

NORTHERN TERRITORY OF AUSTRALIA
YUGUL MANGI COMMUNITY GOVERNMENT SCHEME

As in force at 17 March 2004

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This reprint shows the Community Government Scheme as in force at 17 March 2004. Any amendments that may come into operation after that date are not included.

YUGUL MANGI COMMUNITY GOVERNMENT SCHEME

Community Government Scheme under the *Local Government Act*

PART 1 – PRELIMINARY

1. Name of scheme

The name of this scheme is the Yugul Mangi Community Government Scheme. (*See back note 1*)

2. Commencement

This scheme comes into operation on the date on which notice of approval of the scheme is published in the *Gazette*. (*See back note 1*)

3. Repeal and replacement of existing scheme

(1) This scheme repeals and replaces the Yugul Mangi Community Government Scheme approved on 24 July 1997 by the Minister for Local Government under section 105(1) of the *Local Government Act* (as applied by section 107(2) of the Act), which approval was notified in *Gazette* No. S28 on 30 July 1997.

(2) On the commencement of this scheme, all references to, and all the property, rights, liabilities and obligations of, the former council are references to, and the property, rights, liabilities and obligations of, the council established by this scheme.

4. Manager to continue as council for community government area

On the commencement of this scheme, the person who, immediately before that commencement, was the manager of the former council constitutes, and is to perform the functions and exercise the powers of, the council as constituted by this scheme until the declaration of the results of the first election of that council.

5. Interpretation

(1) In this scheme, unless the contrary intention appears –

"by-election" means an election held to fill a vacancy in the office of a councillor or a member that occurs between general elections;

"chairperson" means the member elected chairperson of a management committee under clause 29 and includes the deputy chairperson when acting as the chairperson;

"community government area" means the area to which the scheme applies under clause 6;

"council" means the Yugul Mangi Community Government Council established under clause 8;

"councillor" means a member of the council (including the President and Vice President);

"deputy chairperson" means the member elected deputy chairperson of a management committee under clause 29;

"election" means a general election or a by-election;

"election day", in relation to a ward, means the day on which voting at an election is conducted in the ward;

"election notice" means the notice displayed under clause 42;

"elector" means a person whose name has been entered on an electoral roll under clause 36 or 37(5);

"electoral roll" means an electoral roll maintained by the clerk under clause 37;

"former council" means the Yugul Mangi Community Government Council established under the Yugul Mangi Community Government Scheme repealed under clause 3(1);

"general election" means the election held every 3 years to elect the council and the management committees;

"local sub-moiety group" means the Budal, Guyal, Mambali or Murrungun group;

"management committee" means a management committee established under clause 22;

"member" means a member of a management committee;

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"President" means the councillor elected President under clause 11 and includes the Vice President when acting as President;

"public place" includes –

- (a) every place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of the place;
- (b) every place to which the public is admitted on payment of money, the test of admittance being the payment of the money only;
- (c) every road, street, footway, court, alley, thoroughfare or cul-de-sac which the public is allowed to use, despite that the road, street, footway, court, alley, thoroughfare or cul-de-sac is on private property; and
- (d) land reserved under a law of the Territory for the use of the public or a member of the public;

"recognised member of a local sub-moiety group" means a person who acknowledged members of a local sub-moiety group recognise as a member of the group;

"Vice President" means the councillor elected Vice President under clause 11;

"voter" means a person who votes at an election;

"ward" means –

- (a) the Ngukurr Ward, the Warliburru Ward or the Yupungalla Ward specified in clause 7; or
- (b) in relation to a management committee, the ward for which the management committee is established.

(2) A reference in this scheme to the declaration of the results of an election is a reference to the making of the last declaration of results (which could be made under either clause 62 or 63) in respect of the election.

6. Community government area

The community government area to which this scheme applies is the area indicated by a thick black line on the plan in Schedule 1.

7. Wards

(1) The community government area is comprised of the Ngukurr Ward, the Warliburru Ward and the Yupungalla Ward.

(2) The Ngukurr Ward is comprised of the parcels of land described in Schedule 2, Part A.

(3) The Warliburru Ward is comprised of the parcels of land described in Schedule 2, Part B.

(4) The Yupungalla Ward is the parcels of land described in Schedule 2, Part C.

PART 2 – YUGUL MANGI COMMUNITY GOVERNMENT COUNCIL

Division – 1 Establishment and membership of council

8. Establishment and name of council

(1) There is a community government council for the community government area.

(2) The name of the council is Yugul Mangi Community Government Council.

9. Membership of council

(1) The council has a maximum of 12 members elected in accordance with Part 4.

(2) The Ngukurr Ward is represented on the council by not more than 6 councillors.

(3) The Warliburru Ward is represented on the council by not more than 4 councillors.

(4) The Yupungalla Ward is represented on the council by not more than 2 councillors.

10. Term of office of councillors

(1) Subject to this scheme, the term of office of a councillor continues until the declaration of the results of the next general election of councillors.

(2) The office of councillor becomes vacant if the councillor ceases to be ordinarily resident in the community government area or a declaration relating to the councillor is made under clause 12(4).

11. President and Vice President

(1) At the first meeting of the council after its election, and after that as required, the members of the council are to elect a President and a Vice President (in that order) from amongst their own number.

(2) The President and the Vice President are not to be from the same ward.

(3) The Vice President is to act as President when the President is absent from a meeting of the council or is otherwise unable to perform the functions of the President, or there is a vacancy in the office of President.

Division – 2 Meetings and procedures of council

12. Meetings of council

(1) The council must meet to transact its business at least once a month.

(2) The date, time and place of a meeting of the council is to be as decided –

(a) at the previous meeting by the councillors attending the meeting or, if they do not decide, by the clerk; or

(b) if the Minister considers it is necessary to call a meeting before the date of the next meeting fixed under paragraph (a) – by the Minister or a person authorised by the Minister for that purpose.

(3) Meetings of the council are to be held within the community government area.

(4) If a councillor is absent from 3 consecutive meetings of the council without the prior consent of the council, the council may declare that the person is no longer a councillor and that the person's office as councillor is vacant.

13. Special meetings

(1) In addition to the meetings held each month, special meetings of the council may be called in accordance with this clause.

(2) The clerk may call a special meeting of the council by giving the councillors at least 2 days written notice.

(3) Six or more councillors, or 6 or more electors, may require the clerk to call a special meeting of the council by giving the clerk written notice requesting a special meeting and stating the reasons for requesting the meeting.

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- (4) If the clerk receives a request under subclause (3), the clerk must –
 - (a) call the special meeting for a date not later than 7 days after the day on which he or she receives the notice; and
 - (b) notify the councillors of the special meeting by giving them at least 2 days written notice of the special meeting.

(5) If a special meeting is called under subclause (2) or (4), the clerk must give public notice of the special meeting by displaying a written notice on a public notice board at the council's office and at a place in each ward where the clerk considers that the residents of the ward are likely to see the notice.

(6) Notice of a special meeting (whether to the councillors under subclause (2) or (4) or the public notice of a special meeting under subclause (5)) is to specify the date, time and place of the special meeting and the reason it is being called.

14. Meetings to be open

(1) Meetings of the council are open to persons who are not councillors or officers or employees of the council unless the council determines that a meeting, or part of a meeting, is closed to those persons.

- (2) In subclause (1) –

"meeting" includes a special meeting held under clause 13.

15. Procedure at meetings of council

(1) Meetings of the council are to be presided over by the President or, if the President is absent, by the Vice President or, if both the President and Vice President are absent, by a councillor chosen by the other councillors present.

(2) The council must determine its own procedure for meetings, subject to any standing orders it may make from time to time.

- (3) The council must keep a record of its proceedings.

(4) The quorum for a meeting of a council is to be the majority of the councillors then in office.

(5) A matter arising at a meeting of the council is to be decided by a majority of the votes of the members then in office and, if there is an equal number of votes for and against, the matter is taken to be defeated.

- (6) In this clause –

"meeting" includes a special meeting held under clause 13.

Division 3 – Executive committee of council

16. Establishment of executive committee

- (1) There is an executive committee of the council.
- (2) The executive committee has the powers and functions of the council that the council delegates to it.

17. Membership of executive committee

(1) Subject to this clause, the members of the executive committee are elected by the council at its first meeting after the declaration of the results of a general election and, after that, as required to fill vacancies in the membership of the committee.

(2) The executive committee has 5 members and there is to be at least one member from each ward.

(3) The President is a member of the executive committee.

(4) The remaining members are also to be councillors.

Division 4 – Powers and functions of council

18. Functions of council

- (1) The council may perform any of the following functions:
 - (a) the establishment, development, operation and maintenance of communication, television and radio broadcasting facilities for the community government area;
 - (b) the establishment and maintenance of parks, gardens and recreational areas and the carrying out of landscaping and other associated works;
 - (c) the establishment and maintenance of sports facilities, swimming pools, libraries, museums, cinemas, community halls, laundry facilities, public toilets and ablution blocks;
 - (d) the provision of services for the collection and disposal of garbage, the maintenance of particular places where garbage is to be dumped, and the control of litter generally;
 - (e) the provision and maintenance of sanitation, sewerage, drainage and water supply facilities and removal of health hazards;
 - (f) the collection of charges in relation to electricity, water and sewerage facilities;

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- (g) the provision of educational, vocational and other training;
- (h) the provision and maintenance of housing for residents and their families on the terms and conditions the council thinks appropriate;
- (i) the management of community employment programs;
- (j) the promotion and provision of community welfare, health and care facilities for people of all ages;
- (k) the prevention and control of substance abuse;
- (l) the provision and maintenance of cemeteries;
- (m) the control, prohibition and impounding of animals;
- (n) the development and maintenance of roads and boat ramps within the community government area (including the provision of street lighting and traffic control devices);
- (o) the development and maintenance, for reward, of roads and boat ramps outside the community government area;
- (p) the provision and maintenance of airstrips and related facilities;
- (q) the hiring out, for reward, of vehicles, plant, appliances or equipment owned by the council;
- (r) the repair and maintenance, for reward, of vehicles, plant, appliances or equipment not owned by the council;
- (s) the contracting of works projects (including the provision of services and the maintenance of capital works and undertakings) within and outside the community government area;
- (t) the establishment and operation of commercial and pastoral enterprises;
- (u) the establishment and maintenance of a firefighting service (including the acquisition of property and equipment and training of personnel for the service) and protection of the community government area from fire;
- (v) the management and control of sites of historic and cultural interest;
- (w) the support and encouragement of artistic, cultural and sporting activities;
- (x) the control of public places;

(y) environmental control.

(2) The council may, for reward, act as an agent for a provider of a facility referred to in subclause (1).

19. Powers of council: general

(1) Subject to the *Local Government Act*, the council has the power to do all things necessary or convenient to be done for, in connection with or incidental to the performance of its functions and may do anything which is not otherwise unlawful for that purpose.

(2) The council may, if a group or organisation gives its consent, take control of and manage the activities of the group or organisation that are consistent with the council's functions.

20. Powers of council: rating

(1) Subject to subclause (2), all land within the community government area is ratable, and the council may declare and levy rates in relation to it for the purpose of raising revenue for the performance of its functions.

(2) Land is not ratable under subclause (1) if it is land of a description that would be exempt from rating by a municipal council under section 58(2) of the *Local Government Act*.

(3) The council may impose a charge on a person by reason of the person –

- (a) residing in the community government area;
- (b) carrying on a business in the area; or
- (c) having an interest in ratable land in the community government area, whether that person uses any service provided or not.

(4) Subclause (3) does not limit the powers of charging conferred on the council by section 122(3) of the *Local Government Act*.

(5) The council may exempt land or a person, or a class of land or persons, from all or part of the rates or charges levied by the council.

21. Exercise of powers of council by clerk in certain circumstances

(1) If, under clause 67(1), the clerk is taken to constitute the council, the clerk may perform functions and exercise the powers of the council until the declaration of the results of the election of the new council.

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(2) The clerk must appoint a person to assist him or her in exercising the powers and performing the functions of the council.

(3) The clerk must not appoint a person to assist him or her unless the person is eligible to vote in an election under clause 35.

PART 3 – MANAGEMENT COMMITTEES

Division 1 – Establishment and membership of management committees

22. Establishment of management committees

There is a management committee for each ward.

23. Name of management committees

(1) The name of the management committee for the Ngukurr Ward is the Ngukurr Management Committee.

(2) The name of the management committee for the Warliburru Ward is the Warliburru Management Committee.

(3) The name of the management committee for the Yupungalla Ward is the Yupungalla Management Committee.

24. Powers and functions of management committees

A management committee –

- (a) has the powers and the functions of the council that the council delegates to it; and
- (b) is to exercise its powers and perform its functions for the ward for which it is established.

Division 2 – Membership of management committees

25. Membership of Ngukurr Management Committee

(1) The Ngukurr Management Committee has a maximum of 12 members elected in accordance with Part 4.

(2) The persons who elect the Ngukurr Management Committee are, in doing so, to observe the principle that the Ngukurr Management Committee is, to the extent it is reasonably achievable, to comprise –

- (a) 3 men aged 35 years or more;
- (b) 3 women aged 35 years or more;

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- (c) 3 men aged 18 years of age or more but less than 35 years of age;
and
- (d) 3 women aged 18 years of age or more but less than 35 years of age.

26. Membership of Warliburru Management Committee

The Warliburru Management Committee has a maximum of 10 members elected in accordance with Part 4.

27. Membership of Yupungalla Management Committee

(1) The Yupungalla Management Committee has a maximum of 10 members elected in accordance with Part 4.

(2) The persons who elect the Yupungalla Management Committee are, in doing so, to observe the principle that the Yupungalla Management Committee is, to the extent it is reasonably achievable, to comprise 5 men and 5 women.

28. Term of office of member of management committee

(1) Subject to this scheme, the term of office of a member of a management committee continues until the declaration of the results of the next general election of members of the committee.

(2) The office of a member of a management committee becomes vacant if the member ceases to be ordinarily resident in the ward or a declaration is made under clause 30(4).

29. Chairperson and deputy chairperson of management committees

(1) Each management committee has a chairperson and a deputy chairperson.

(2) At the first meeting of the management committee after its election, and after that as required, the members of the management committee are to elect a chairperson and deputy chairperson, in that order, from amongst their own number.

(3) The deputy chairperson is to act as chairperson when the chairperson is absent from a meeting of the management committee or is otherwise unable to perform the functions of chairperson, or there is a vacancy in the office of chairperson.

Division 3 – Meetings and procedures of management committees

30. Meetings of management committees

(1) Each management committee must meet to transact its business at least once a month.

(2) The date, time and place of a meeting of the management committee is to be as decided at the previous meeting by the members attending that meeting or, if they do not decide, by the clerk.

(3) Meetings of the management committee are to be held within the community government area.

(4) If a member is absent from 3 consecutive meetings of the management committee without the prior consent of the management committee, the management committee may declare that the person is no longer a member and the person's office as member is vacant.

31. Special meetings

(1) In addition to the meetings held each month, special meetings of a management committee may be called in accordance with this clause.

(2) The clerk may call a special meeting of the management committee by giving its members at least 2 days written notice.

(3) Six or more members of a management committee, or 6 or more electors residing in the ward, may require the clerk to call a special meeting of the management committee by giving the clerk written notice requesting a special meeting and stating the reasons for requesting the meeting.

(4) If the clerk receives a request under subclause (3), he or she must –

(a) call the special meeting for a date not later than 7 days after the day on which he or she receives the notice; and

(b) notify the members of the management committee of the special meeting by giving them at least 2 days written notice of the special meeting.

(5) If a special meeting is called held under subclause (2) or (4), the clerk must give public notice of the special meeting by displaying a written notice at a place in the ward where the clerk considers that the residents of the ward are likely to see the notice.

(6) Notice of a special meeting (whether to the members under subclause (2) or (4) or the public notice of a special meeting under subclause (5))

is to specify the date, time and place of the special meeting and the reason it is being called.

32. Meetings to be open

(1) Meetings of a management committee are open to persons who are not members or officers or employees of the council unless the management committee determines that a meeting, or part of a meeting, is closed to those persons.

(2) In subclause (1) –

"meeting" includes a special meeting held under clause 31.

33. Procedure at meetings of management committees

(1) Meetings of a management committee are to be presided over by the chairperson of the management committee or, if the chairperson is absent, by the deputy chairperson of the management committee or, if both the chairperson and deputy chairperson are absent, by a member of the management committee chosen by the other members present.

(2) The management committee must determine its own procedure for meetings, subject to any standing orders it may make from time to time.

(3) The management committee must keep a record of its proceedings.

(4) The quorum for a meeting of a management committee is to be the majority of the members then in office.

(5) A matter arising at a meeting of a management committee is to be decided by a majority of the votes of the members then in office and, if there is an equal number of votes for and against, the matter is taken to be defeated.

(6) In this clause –

"meeting" includes a special meeting held under clause 31.

PART 4 – ELECTIONS

Division 1 – Preliminary

34. Definition

In this Part –

"clerk" includes the Electoral Commission.

Division 2 – Eligibility to vote, enrol, nominate and be nominated

35. Who may vote and enrol

(1) An elector must vote in an election for the ward in respect of which his or her name appears on an electoral roll.

(2) A person who is entitled to be enrolled on an electoral roll under clause 36 must enrol.

(3) A person who is not enrolled on an electoral roll is not entitled to vote in an election.

36. Entitlement to be enrolled on electoral roll

(1) A person is entitled to be enrolled on the electoral roll for the ward in which he or she resides if the person –

(a) is enrolled or entitled to be enrolled as an elector within the meaning of the *Electoral Act*; and

(b) has ordinarily resided in the community government area for at least 6 months immediately before enrolling.

(2) A person who is entitled to be enrolled, but is not, must apply to the clerk to be enrolled.

(3) If the clerk is satisfied that a person who applies to be enrolled is entitled to be enrolled, the clerk must enrol the person for the ward in which he or she resides.

(4) At any one time, a person can only be enrolled on the electoral roll for one ward.

37. Electoral rolls

(1) The clerk must maintain for each ward, by the means he or she thinks appropriate (including by electronic means or the use of a roll within the meaning of the *Electoral Act*), an electoral roll of the full names and addresses of the persons who are enrolled under clause 36.

(2) A resident of the community government area may inspect the electoral rolls at the office of the council during the time the office is open for business.

(3) The clerk must close the electoral rolls at 12 noon on the day occurring 21 days before –

(a) the day on which the election will be held; or

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- (b) if voting will be conducted in the wards on 2 or more different days – the first day on which the election will be held.

(4) The clerk must not add any names to an electoral roll in the period between its closure and the conclusion of the election other than to make an alteration in accordance with subclause (5).

(5) If, after the closure of the electoral rolls under subclause (3) and before the close of voting at the election concerned, the clerk is satisfied that a person, whose name has not been entered on the roll for the ward in which he or she resides, is eligible under clause 35 to vote at the election, and the person signs a declaration that he or she applied for enrolment before the closure of the roll, the clerk must –

- (a) alter the roll by entering the person's name on it; and
- (b) initial the alteration,

and the person is then entitled to vote at the election.

38. Entitlement and procedure for nomination

(1) A person who is enrolled for the ward in which he or she resides may nominate one or more persons who are eligible under subclause (2) and who reside in the same ward as the person to be candidates for election as councillors representing the ward or members of the management committee for the ward.

(2) A person who is enrolled for the ward in which he or she resides may be nominated as a candidate for election as a councillor representing the ward, a member of the management committee for the ward or as both a councillor and member.

(3) A person nominates another person as a candidate in an election by lodging a written nomination with the clerk before 12 noon on the day occurring 14 days before –

- (a) the day on which the election will be held; or
- (b) if voting will be conducted in the wards on 2 or more different days – the first day on which the election will be held.

(4) If a proposed candidate is a recognised member of a local sub-moiety group and he or she consents to his or her membership in the group being specified on the nomination, the nomination is to specify which group he or she belongs to.

(5) The nomination of a person to be a candidate for election as a member of the Ngukurr Management Committee is to specify the age and gender of the proposed candidate.

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(6) The nomination of a person to be a candidate for election as a member of the Yupungalla Management Committee is to specify the gender of the proposed candidate.

(7) The clerk must not accept a nomination unless he or she is satisfied that –

- (a) the person making the nomination is eligible under subclause (1) to make the nomination;
- (b) the nomination sufficiently identifies the proposed candidate;
- (c) the proposed candidate is eligible under subclause (2) to be nominated; and
- (d) the proposed candidate has consented to his or her nomination.

(8) A proposed candidate for election may withdraw consent to his or her nomination at any time before the close of nominations.

Division 3 – General procedure for conduct of elections

39. Time for holding general election

(1) The first general election is to be held as soon as practicable after this scheme takes effect on a day or days determined by the clerk that enables compliance with clauses 37 and 38.

(2) Subsequent general elections (other than elections under clause 67) are to take place every 3 years during the month of September.

(3) Subject to clause 46(2), there is to be an election day for each ward.

40. Time for holding by-election

(1) Subject to subclause (2), if the office of a councillor or member is or becomes vacant other than because of clause 67, a by-election to fill the vacancy is to be held within 3 months of the date the office becomes vacant.

(2) If a general election is required to be held within 6 months of the date the office becomes vacant, the by-election is not to be held.

41. Manner of holding elections

(1) A general election is to be conducted in accordance with this Part.

(2) A by-election is to be conducted in accordance with this Part, subject to the necessary modifications.

42. Notice of election

(1) The clerk must display a notice of an election at least 28 days before –

- (a) the day on which the election will be held; or
- (b) if voting will be conducted in the wards on 2 or more different days – the first day on which the election will be held.

(2) The notice is to be prominently displayed in the places in each ward where the clerk considers the residents of the ward who are eligible to vote are likely to see the notice.

43. Content of election notice

An election notice is to set out the following information:

- (a) the month and year during which the election will be held;
- (b) the number of councillors and members to be elected for each ward;
- (c) the date on which the electoral rolls will be closed under clause 37(3);
- (d) the procedure for nominating candidates and the date and time by which the nominations are to be made.

44. Polling places

(1) The clerk must set aside a place as the polling place for an election in each ward.

(2) The clerk must ensure that there is inside a polling place one or more booths separated from each other.

(3) Voting at an election may only be conducted at a polling place.

45. Determination of election days, hours and times of polling and place for counting votes

(1) The clerk must determine –

- (a) which day is the election day for each ward or, if voting in the wards will be conducted on the same day, for all wards;
- (b) subject to subclause (2) – the hours during which each polling place will be open during an election day; and

(c) the place where the votes will be counted for each ward.

(2) The time for which a polling place is to be open during an election day is to be the time the clerk considers is sufficient to give electors the opportunity to vote, but the polling place is not to remain open after 6:00 pm.

46. Mobile polling

(1) The clerk may authorise the use of mobile polling booths under the control of a mobile polling team and mobile polling team leader for the purposes of voting at an election.

(2) A mobile polling team may commence polling during the week immediately preceding election day.

(3) A mobile polling booth, when in operation, is taken to be a polling place set aside under clause 44(1).

47. Notification of candidates

(1) As soon as practicable after nominations have closed in accordance with clause 38(3), the clerk must display in each ward, in the same places as the election notice is displayed, a notice specifying –

- (a) list of the names of each candidate for election as a councillor representing the ward and each candidate for election as a member of the management committee for the ward;
- (b) the location and hours of opening of each polling place;
- (c) the places where, and the times and dates between which, polling may be conducted by mobile polling teams;
- (d) the place where the votes will be counted; and
- (e) the method of declaring the results under clauses 62 and 63.

(2) If a candidate is a recognised member of a local sub-moiety group and his or her nomination specifies the local sub-moiety group he or she belongs to, the notice is to specify the candidate's local sub-moiety group alongside his or her name.

(3) If a candidate is for election as a member of the Ngukurr Management Committee, the notice is to specify the candidate's age and gender alongside his or her name.

(4) If a candidate is for election as a member of the Yupungalla Management Committee, the notice is to specify the candidate's gender alongside his or her name.

48. Declaration or election of councillors and members for Ngukurr Ward

- (1) If, at the close of nominations in accordance with clause 38 –
 - (a) there are not more than 6 candidates for election as councillors representing Ngukurr Ward, the clerk must make a declaration under clause 62; or
 - (b) there are more than 6 candidates for election as councillors representing Ngukurr Ward, an election is to be held to decide who amongst them will be the councillors representing that ward.
- (2) If, at the close of nominations in accordance with clause 38 –
 - (a) there are not more than 12 candidates for election as members of the Ngukurr Management Committee, the clerk must make a declaration under clause 62; or
 - (b) there are more than 12 candidates for election as members of the Ngukurr Management Committee, an election is to be held to decide who amongst them will be the members of that management committee.

49. Declaration or election of councillors and members for Warliburru Ward

- (1) If, at the close of nominations in accordance with clause 38 –
 - (a) there are not more than 4 candidates for election as councillors representing Warliburru Ward, the clerk must make a declaration under clause 62; or
 - (b) there are more than 4 candidates for election as councillors representing Warliburru Ward, an election is to be held to decide who amongst them will be the councillors representing that ward.
- (2) If, at the close of nominations in accordance with clause 38 –
 - (a) there are not more than 10 candidates for election as members of the Warliburru Management Committee, the clerk must make a declaration under clause 62; or
 - (b) there are more than 10 candidates for election as members of the Warliburru Management Committee, an election is to be held to decide who amongst them will be the members of that management committee.

50. Declaration or election of councillors and members for Yupungalla Ward

- (1) If, at the close of nominations in accordance with clause 38 –
 - (a) there are not more than 2 candidates for election as councillors representing Yupungalla Ward, the clerk must make a declaration under clause 62; or
 - (b) there are more than 2 candidates for election as councillors representing Yupungalla Ward, an election is to be held to decide who amongst them will be the councillors representing that ward.
- (2) If, at the close of nominations in accordance with clause 38 –
 - (a) there are not more than 10 candidates for election as members of the Yupungalla Management Committee, the clerk must make a declaration under clause 62; or
 - (b) there are more than 10 candidates for election as members of the Yupungalla Management Committee, an election is to be held to decide who amongst them will be the members of that management committee.

51. Ballot papers

- (1) If an election is to be held, the clerk must ensure that ballot-papers are prepared in sufficient numbers for the purposes of the election.
- (2) The clerk must determine, by lot, the order of the names of the candidates on the ballot-papers.
- (3) If a candidate is a recognised member of a local sub-moiety group and his or her nomination specifies the local sub-moiety group he or she belongs to, the ballot-papers on which that candidate's name is specified are to specify the local sub-moiety group to which he or she belongs.
- (4) The ballot-papers on which the candidates for election as members of the Ngukurr Management Committee are specified are to specify the age and gender of each candidate.
- (5) The ballot-papers on which the candidates for election as members of the Yupungalla Management Committee are specified are to specify the gender of each candidate.

52. Polling officials

- (1) Subject to subclause (2), the clerk may, in writing, appoint –
 - (a) one or more polling officials to assist in conducting an election; and
 - (b) if a mobile polling booth will be used – appoint a polling official who is a member of the mobile polling team to be the mobile polling team leader.

(2) The clerk must not appoint a councillor, a member of a management committee, a candidate or a spouse or de facto partner of a candidate to be a polling official.

53. Ballot boxes

(1) The clerk must provide a ballot-box in each polling place.

(2) The ballot-box is to have a securely fitted or fastened lid and a slit in the upper side through which ballot-papers may be put into the ballot-box.

54. Exhibition, closing and sealing of ballot-boxes

(1) At each polling place, the clerk or a polling official must, immediately before the polling place is opened for voting and in the presence of a person who is eligible to vote but is not a candidate, exhibit the ballot-box empty, securely fit or fasten its lid and ensure that the lid remains securely fitted or fastened during the hours the polling place is open for voting.

(2) Unless the votes are counted immediately after the close of voting at the polling place, the clerk or polling official must, on the close of voting and in the presence of any scrutineers who are in attendance, close and seal the ballot box and forward it to the place determined under clause 45 to be the place where the votes will be counted.

55. Scrutineers

(1) A candidate may, in writing, appoint one or more persons to be scrutineers for the candidate for the purposes of an election.

(2) One scrutineer for each candidate is entitled to –

- (a) remain in each polling place where votes may be cast for the candidate to observe the conduct of the voting; and
- (b) observe the counting of the votes at the place where the votes are counted.

(3) A scrutineer must not disclose to another person anything relating to the vote of a voter.

Division 4 – Voting

56. Voting procedure

- (1) Each voter –
 - (a) may vote only once in an election; and
 - (b) must vote in accordance with this clause.
- (2) On entering a polling place, a voter must state his or her name to the clerk or polling official at the polling place.
- (3) The clerk or polling officer must then –
 - (a) check that the name appears on an electoral roll;
 - (b) if it is not indicated on the roll that ballot-papers have been issued to the voter – indicate on the roll that the ballot-papers for the ward in respect of which the voter is enrolled are issued to the voter by drawing a line through the name or, if the clerk has provided for another method to indicate the issue of ballot-papers, by complying with that other method; and
 - (c) initial the backs of those ballot-papers and hand them to the voter.
- (4) The voter must take the ballot-papers and, subject to clause 57, enter into an unoccupied polling booth alone and secretly vote by placing on the appropriate ballot-paper an "X" –
 - (a) if he or she is voting for councillors to represent the Ngukurr Ward – in the boxes opposite the names of not more than 6 candidates for election as councillors to represent that ward of the voter's choice;
 - (b) if he or she is voting for members of the Ngukurr Management Committee – in the boxes opposite the names of not more than 12 candidates for election as members of that committee of the voter's choice;
 - (c) if he or she is voting for councillors to represent the Warliburru Ward – in the boxes opposite the names of not more than 4 candidates for election as councillors to represent that ward of the voter's choice;

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- (d) if he or she is voting for members of the Warliburru Management Committee – in the boxes opposite the names of not more than 10 candidates for election as members of that committee of the voter's choice;
 - (e) if he or she is voting for councillors to represent the Yupungalla Ward – in the boxes opposite the names of not more than 2 candidates for election as councillors to represent that ward of the voter's choice; or
 - (f) if he or she is voting for members of the Yupungalla Management Committee – in the boxes opposite the names of not more than 10 candidates for election as members of that committee of the voter's choice.
- (5) A voter must not mark a ballot-paper issued to another person.
- (6) If a voter spoils a ballot-paper or marks it in a way that was not intended, the voter may return it to the clerk or polling official who must write "spoilt" across the front of it, initial the back of a new ballot-paper of the same kind and give that ballot-paper to the voter.
- (7) The clerk must retain all ballot-papers marked "spoilt" to be dealt with under clause 65.
- (8) Subject to clause 57, when the voter has completed the ballot-papers, the voter must fold each ballot-paper to conceal the names of the candidates and place it in the ballot-box.

57. Voters who require assistance

- (1) If the clerk or polling official in charge of a polling place is satisfied that a voter is, for any reason, unable to vote without assistance, the voter may appoint a person to assist him or her.
- (2) The clerk or polling official must permit the person appointed to assist the voter to accompany the voter into a booth and mark the ballot-papers issued to the voter in accordance with the voter's instructions, fold them and place them in the ballot-box as required under clause 56.

58. Presence in polling place

A voter and a person appointed to assist the voter under clause 57 (if any) may remain in the polling place only for the time necessary for the voter to vote.

59. Postal voting

- (1) A voter who –
 - (a) is ill or infirm or is for religious reasons unable to attend a polling place;
 - (b) will be absent from the ward during the hours when the polling place will be open; or
 - (c) will be unable to attend the polling place on election day,

may apply in person or in writing to the clerk for postal ballot-papers for the ward in which he or she resides.

(2) An application under subclause (1) is to specify an address to which the ballot-papers may be posted or delivered by hand in a sealed envelope.

(3) If, before election day, the clerk receives an application for postal ballot-papers, the clerk must –

- (a) check that the applicant's name is on the electoral roll in respect of the ward in which the applicant resides;
- (b) hand or send to the applicant ballot-papers for the ward that are initialled by the clerk and a self-addressed envelope marked with the words "Ballot-paper"; and
- (c) indicate on the electoral roll that postal ballot-papers have been issued to the applicant by writing the letters "PBP" against the name of the applicant on the electoral roll or, if the clerk has provided for another method for indicating the issue of postal ballot-papers, by complying with that other method.

(4) A voter who receives postal ballot-papers must vote in accordance with clause 56(4) (except for the requirement to enter a booth).

(5) After the voter has voted, the postal ballot-papers are to be returned to the clerk in the marked self-addressed envelope.

(6) If the clerk receives an envelope apparently containing postal ballot-papers on or before the close of voting, the clerk must place the envelope unopened in a ballot-box being used in the election and the envelope is to be opened and the votes marked on the postal ballot-papers counted in accordance with clause 60.

(7) If the clerk receives an envelope apparently containing postal ballot-papers after the close of voting, the clerk must mark the envelope "rejected" and the votes marked on the postal ballot-papers are not to be counted.

(8) The clerk must retain all envelopes marked "rejected" to be dealt with under clause 65.

Division 5 – Counting of votes

60. Counting of votes

(1) As soon as voting has finished, the clerk and polling officials must, at the place determined under clause 45 as the place where the votes will be counted and in the presence of a scrutineer or at least one other person who is eligible to vote but is not a candidate –

- (a) open each ballot-box, count the number of ballot-papers (including postal ballot-papers) and prepare a written statement of the number of ballot-papers in each box and the number of names on each electoral roll which are marked to indicate that ballot-papers or postal ballot-papers were issued; and
- (b) after preparing the statement, count the votes received by each candidate.

(2) During the counting of votes the clerk must, subject to subclause (3), set aside a ballot-paper that has not been dealt with in a manner that complies with clause 56(4) or 59(4) as an informal vote to be dealt with under clause 65.

(3) The clerk must not set aside a ballot-paper under subclause (2) only because –

- (a) the voter has marked it otherwise than in the manner required by clause 56(4) or 59(4) but, in the opinion of the clerk, has shown clearly the candidates for whom he or she intended to vote; or
- (b) the voter has voted for less than the required number of candidates.

(4) Immediately after the counting of the votes is completed, the clerk must prepare and sign a certificate stating –

- (a) the names of the polling officials who assisted in counting the votes;
- (b) the names of the scrutineers and other persons who were present during the counting of the votes;
- (c) the number of votes received by each candidate;
- (d) the number of formal ballot-papers;

- (e) the number of postal ballot-papers issued by the clerk and the number of them that were included in the counting as formal ballot-papers; and
- (f) the number of informal ballot-papers.

61. Re-count of votes

(1) The clerk may, if he or she considers it is desirable or has received a written request to do so from a candidate for election as a councillor or member for a ward, re-count the votes made in the election of the councillors or members for that ward any time before the results of that election are declared under clause 63.

(2) A candidate's request under subclause (1) is to specify the reasons why the candidate considers the votes should be recounted.

Division 6 – Notification of results

62. Declaration of results where no election

(1) If, because of clause 48(1)(a) or (2)(a), 49(1)(a) or (2)(a) or 50(1)(a) or (2)(a), no election for councillors or members is held in a ward, the clerk must, as soon as practicable after the closure of nominations, declare the results of the election of those councillors or those members by displaying a notice in the same places in the ward as the election notice was displayed.

- (2) A notice under subclause (1) is to –
 - (a) specify the name of each candidate for councillor or member; and
 - (b) declare each candidate for councillor or member to be a councillor for that ward or a member of the management committee for that ward, as the case may require.

63. Declaration of results after election

(1) The clerk must, as soon as practicable after the votes cast in an election for a ward have been counted, declare the results of the election by displaying a notice in the same places in the ward as the election notice was displayed.

- (2) A notice under subclause (1) is to –
 - (a) list the names of the candidates for the ward arranged in the same order as they were on the ballot-papers for the ward and state the number of votes received by each candidate;

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- (b) subject to subclause (3) –
 - (i) if the election was to elect the councillors to represent Ngukurr Ward – declare the 6 candidates with the most votes to be elected as councillors representing the ward; or
 - (ii) if the election was to elect the members of the Ngukurr Management Committee – declare the 12 candidates with the most votes to be elected as members of the management committee;
- (c) subject to subclause (3) –
 - (i) if the election was to elect the councillors representing Warliburru Ward – declare the 4 candidates with the most votes to be elected as councillors representing the ward; or
 - (ii) if the election was to elect the members of the Warliburru Management Committee – declare the 10 candidates with the most votes to be elected as members of the management committee; and
- (d) subject to subclause (3) –
 - (i) if the election was to elect the councillors representing the Yupungalla Ward – declare the 2 candidates with the most votes to be elected as councillors representing the ward; or
 - (ii) if the election was to elect the members of the Yupungalla Management Committee – declare the 10 candidates with the most votes to be elected as members of the management committee.

(3) If compliance with subclause (2)(b), (c) or (d) is not possible because of an equality of votes between 2 or more candidates, the clerk must arrange for lots to be drawn to decide which of the candidates will be declared elected.

(4) If lots are drawn to decide which candidate or candidates to declare elected, the notice under subclause (1) is to state that a candidate was or candidates were selected by lot and identify the candidate or those candidates selected by lot.

64. Transmission of details of election results to Minister

(1) The clerk must, within 10 days after the day on which voting in an election is concluded, forward to the Minister –

- (a) the certificate signed by the clerk under clause 60(4); and

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- (b) a copy of each of the notices declaring the results of the election for the wards displayed under clauses 62 and 63.

(2) If, because of clauses 48(1)(a) and (2)(a), 49(1)(a) and (2)(a) and 50(1)(a) and (2)(a), no election is held in the community government area and declarations of councillors and members are made under clause 62, the clerk must forward a copy of each of the notices declaring the results of the election displayed under clause 62 to the Minister within 10 days after the close of nominations.

Division 7 – Miscellaneous

65. Retaining ballot-papers

After the counting of the votes at an election has been completed, the clerk must keep the ballot-papers in a sealed package unopened for 6 months and must then destroy the unopened sealed package.

66. Conduct of elections when clerk is councillor or member

If a new council and new management committees are to be elected at a general election and the clerk is a member of the existing council or an existing management committee, the Minister may appoint another person to perform the functions of the clerk in relation to that election.

67. Election due to resignation of council or lack of quorum

(1) If all the councillors or all the members of a management committee cease to be councillors or members, or if a quorum is not present at 3 consecutive meetings of the council or a management committee at the place and within one hour of the time specified for the opening of the meeting, the clerk is taken to constitute the council or management committee for the purposes of –

- (a) determining the date of an election of a new council or management committee; and
- (b) performing the functions and exercising the powers of the council or management committee under this scheme until the declaration of the results of the election.

(2) The election of the council or management committee must be held as soon as practicable, but not later than 3 months, after the event giving rise to the election.

(3) The term of office of a council or management committee elected under this clause commences on the declaration of the results of the election and continues until the declaration of the results of the next general election held in accordance with clause 39.

(4) Part 4 applies, with the necessary modifications, to and in relation to an election under this clause.

68. Extension of election period in emergency

(1) The clerk may adjourn voting at an election in a ward or all wards for a maximum of 21 days, and modify the itinerary of a mobile polling team accordingly, if it appears to the clerk to be necessary or desirable because of –

- (a) a natural disaster, civil disturbance or other emergency; or
 - (b) any other event the consequences of which may impede the electoral process.
- (2) If the clerk adjourns voting –
- (a) the term of office of existing councillors and members continues until the declaration of the results of the election;
 - (b) the counting of the votes is to be completed and the names of the persons elected as councillors and members are to be ascertained by the clerk in accordance with clause 60 as soon as practicable after voting is concluded in all of the wards;
 - (c) notices under clause 63 declaring the results of the election are to be displayed in accordance with that clause, and a copy of those notices and any displayed in accordance with clause 62 forwarded to the Minister under clause 64, as soon as practicable after the counting of votes is concluded; and
 - (d) the new council and management committees take office on the declaration of the results of the election.

SCHEDULE 1

COMMUNITY GOVERNMENT AREA

Clause 6

(Please refer to hard copy for plan)

SCHEDULE 2

WARDS

Clause 7

Part A – Ngukurr Ward

ARNHEM LAND PORTION

All that parcel of land in Arnhem Land near Ngukurr in the Northern Territory of Australia containing an area of 6565 square kilometres more or less being that part of Northern Territory Portion 1646 bounded by lines described as follows: commencing at the northeastern corner of Northern Territory Portion 5109 (Wongalara); thence due east to the meridian of East Longitude 135 degrees; thence southeasterly by a straight line toward Nyinpinti Point to meridian of East Longitude 135 degrees 30 minutes; thence due south to the Low Water Mark of Limmen Bight; thence generally southwesterly and westerly by the Low Water Marks of Limmen Bight and the left bank of the Roper River to the southerly prolongation of the eastern boundary of Northern Territory Portion 745; thence northerly by the said prolongation and boundary and the eastern boundary of Northern Territory Portion 5109 (Wongalara) to the point of commencement but excluding therefrom Costello and Nalawan Outstations.

MARRA ABORIGINAL LAND TRUST

All those parcels of land near Limmen Bight in the Northern Territory of Australia containing an area of 828.2 square kilometres more or less being Northern Territory Portions 2099 and 2276 more particularly delineated on Compiled Plan 4524 and Survey Plan S82/171 respectively lodged with the Surveyor-General, Darwin.

NATHAN RIVER

All that parcel of land near Nathan River in the Northern Territory of Australia containing an area of 3690 square kilometres more or less being Northern Territory Portion 1334 more particularly delineated on survey plan S92/342 lodged with the Surveyor-General, Darwin.

ST VIDGEON

All that parcel of land near St Vidgeon in the Northern Territory of Australia containing an area of 6505 square kilometres more or less being Northern Territory Portion 819 more particularly delineated on survey plan S85/119 lodged with the Surveyor-General, Darwin.

STEVE BARRETT'S FISHING CAMP

All that parcel of land near St Vidgeon in the Northern Territory of Australia containing an area of 65.49 square kilometres more or less being Northern

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Territory Portion 3476 more particularly delineated on survey plan S88/156 lodged with the Surveyor-General, Darwin.

CARPENTARIA AQUAFARM

All that parcel of land situated near the Roper River in the Northern Territory of Australia containing an area of 129.1 square kilometres more or less being Northern Territory Portion 4249 more particularly delineated on survey plans S92/304A to C inclusive lodged with the Surveyor-General, Darwin.

NT PORTION 1189

All that parcel of land situated near the Roper River in the Northern Territory of Australia containing an area of 101 square metres more or less being Northern Territory Portion 1189 more particularly delineated on survey plan A681 lodged with the Surveyor-General, Darwin

ROPER PROPERTIES

All that parcel of land near the Roper River in the Northern Territory of Australia containing an area of 187.9 hectares more or less being Northern Territory Portion 1184 more particularly delineated on survey plan A681 lodged with the Surveyor-General, Darwin.

MARIA ISLAND

All that parcel of land known as Maria Island near Limmen Bight in the Northern Territory of Australia containing an area of 39.6 square kilometres more or less being Northern Territory Portion 2373 more particularly delineated on survey plan S83/139 lodged with the Surveyor-General, Darwin.

COSTELLO OUTSTATION

All that parcel of land near Ngukurr in the Northern Territory of Australia containing an area of 314 hectares more or less being that part of Northern Territory Portion 1646 contained within a circle of radius one kilometre centred at the intersection of parallel of South Latitude 14 degrees 33 minutes 55 seconds and meridian of East Longitude 134 degrees 52 minutes 55 seconds.

NALAWAN OUTSTATION

All that parcel of land near Urapunga in the Northern Territory of Australia containing an area of 314 hectares more or less being that part of Northern Territory Portion 1646 contained within a circle of radius one kilometre centred at the intersection of parallel of South Latitude 14 degrees 47 minutes 20 seconds and meridian of East Longitude 134 degrees 55 minutes 20 seconds.

Part B – Warliburru Ward

BRINGUNG COMMUNITY (ROPER VALLEY)

All those parcels of land near Flying Fox in the Northern Territory of Australia containing a total area of 684.9 hectares more or less being Northern Territory Portions 1718 and 3278 more particularly delineated on Survey Plan S79/40 lodged with the Surveyor-General, Darwin.

ALAWA 1 ABORIGINAL LAND TRUST

All that parcel of land near Hodgson Downs in the Northern Territory of Australia containing an area of 3227 square kilometres more or less being Northern Territory Portion 671 more particularly delineated on Survey Plans S94/290A to D inclusive lodged with the Surveyor-General, Darwin.

MINYERRI EXCISION

All that parcel of land near Hodgson Downs Homestead in the Northern Territory of Australia containing an area of 176 hectares more or less being Northern Territory Portion 1507 more particularly delineated on Survey Plan S74/131 lodged with the Surveyor-General, Darwin.

FLICK HOLE (HODGSON RIVER)

All that parcel of land near Hodgson River in the Northern Territory of Australia containing an area of 37.38 hectares more or less being Northern Territory Portion 3369 more particularly delineated on Survey Plan S87/221 lodged with the Surveyor-General, Darwin.

ALAWA ABORIGINAL LAND TRUST

All that parcel of land near Hodgson Downs in the Northern Territory of Australia containing an area of 4427 square kilometres more or less being Northern Territory Portion 818 more particularly delineated on Survey Plans S85/184A and S85/184B lodged with the Surveyor-General, Darwin.

KEWULYI ABORIGINAL LAND TRUST

All that parcel of land near Hodgson Downs in the Northern Territory of Australia containing an area of 144.1 square kilometres more or less being Northern Territory Portion 4777 more particularly delineated on Survey Plans S95/218 and S95/218B lodged with the Surveyor-General, Darwin.

Part C – Yupungalla Ward

URAPUNGA ABORIGINAL LAND TRUST

All that parcel of land near Hodgson Downs in the Northern Territory of Australia containing an area of 144.1 square kilometres more or less being Northern Territory Portion 745 more particularly delineated on Survey Plans S2001/195A and S2001/195B lodged with the Surveyor-General, Darwin.

YUTPUNDJI-DJINDIWRRITJ ABORIGINAL LAND TRUST

All that parcel of land near Urapunga in the Northern Territory of Australia containing an area of 169 square kilometres more or less being Northern Territory Portion 2632 more particularly delineated on Survey Plans S85/163A to C inclusive lodged with the Surveyor-General, Darwin but excluding therefrom Badawarrka Outstation.

RITTARANGU COMMUNITY

All that parcel of land near Urapunga in the Northern Territory of Australia containing an area of 341.5 hectares more or less being Northern Territory Portion 1545 more particularly delineated on Survey Plan S75/95 lodged with the Surveyor-General, Darwin.

BADAWARRKA OUTSTATION

All that parcel of land near Urapunga in the Northern Territory of Australia containing an area of 314 hectares more or less being that part of Northern Territory Portion 2632 contained within a circle of radius one kilometre centred at the intersection of parallel of South Latitude 14 degrees 41 minutes 50 seconds and meridian of East Longitude 134 degrees 26 minutes 20 seconds.

NT PORTION 4717(A)

All that parcel of land near Urapunga in the Northern Territory of Australia containing an area of 31.1 square kilometres more of less being that part of the Urapunga Stock Route designated Northern Territory Portion 4717(A) and extending generally southeasterly and easterly along the southern bank of the Roper River from the eastern boundary of Northern Territory Portion 2632 to the southerly prolongation of the eastern boundary of Northern Territory Portion 745.

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Notes

1. The Yugul Mangi Community Government Scheme, under the *Local Government Act* and amendments made by other legislation, the details of which are specified in the following table:

Scheme	Date of approval	Date notified in the <i>Gazette</i>	Date of commencement
Original	3 May 1988	25 May 1988	25 May 1988
Amendment	5 Oct 1989	18 Dec 1989	18 Dec 1989
Replacement	24 July 1997	30 July 1997	30 July 1997
Replacement	13 Nov 2003	14 Nov 2003	14 Nov 2003
Act No. 1, 2004	–	–	17 Mar 2004 (b)
Act No. 12, 2004	–	–	15 Mar 2004 (a)

(a) See section 2, section 2 of the *Electoral Act 2004* and *Gazette* S6, dated 15 March 2004.

(b) See section 2 and *Gazette* G11, dated 17 March 2004, p. 8.

Table of Amendments

Clause

34.	Amended by Act No. 12, 2004
36.	Amended by Act No. 12, 2004
37.	Amended by Act No. 12, 2004
52.	Amended by Act No. 1, 2004
