

NORTHERN TERRITORY OF AUSTRALIA

JABIRU TOWN DEVELOPMENT REPEAL ACT 2021

Act No. 29 of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 29 of 2021

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

[Assented to 15 December 2021]
[Introduced 28 October 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

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Authority means the Jabiru Town Development Authority under the repealed Act before the commencement.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repealed Act means the *Jabiru Town Development Act 1978* as in force immediately before its repeal.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- (1) The following Acts are repealed: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- (2) The subordinate legislation specified in Schedule 1 is repealed.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>