

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT (VALIDATION) ACT 1996

As in force at 2 December 1996

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 2 December 1996

LOCAL GOVERNMENT (VALIDATION) ACT 1996

An Act validate the constitution and subsequent actions of certain community government councils and for related purposes

1 Short title

This Act may be cited as the *Local Government (Validation) Act 1996*.

2 Interpretation

A word or expression defined in the *Local Government Act* and used in this Act has the same meaning as it has in the *Local Government Act*.

3 Validations

- (1) A decision or action during the period commencing on 1 June 1994 until the commencement of this Act made or taken by or on behalf of a community government council in the purported exercise of its powers or the performance of its functions, and the consequences of the decision or action, is declared to be, and always to have been, as valid and effectual as if the offices of the members of the council had not become vacant as a consequence of the operation of section 11(1)(d) of the *Local Government Act*.
- (2) The office of a member of a community government council that during the period referred to in subsection (1) became vacant as a consequence of the operation of section 11(1)(d) of the *Local Government Act* is declared not to have become vacant by force of that section.
- (3) Despite subsection (2), on the commencement of this Act, a member referred to in that subsection must not act in the office until the declaration prescribed for the purposes of section 10 of the *Local Government Act* is made and lodged with the clerk of the community government council or a person nominated by the Minister, and the office becomes vacant where the member fails to complete the declaration, or lodge it, within 3 months of that commencement.

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- (4) A decision or action taken by or on behalf of the Wugularr Community Government Council in the purported exercise of its powers or the performance of its functions, and the consequences of the decision or action, is declared to be, and always to have been, as valid and effectual as if the persons purporting to hold office as the members of the council had been validly elected in accordance with the Wugularr Community Government Scheme.
 - (5) On the commencement of this Act, a person referred to in subsection (4) is to be taken to hold office as a member of the Wugularr Community Government Council as if validly elected under the Wugularr Community Government Scheme and will continue in office, subject to the *Local Government Act*, until the declaration of the result of the election held under section 4.
 - (6) Despite subsection (5), a member referred to in that subsection must not act in the office until the declaration prescribed for the purposes of section 10 of the *Local Government Act* is made and lodged with the clerk of the Wugularr Community Government Council or a person nominated by the Minister.

4 General election

- (1) The Wugularr Community Government Council must hold a general election.
- (2) Subject to this section, the general election is to be conducted in accordance with the *Local Government Act* and the Wugularr Community Government Scheme.
- (3) The declaration of the result of the general election must be made on or before the 28 February 1997.
- (4) Section 24 of the *Local Government Act* applies to and in relation to the general election held under this section.
- (5) Despite clause 17(2) of the Wugularr Community Government Scheme, the next general election to be fixed by the Wugularr Community Government Council under that clause is to be in August 1999 and the term of office of a member elected in accordance with this section expires on the declaration of the result of that election.

ENDNOTES

1

KEY

Key to abbreviations

amd = amended

app = appendix

bl = by-law

ch = Chapter

cl = clause

div = Division

exp = expires/expired

f = forms

Gaz = *Gazette*

hdg = heading

ins = inserted

lt = long title

nc = not commenced

od = order

om = omitted

pt = Part

r = regulation/rule

rem = remainder

renum = renumbered

rep = repealed

s = section

sch = Schedule

sdiv = Subdivision

SL = Subordinate Legislation

sub = substituted

2

LIST OF LEGISLATION

Local Government (Validation) Act 1996 (Act No. 56, 1996)

Assent date 2 December 1996

Commenced 2 December 1996