



ANNO TRICESIMO

# ELIZABETHAE II REGINAE

A.D. 1981

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## No. 80 of 1981

**An Act to confer limited powers of local government on the Coober Pedy Progress and Miners' Association Incorporated; and for other purposes.**

*[Assented to 26 November 1981]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

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| Short title.                  | 1. This Act may be cited as the "Coober Pedy (Local Government Extension) Act, 1981".   |
| Commence-<br>ment.            | 2. This Act shall come into operation on a day to be fixed by proclamation.   |
| Interpretation.               | <p>3. In this Act—</p> <p>"allotment" of land means the whole of the land comprised in a certificate of title, or subject to a separate lease or licence from the Crown but does not include land subject to a mining lease or comprised in a registered precious stones claim:</p> <p>"the area" means the area described in the schedule to the Constitution of the Association:</p> <p>"the Association" means The Coober Pedy Progress and Miners' Association Incorporated:</p> <p>"council" means a council constituted under the Local Government Act, 1934-1981:</p> <p>"owner" of land means—</p> <p style="margin-left: 40px;">(a) the holder of an estate of fee simple in the land;</p> <p style="margin-left: 40px;">or</p> <p style="margin-left: 40px;">(b) a person who holds the land from the Crown under a lease or licence.</p> |
| Powers of the<br>Association. | <p>4. (1) The Association may—</p> <p style="margin-left: 40px;">(a) build and maintain streets, roads and public places in the area, provide for the lighting of streets, roads and public places, and provide any other amenities in or related to streets, roads and public places;</p>  |

- (b) provide for the generation and transmission of electricity;
  - (c) provide for the reticulation and supply of non-potable water;
  - (d) provide and maintain halls, community centres, and recreation facilities in the area;
  - (e) provide for the collection and disposal of refuse and establish and maintain depots for the purpose;
  - (f) provide and maintain a cemetery in or adjacent to the area;
  - (g) provide and maintain an airfield in or adjacent to the area;
  - (h) provide and maintain public offices for the purposes of the Association;
  - (i) carry out any other functions within or outside the area determined upon by a general meeting of the Association and approved by the Minister;
- and
- (j) expend moneys for any of the purposes mentioned above, or otherwise in the administration of this Act.

(2) The Association may expend moneys in subscribing or contributing to—

- (a) the provision and maintenance of ambulance services;
- (b) the provision and maintenance of hospitals, and medical and dental services or facilities;
- (c) the cost of providing and maintaining fire-fighting services under the Country Fires Act, 1976-1980;
- (d) the cost of the acquisition and maintenance of mine rescue equipment and the cost of mine rescue operations;
- (e) the establishment and maintenance of a library;
- (f) any other purpose determined upon by a general meeting of the Association and approved by the Minister.

(3) Regulations may be made extending—

- (a) the provisions of the Local Government Act, 1934-1981, so far as they are relevant to the powers and functions referred to in this section;

or

- (b) the provisions of any other Acts or regulations,

so that they apply (subject to such modifications as may be prescribed) to and in relation to the Association and the area as if the Association was a council constituted in relation to the area.

(4) A regulation shall not be made for the purposes of subsection (3) unless the Minister has certified—

- (a) that a notice setting out the substance and effect of the proposed regulation was published in a newspaper circulating throughout the area at least one month before the date on which the regulation is to be made;

and

(b) that the Minister has considered the objections (if any) made to him in relation to the proposed regulation.

(5) A regulation made for the purposes of subsection (3) shall come into force—

(a) on the day next following the day on which the time for disallowance of the regulation expires;

or

(b) on the day fixed in the regulation as the day on which it will come into force,

whichever is the later.

(6) Section 45b of the Local Government Act 1934-1981 applies to the Association as if it were a council and as if the members of the Committee of Management of the Association were members of that council.

Levy of  
charges on  
land in the  
area.

5. (1) The Association may, with the consent of the Minister, levy charges in respect of a financial year upon land within the area.

(2) No charges shall be levied under this section upon land of the Crown unalienated by lease or licence.

(3) Notice of a levy under this section shall be published in the *Gazette*.

(4) The basis upon which the charge to be levied on each allotment is to be calculated shall be set out in the notice published under subsection (3).

(5) The Association shall serve on the owner or occupier of each allotment subject to a charge under this section a notice setting out the amount of the charge payable in respect of the allotment.

(6) A notice under subsection (5) may be served—

(a) personally;

(b) by post;

or

(c) by affixing the notice in a prominent position on the land to which it relates.

(7) A charge under this section must be paid on or before the day falling two months after the date of the notice served under subsection (5).

(8) The provisions of the Local Government Act, 1934-1981, relating to—

(a) the recovery of rates;

(b) the rebate or deferment of rates;

(c) the imposition and remission of fines for non-payment of rates;

and

(d) the payment of rates by instalment,

shall apply, subject to such modifications as may be prescribed, in relation to charges payable under this section as if the Association were a council and the charges were rates payable under that Act.

Borrowings.

6. The Association may, with the consent of the Minister, borrow moneys for the purposes of this Act.

7. (1) The Association shall keep separate accounts of all moneys raised by the Association by the levy of charges, or by borrowing, under this Act and of the expenditure of the moneys.

Moneys and  
assets of the  
Association.

(2) An auditor approved by the Minister shall, at least once in each year, audit the accounts referred to in subsection (1).

(3) In the event of the dissolution of the Association or upon the expiry of this Act (whichever first occurs), the moneys referred to in subsection (1), and assets of the Association purchased with any such moneys, shall vest in the Minister and be held by him for the benefit of the community at Coober Pedy.

8. (1) As from the commencement of this Act, the constitution of the Association shall be as set forth in the schedule to this Act.

Constitution of  
Association,  
etc.

(2) The Association shall not be dissolved except upon the authority of a resolution of both Houses of Parliament.

9. (1) Subject to subsection (2), the Outback Areas Community Development Trust Act, 1981, does not apply to the area.

Application of  
Outback Areas  
Community  
Development  
Trust Act to  
the area.

(2) This section does not prevent the Outback Areas Community Development Trust from providing for the supply and distribution of electricity within the area before the thirtieth day of June, 1984.

10. Part IXAA of the Local Government Act, 1934-1981, applies to the Executive Officer of the Association as if the Association were a council and the Executive Officer were an officer of that council.

Application of  
Part IXAA of  
Local Govern-  
ment Act.

11. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

Regulations.

12. This Act shall expire on the 31st day of December, 1986.

Expiry of  
this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor

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**THE SCHEDULE****CONSTITUTION OF THE COOBER PEDY PROGRESS AND MINERS' ASSOCIATION INCORPORATED****1. Name**

The name of the Association is the "Coober Pedy Progress and Miners' Association Incorporated" (hereinafter referred to as "the Association").

**2. The Coober Pedy Area**

In this Constitution the words "the Coober Pedy area" or "the area" mean "the area" as defined by the schedule to this Constitution.

**3. Objects and Powers**

The objects, purposes and powers of the Association are—

- (a) To promote the welfare of the residents of the Coober Pedy area and to obtain improvements in the living conditions and community services in the area, and to promote and to provide such services.
- (b) To establish and improve a community centre for the area.
- (c) To promote recreation and amusements, to conduct dances and socials, to promote and encourage education and cultural pursuits, and to conduct a non-profit library in the area.
- (d) To encourage and support medical and dental services, and first-aid assistance, to people either within or outside the area.
- (e) To publish magazines, periodicals and reports.
- (f) To receive gifts of real or personal property, and to raise money for any of the purposes of the Association.
- (g) To affiliate with any body, whether incorporated or unincorporated, having the same or any one or more similar objects and to appoint representatives to any such body.
- (h) To assist with, or concur in, the establishment of, any other association having one or more similar objects.
- (i) To make donations to or grant financial assistance to any association, body corporate or organisation providing services or facilities within the area.
- (j) To exercise the powers conferred upon it by either the Associations Incorporation Act, 1956 (as amended from time to time) or the Coober Pedy (Local Government Extension) Act, 1981, subject to and in accordance with the provisions of those Acts.
- (k) To appoint and dismiss staff and do anything else that may be necessary or desirable to attain or assist in the attainment of all or any of the above objects.

**4. Membership**

(1) Any person who—

- (a) is over the age of sixteen years and is a permanent resident of the area;
- or
- (b) owns or occupies any land or premises situated within the area,

is a member of the Association.

(2) For the purposes of this Constitution, a "permanent resident of the area" is any person who, during the twelve month period immediately prior to the entry of his name in the register of members, has either resided or carried on business in the area for a period of, or periods totalling, four months.

(3) The Executive Officer shall maintain a register of the members of the Association, in which shall be entered the full name, address and occupation of every person who is a member of the Association as defined by sub-paragraph (1) of this paragraph.

(4) Any person may request the Executive Officer to enter his name in the register of members, and the Executive Officer, if he is satisfied that the person is a member as defined by sub-paragraph (1) of this paragraph, enter his name in the register of members.

(5) If the Executive Officer refuses to enter the name of any person in the register of members, or removes the name of any person therefrom, that person may appeal to the Committee of Management, and if the Committee of Management is satisfied that the person is a member, the Executive Officer shall enter that person's name in the register of members.

(6) The Executive Officer may remove the name of any person from the register of members if he is satisfied that that person has ceased to be a member as defined by sub-paragraph (1) of this paragraph.

(7) The Executive Officer shall remove the name of any person from the register of members upon receipt, from that person, of a written request that his name be so removed.

**5. Committee**

(1) The control of the affairs of the Association shall be vested in a Committee of Management (hereinafter called "the Committee") consisting of a President, two Vice-Presidents and nine other members.

(2) The President of the Association shall be elected from the Committee by the Association in general meeting, and all other office bearers shall, subject to subclause (7), be elected by the Committee.

(3) All positions in the Committee of Management shall fall vacant immediately prior to the elections to be held in October, 1982, at which elections all such positions shall be open for nomination.

(4) All members of the Committee of Management shall be elected for a period of two years, provided however, that six of the members (who shall be determined by lot) shall retire immediately before the elections to be held in October, 1983.

(5) The Committee shall appoint and remunerate, at such rates as it thinks appropriate, an Executive Officer, who shall not be a member of the Committee.

(6) Casual vacancies on the Committee shall be filled by the Committee, and a person filling a casual vacancy shall hold office until the next Annual General Meeting.

(7) The Chairman of the Mining sub-committee shall, unless he is elected to the office of President, be a Vice-President of the Association.

#### 6. Meetings of the Committee

(1) The Committee shall meet at such times as it thinks fit, but at least once each month.

(2) The quorum at meetings of the Committee shall be seven.

(3) The position of any member of the Committee who, without an excuse accepted by the Committee, fails to attend three consecutive meetings of the Committee shall become vacant.

(4) Committee meetings shall be presided over by the President or, in his absence, a Vice-President or, in the absence of the President and both Vice-Presidents, a chairman elected from the other members of the Committee.

(5) The Executive Officer shall:—

(a) keep a record of members present at Committee meetings,

(b) keep accurate minutes of all meetings of the Committee and general meetings of the Association,

(c) attend to all correspondence in accordance with the directions of the Committee,

(d) perform all duties relating to the financial affairs of the Association and shall be responsible, subject to any directions given by the Committee, for the payment of all accounts,

(e) keep true and accurate records of all moneys received and paid by the Association, and

(f) present to the Committee a statement of income and expenditure at the expiration of every second month.

(6) An annual report and financial statement shall be made to each Annual General Meeting by an auditor nominated by the Committee, and such auditor shall present the report and financial statements in conjunction with the Executive Officer.

#### 7. Powers of the Committee

(1) The Committee, subject to any direction given by the Association at a general meeting shall have power generally to carry out and give effect to the objects of the Association and the provisions of this Constitution, and, without limiting the generality of the foregoing, the Committee may:—

(a) Determine and publish standing orders, not contrary to or inconsistent with this Constitution, of the Association,

(b) Establish sub-committees for such purposes as the Committee may determine,

(c) Control, supervise and manage any business or undertaking established by the Association,

(d) Collect, retain and disburse the funds of the Association, provided however that nothing in this Constitution shall empower the Committee to acquire or replace any capital asset valued at more than twenty thousand dollars (\$20 000.00) or to dispose of any capital asset valued at more than five thousand dollars (\$5 000.00) or to enter into any negotiations in respect of the acquisition, replacement or disposal of any land or buildings, without the prior approval of a majority of the members present and voting at either an Annual General Meeting or a general meeting of the Association.

(2) The Committee shall not raise any loan (other than by way of bank overdraft) unless the raising of the loan and the terms of interest and repayment have been approved by a majority of members voting at a general meeting.

#### 8. Elections

(1) The elections to fill the positions of the Committee of Management falling vacant shall be held on the first Saturday in October in each year.

(2) The Committee shall, no later than the 30th day of June in any year, appoint a returning officer to conduct the elections to be held in the month of October next following.

(3) The returning officer shall be responsible for the conduct of the elections.

(4) The Committee may appoint the Executive Officer to be the returning officer.

(5) Any person whose name, thirty days prior to the conduct of the election, is on the register of members or is on the electoral roll for the area, may:—

(a) nominate any other member for election as a member of the Committee,

- (b) be nominated for the position of Committee member,  
and
- (c) vote at the elections.
- (6) Where the name of any person attending to vote does not appear on either the register of members or the electoral roll for the area, that person shall be given a vote if he makes before the returning officer, a written declaration that he is entitled to be on either the register of members or the electoral roll for the area, and, if he is satisfied that that person is so entitled, the returning officer shall, when counting the votes in the election, count the vote cast by that person.
- (7) Nominations for candidates for the election shall be in writing, signed by the candidate for election, signed by at least two other people entitled to vote at the election, and shall close at 5.00 p.m. on the second to last Friday before the elections.
- (8) The hours of voting on election day shall be from 8.00 o'clock in the forenoon until 6.00 o'clock in the afternoon.
- (9) The returning officer shall:—
  - (a) maintain and keep open and accessible a polling booth during the hours of voting,
  - (b) issue, to each member or person whose name appears on the electoral roll attending to vote, a ballot paper in an appropriate form,
  - (c) collect and safely retain all votes cast in the election until the close of voting.
  - (d) at the conclusion of the voting count the votes and prepare a schedule containing the names of the persons elected,and
- (e) declare the poll after the close of voting, and declare that the persons so elected shall forthwith take office.
- (10) Voting shall be by way of secret ballot and only the votes of those people personally attending the polling booth and casting their votes during the hours of voting shall be counted.
- (11) When determining the poll, the returning officer shall adopt the system of counting known as the "first past the post" system.
- (12) Each candidate to the election may, in writing, appoint one scrutineer, and when the votes cast at the poll are being counted, the returning officer shall admit, to the place at which the count is being undertaken, any scrutineer so appointed.
- (13) The Executive Officer, at or prior to the opening of voting, shall (where he is not himself the returning officer) deliver the register of members and the electoral roll for the area to the returning officer, and the returning officer shall ensure that, during the hours of voting, the register of members and the electoral roll for the area are open and available for inspection in the polling booth.
- (14) If, at the time of the close of nominations as specified in subclause (7) of this clause six persons have nominated for the position of a member of the Committee (or twelve have nominated for the elections to be held in October, 1982) the returning officer shall, without the conduct of a poll, declare those persons nominated to be elected as from the first Saturday in October.
- (15) If, at the time of the close of nominations as specified in subclause (7) of this clause the number of people nominated for election is less than the number of positions to be filled, the returning officer shall, without the conduct of a poll, declare the persons nominated to be elected as from the first Saturday in October, and the positions remaining vacant may be filled at the next Annual General Meeting.
- (16) The Committee of Management shall pay, to the returning officer, any charges or costs incurred by him in the conduct of the elections.

#### 9. Meetings of the Association

- (1) The Annual General Meeting of the Association shall be held within twelve days of the election and shall be conducted on such day and at such time and place as the Committee shall determine, and of which seven days public notice shall be given.
- (2) The business of the Annual General Meeting shall include:—
  - (a) the annual reports of the Committee, Executive Officer and Auditor,
  - (b) the nomination of auditors,
  - (c) the election of President,and
- (d) the consideration of such other matters as may be duly brought before the meeting.
- (3) General meetings (other than Annual General Meetings) of the Association shall be held at such times as the Committee may determine, or by a written request therefore signed by not less than fifty (50) members and handed or delivered to the Executive Officer.
- (4) Notice of the time, place and date of a general meeting shall be published by the Executive Officer, in such manner as the Committee may from time to time determine, at least five clear days before the meeting.
- (5) The President of the Association shall preside at every general meeting of the Association, provided however, that if neither the President nor any other member of the Committee is present at a general meeting, the convenor of the meeting may appoint a chairman and obtain, from the Executive Officer, the minutes books and other records of the Association.
- (6) Fifty members of the Association shall form a quorum at a general meeting.

(7) General meetings of the Association shall be open to the public, provided however, that persons who are not members:—

(a) shall not, except with the consent of the President or person presiding, address the meeting,

and

(b) shall have no power to propose or second any motions, or to vote thereon.

(8) Every person whose name is on the register of members shall be entitled to vote at general meetings of the Association.

(9) All resolutions proposed at a general meeting shall be decided by show of hands, unless any five members there present and voting request that a resolution be decided by secret ballot.

(10) The President or Chairman presiding shall, if so requested by the majority of members present and voting at a meeting, conduct a recount of votes, which recount shall be made and completed at the same meeting as that upon which the original vote is taken.

(11) The Executive Officer shall record, in the minutes, all resolutions passed at a general meeting and shall keep a record of all voting and ballots.

(12) The President, or, in his absence, the chairman presiding at any general meeting, may, in the case of an inequality of votes, give a casting vote.

#### 10. Standing Orders

(1) The Committee may formulate standing orders for the regulation of all meetings.

(2) In the absence of any standing order or in the case of a dispute concerning meeting procedure, the ruling of the President or Chairman presiding shall prevail.

#### 11. Property of the Association

(1) The management of the property of the Association shall be vested in the Committee for the time being, and shall be used in the furtherance of the objects of the Association as specified in paragraph 3 of this Constitution.

(2) The Committee shall provide for the safe custody of the common seal and it shall not be used except pursuant to a resolution of the Association in a general meeting or a resolution of the Committee.

(3) The common seal shall not be affixed to any document except in the presence of two members of the Committee who shall each subscribe their names as witnesses to the affixing of the seal.

(4) The financial year of the Association shall end on the thirtieth day of June in each year, and the Executive Officer of the Association shall, as soon as is possible thereafter, present the Association's accounts to the auditors for audit.

(5) The auditors of the Association shall be chartered accountants who are not members of the Association.

(6) All moneys received by the Association shall be deposited in an account or accounts at a bank or banks determined by the Committee, and any cheque drawn upon such account or accounts shall be signed by any two of the following, namely, the President, a Vice-President, or the Executive Officer.

(7) The accounts and financial statements of the Association shall be kept in accordance and comply with the provisions of the Local Government Accounting Regulations, 1979, as amended from time to time.

(8) The Committee shall retain a qualified legal practitioner as an adviser to the Association.

#### 12. Dissolution of the Association

(1) On application in writing made to the Committee by at least one-third of the members signifying their desire that the Association should be dissolved, a special meeting shall be called to consider the question.

(2) Notice of the meeting, setting out the reasons for which it is called, shall, at least one month preceding the date appointed for the meeting, be posted in a prominent position in the Association premises and given by circular to every member then residing in the area.

(3) The quorum required at a meeting convened to consider a notice of motion for the dissolution of the Association shall be not less than one-half of all members of the Association.

(4) No resolution for the dissolution of the Association shall be regarded as having been passed unless the resolution has been passed by a majority of not less than three-quarters of the members attending the meeting and entitled to vote.

(5) While the Coober Pedy (Local Government Extension) Act, 1981, remains in force no motion for dissolution of the Association shall be proposed at a meeting of the Association unless the dissolution is authorized by a resolution of both House of Parliament.

#### 13. Public Officer

The Executive Officer of the Association shall be the public officer of the Association.

#### 14. Alteration of the Constitution

A notice of motion proposing the alteration of the Constitution of the Association shall—

(a) be proposed by the giving of notice of motion to a general meeting,

(b) be accompanied by written reasons adequately explaining the reason for and purpose of the proposed amendment,



- (c) not be dealt with until the next ensuing general meeting,
- (d) be carried only if it receives the affirmative vote of a two-thirds majority of the members present at that meeting,
- and
- (e) be submitted to the Minister for consideration.

#### SCHEDULE

The area consists of that portion of the State, Out of Hundreds (Coober Pedy), bounded as follows:—

Commencing at the south-western corner of section 59, Out of Hundreds (Coober Pedy), adjacent to the Town of Coober Pedy; thence northerly along the western boundary of said section; north-westerly at a south-western angle of  $166^{\circ} 00'$  through unnumbered Crown land for 5 298.5 metres; north-easterly at a south-eastern angle of  $93^{\circ} 21'$  to the northern corner of section 780; south-easterly along a north-eastern boundary of said section for 437.4 metres; again south-easterly at a north-eastern angle of  $168^{\circ} 57'$  through unnumbered Crown land, section 1273 and unnumbered Crown land for 7 571.2 metres; southerly at a south-western angle of  $115^{\circ} 17'$  to its intersection with the production easterly of the southern boundary of section 1138; thence westerly along latter production and boundary, the southern boundary of section 60, a southern boundary of section 1275 and the southern boundary of section 59 aforesaid to the point of commencement and crossing all intervening roads.