

# ROAD SAFETY COUNCIL ORDINANCE 1978

## No. 4 of 1978

An Ordinance to establish a Road Safety Council of the Northern Territory and to define its powers, duties and functions

[Assented to 31 March 1978]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

Short title

1. This Ordinance may be cited as the *Road Safety Council Ordinance 1978*.

Commencement

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

Definitions

3. In this Ordinance, unless the contrary intention appears—

“Chairman” means the Chairman of the council appointed under section 6, and includes the Deputy Chairman while acting as Chairman;

“Council” means the Road Safety Council of the Northern Territory;

“Deputy Chairman” means the Deputy Chairman appointed under section 6;

“member” means a member of the Council;

“public servant” means a person who is—

(a) an employee within the meaning of the *Public Service Ordinance*; or

(b) an officer or employee within the meaning of the *Public Service Act 1922*.

Council

4.(1) There is established by this Ordinance a Council by the name of the Road Safety Council of the Northern Territory.

(2) The Council shall consist of 12 members appointed by the Executive member.

Period of appointment

5. A member holds office for such term not exceeding 2 years as is specified in his instrument of appointment and is eligible for re-appointment.

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\*The date fixed was 11 August, 1978 (see *Northern Territory Government Gazette* No. 32 of 11 August 1978, page 10).

6.(1) The Executive Member shall appoint a member to be Chairman and another member to be Deputy Chairman.

Chairman  
and Deputy  
Chairman

(2) The Deputy Chairman shall, in the absence of the Chairman, act as Chairman.

7. A member of the Council who is not a public servant shall be paid, in respect of meetings of the Council or while engaged on the business of the Council, such fees and allowances as the Administrator in Council determines.

Fees and  
allowances  
to members

8. A member may resign his office by writing under his hand addressed to the Executive Member.

Resignation  
of members

9.(1) The Executive Member may terminate the appointment of a member for misbehaviour or incapacity.

Removal of  
members from  
office

(2) If a member—

(a) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council; or

(b) is convicted of an offence and is sentenced to a term of imprisonment,

the Executive Member may terminate his appointment as a member.

10. No act or proceeding of the Council is invalidated or prejudiced by reason only that there was, at the time of the act or proceeding, a vacancy in the office of any one or more members.

Vacancies

11.(1) The Council shall hold such meetings as are necessary for the performance of its functions.

Meetings

(2) The Chairman or the Deputy Chairman and 7 other members shall constitute a quorum for a meeting of the Council.

12.(1) Subject to this Ordinance, the Council shall determine the procedure for calling its meetings and for the conduct of business at those meetings.

Procedure  
at meetings

(2) At a meeting of the Council the decision of a majority of the members present and voting is the decision of the Council.

13.(1) The functions of the Council are to promote in respect of roads—

Functions of  
the Council

(a) the safety of the public;

(b) the protection of property from damage; and

(c) the prevention of or minimizing of the effects of accidents.

(2) Without limiting the generality of sub-section (1), the functions of the Council are—

(a) to advise the Executive Member on all matters pertaining to road safety;

- (b) to advise the Executive Member on any matter referred to it by him;
- (c) to advise, assist and co-operate with the government, government or other instrumentalities, authorities and persons on road accident prevention practices; and
- (d) to promote and support educational campaigns and competitions relating to road safety.

Powers of  
the Council

**14.** For the purpose of carrying out its functions under this Ordinance, the Council, subject to any directions of the Executive Member, may—

- (a) federate, affiliate or act in conjunction with road safety bodies outside the Territory; and
- (b) make such enquiries and investigations as it considers necessary.

Assistance to  
the Council

**15.** The Executive Member may provide the Council with such administrative and financial assistance as he considers necessary to enable the Council to perform its functions.

Sub-  
Committees  
and Regional  
Committees

**16.(1)** The Council may appoint sub-committees and regional committees to assist it in the performance of its functions.

(2) The membership and nature of a committee or sub-committee appointed under sub-section (1) and the procedures at its meetings shall be such as the Council determines.

(3) A committee or sub-committee appointed under this section shall report to the Council on its activities as such times as the Council may stipulate.

Reports of  
Council

**17.(1)** The Council shall, as soon as practicable after each 30 June, prepare and furnish to the Executive Member a report on its activities during the year ending on that date.

(2) The Executive Member shall table a copy of each report received by him under sub-section (1) in the Legislative Assembly on the first sitting day of the Assembly after he receives the report.

Liability  
of members

**18.** No action or proceeding, civil or criminal, shall lie against a member of the Council for or in respect of a statement made or an act or thing done in good faith by him in his capacity as a member.

Vesting of  
property

**19.(1)** All real and personal property and all other assets, rights and liabilities that, immediately before the commencement of this Ordinance, were held by or in trust for, or due by, the unincorporated body known as the Northern Territory Road Safety Council are, upon the commencement of this Ordinance, subject to all interests, trusts (not being trusts for the Northern Territory Road Safety Council), restrictions, dedications, reservations and charges, if any, to which, immediately before the commencement of this Ordinance, they were subject, vested in, or assumed by, the Commonwealth.

(2) Where, by virtue of sub-section (1) a right, or property, vests in the Commonwealth, that right, or rights in relation to that property, may be exercised by the Commonwealth either in its own name, or in the name of the Northern Territory Road Safety Council or in the name of the person who formerly held it.

(3) Where, immediately before the commencement of this Ordinance, property is held or registered in the name of, or by a person as trustee for, the Northern Territory Road Safety Council—

- (a) this Ordinance is a sufficient authority for the Administrator to require a transfer, or a registration of transfer, of the property to the Commonwealth; and
- (b) every person who holds or keeps a register shall, upon being so required by the Administrator, notwithstanding any other law of the Territory, without other authority than this Ordinance, amend a reference or all references to the Northern Territory Road Safety Council, or to a trustee for that body, in the registers held or kept by him to read as a reference, or references, to the Commonwealth.

**20.** The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters that are required or permitted by this Ordinance to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance. Regulations

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