (1), the Authority may encourage industry, business and commerce by -

- (a) providing incentives and concessions;
- (b) making grants, loans and subsidies;
- (c) providing, on favourable terms, accommodation, machinery and equipment; and
- (d) acquiring, holding or disposing of any interest or right in or in relation to any business.

21.(1) The Authority may grant a lease of, or licence to use, land or premises. Sub-leasings

(2) Without limiting the generality of sub-section (1), the Authority may -

- (a) grant a lease for a term of years;
- (b) determine premiums, rents and other charges payable for, under or in respect of leases and other rights in respect of land;
- (c) include a building covenant and other terms and conditions in a lease;
- (d) give assistance, including financial assistance, to a person to purchase a lease or to build on leased land; and
- (e) restrict the right to sub-lease.

(3) Subject to any restriction expressed in a lease, a lessee may sub-lease.

22.(1) The Authority may -

- (a) adopt as the Jabiru Town Plan a plan that does not conflict with a plan that forms part of any Plan of Management prepared under the Parks Act and relating to the town of Jabiru; and
- (b) from time to time alter such a plan.

Town
planning

Jabiru Town Development

(2) The power to make by-laws includes power to make by-laws that form part of the Jabiru Town Plan.

(3) Before it adopts or alters a plan under sub-section (1), the Authority shall consult with the Minister for the time being responsible for town planning and it shall comply with any recommendations made by that Minister except insofar as it is directed to do otherwise by the Minister administering this Act.

(4) Recommendations made for the purposes of sub-section (3) may include recommendations -

- (a) concerning advertising, hearing of objections and other procedures; and
- (b) for the adoption or incorporation in the by-laws of any material.

(5) Where the Authority incorporates a provision of an Act in pursuance of a recommendation made under sub-section (3), that provision shall not be held to be ultra vires.

Rates and charges

23.(1) The Authority may levy a rate or charge or an annual rate or charge on a person who resides in or carries on business in Jabiru or has an interest in land in Jabiru, or on a class of such persons -

- (a) for the provision of a specific work or service; or
 - (b) for the funding of works and services generally, including the annual cost of operating the town.
- (2) A rate or charge levied under sub-section (1) -
- (a) may include a component for the repayment of a loan;
 - (b) may include a component for payment of interest on a loan;
 - (c) may be levied on a person whether or not that person uses the service;
 - (d) may apply in respect of a period that commenced before the date on which the rate or charge is levied; and

Jabiru Town Development

(e) may be levied at different rates or amounts for different persons or classes of persons.

(3) The Authority may exempt or partially exempt a person or class of persons from payment of a rate or charge that is levied under sub-section (1).

24. A rate or charge that is levied under section 23 becomes due and payable by a person upon the expiration of the period of one month after the date upon which notice of the rate or charge is served on that person.

Payment
of charge

25.(1) The Authority may, by notice in the Gazette, dedicate a road, park or other area of land to the public for such period as is specified in the notice.

Public
places

(2) While an area of land is dedicated to the public in pursuance of sub-section (1), it is, subject to this section, for the purposes of the laws of the Northern Territory, a public place.

(3) The Authority may, by notice in the Gazette, revoke the dedication of an area of land that has been dedicated under sub-section (1), notwithstanding that the period for which it was dedicated has not expired.

(4) Notwithstanding that an area of land has been dedicated under sub-section (1), the Authority may -

- (a) temporarily or otherwise exclude the public from that area or a part of that area; and
- (b) lease that land or a part of that land.

PART IV - MISCELLANEOUS

26.(1) The moneys of the Authority consist of -

Moneys of
the Authority

- (a) moneys paid to the Authority out of moneys appropriated for the purpose by the Commonwealth Parliament;
- (b) moneys paid to the Authority out of moneys appropriated for the purpose by the Northern Territory Legislative Assembly;
- (c) moneys paid to it by a participating body; and
- (d) such other moneys as the Authority receives in the exercise of its powers and the performance of its functions.

Jabiru Town Development

(2) The Minister for Finance of the Commonwealth, or the Treasurer of the Northern Territory, may give directions as to the amounts in which, and the times at which, moneys appropriated for the use of the Authority by the Commonwealth Parliament or the Northern Territory Legislative Assembly, as the case may be, are to be payable to the Authority.

Application
of moneys

27. The moneys of the Authority shall be applied only -

- (a) in payment or discharge of the expenses and other obligations of the Authority; and
- (b) in payment of the remuneration, allowances and expenses of members.

Finance,
audit and
reporting

28.(1) Notwithstanding anything contained in the Financial Administration and Audit Act, but subject to sub-section (2), the Authority is a prescribed statutory corporation within the meaning of that Act.

(2) The Treasurer may, by instrument in writing, exempt the Authority from compliance with an obligation that it would otherwise have by reason of the operation of sub-section (1).

Staff

29.(1) The Authority may employ such staff and on such terms and conditions as it thinks fit.

(2) The Authority may, by agreement with the Public Service Commissioner, employ a person who is an employee within the meaning of the Public Service Act in the business of the Authority.

(3) Where a person is employed in the business of the Authority in pursuance of sub-section (2), the Authority shall be deemed to be, in relation to that person, a prescribed authority within the meaning of the Public Service Act.

Service
of notices

30. A notice that is required or permitted to be served by or under this Act may be served personally or by post.

By-laws

31.(1) The Authority may make by-laws, not inconsistent with this Act, prescribing all things required or permitted to be prescribed, or necessary or convenient to be prescribed, for or in relation to the exercise of its powers and the performance of its functions.

Jabiru Town Development

(2) Without limiting the generality of sub-section (1), the Authority may make by-laws in accordance with that sub-section for or in relation to -

- (a) the control and management of an area of land that has been dedicated under section 25(1) whether or not that area has been leased;
- (b) the charging of fees;
- (c) the authorizing of persons to demand the names and addresses of persons who are believed on reasonable grounds to have contravened or failed to comply with a by-law made in pursuance of this section and requiring persons to comply with such a demand made by a person so authorized;
- (d) the imposing of a penalty not exceeding such amount as is prescribed for a contravention of or a failure to comply with a by-law made in pursuance of this section; and
- (e) the conferring on a person authorized by the Authority of a right of entry on to private land and a right to take such action as is necessary or convenient to inspect, repair, protect or remove the property of the Authority on private land.

32. The Administrator may make regulations not inconsistent with this Act prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for or in connexion with the carrying out of this Act.

Regulations





