

NORTHERN TERRITORY OF AUSTRALIA
LOCAL GOVERNMENT AMENDMENT ACT 2004

Act No. 15 of 2004

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 15 of 2004

AN ACT

to amend the *Local Government Act* and for related purposes

[Assented to 15 March 2004]
[Second reading 9 October 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Local Government Amendment Act 2004*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Local Government Act* is in this Act referred to as the Principal Act.

4. Definitions

Section 3 of the Principal Act is amended –

- (a) by omitting the definition of "acting clerk" and substituting the following:

"'acting CEO' means a deputy CEO or other person when acting as the CEO;"

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- (b) by inserting after the definition of "by-law" the following:

" 'CEO' means a person appointed under section 142(1) as the chief executive officer of a council;"
- (c) by omitting the definition of "clerk";
- (d) by omitting "scheme" from the definition of "community government area" and substituting "constitution";
- (e) by inserting after the definition of "community government area" the following:

" 'community government constitution' means a constitution approved under section 105;"
- (f) by omitting the definition of "community government scheme" and substituting the following:

" 'constitution' means a community government constitution;"
- (g) by omitting the definition of "deputy clerk" and substituting the following:

" 'deputy CEO' means a person appointed under section 142(3) to be the deputy CEO of a council;"
- (h) by inserting after the definition of "local rate" the following:

" 'lot', in relation to land, has the same meaning as in the *Land Title Act*;"
- (i) by omitting "clerk" from the definition of "officer or employee" and substituting "CEO";
- (j) by omitting "scheme" from the definition of "ordinary meeting" and substituting "community government constitution";
- (k) by omitting "clerk" from the definition of "register of interests" and substituting "CEO";
- (l) by omitting "or 50" from the definition of "returning officer";
- (m) by omitting the definition of "scheme"; and
- (n) by omitting "municipal council summoned under section 52" from the definition of "special meeting" and substituting "council convened under section 19B".

5. Councils and titles

Section 5 of the Principal Act is amended –

- (a) by omitting from paragraph (c) "or";
- (b) by omitting from paragraph (d) "Council." and substituting "Council,";
and
- (c) by adding at the end the following:
"(e) a form approved by the Minister."

6. Council a body corporate

Section 7 of the Principal Act is amended –

- (a) by omitting from subsection (1)(b) "property;" and substituting "property (whether within or outside the council area);"; and
- (b) by omitting from subsection (3) "\$2,000" and substituting "20 penalty units".

7. Repeal and substitution

Section 8 of the Principal Act is repealed and the following substituted:

"8. Council offices

"(1) A council must establish and maintain an office that is open to the public at the times determined by the council.

"(2) An office of a council is to be located within the council area unless the Minister approves in writing the establishment of an office in a location outside the council area."

8. Qualification as member

Section 9 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "scheme" and substituting "community government constitution";
- (b) by omitting from subsection (1)(f) all the words after "at the disposal of," and substituting "the council except as provided by section 9A"; and
- (c) by omitting from subsection (1)(k) "term of appointment" and substituting "term of office as a member".

9. New section

The Principal Act is amended by inserting after section 9 the following:

"9A. Officer or employee of council as member

"(1) Unless approved by the Minister in writing –

- (a) a person who is an officer or employee of a council cannot hold office as a member of the council; and
- (b) a person who is a member of a council and becomes an officer or employee of the council cannot continue to hold office as a member.

"(2) On application by a council, the Minister may approve a person holding office as a member of a council while also being an officer or employee of the council.

"(3) The Minister's approval under subsection (2) may be given –

- (a) generally; or
- (b) for a specific case.

"(4) Despite subsection (3), a general approval by the Minister in relation to the council does not apply if the position held (or proposed to be held) as an officer or employee is that of CEO, chief financial officer or chief works officer (however titled) and the Minister's approval is required for the specific case.

"(5) A council may apply to the Minister, and the Minister may give his or her approval, before an officer or employee of the council nominates for election as a member, or before a member of the council applies for appointment as an officer or employee with the council, as the case may be.

"(6) If the Minister gives his or her approval in a specific case for a person to hold office as a member of a council while also being an officer or employee of the council, the approval is valid only for one term of office as a member but the council may apply for approval for the person to continue, if re-elected, to hold office as a member."

10. Declaration by members

Section 10 of the Principal Act is amended –

- (a) by omitting "A person" and "clerk" and substituting "(1) A person" and "CEO" respectively; and

- (b) by adding at the end the following:

"(2) If there is not a CEO to receive a declaration under subsection (1), the declaration is to be lodged with a person nominated in writing by the Minister to receive the declaration."

11. New section

The Principal Act is amended by inserting after section 10 the following:

"10A. Term of office

"(1) The term of office of a member begins –

- (a) on the day that the results of the poll are declared; or
- (b) if no poll is conducted – on the day that the candidates are declared to be elected.

"(2) The term of office of a member expires immediately prior to the commencement of a new term of office or on the day that a casual vacancy occurs in the office."

12. Vacancy in office of member

Section 11 of the Principal Act is amended –

- (a) by omitting from subsection (1)(c) "scheme" and "council meetings" and substituting "community government constitution" and "meetings of the council (disregarding committee meetings)" respectively;
- (b) by omitting from subsection (1)(d) "the clerk," and substituting "the CEO or, if there is not a CEO, a person nominated by the Minister,";
- (c) by inserting after subsection (1) the following:

"(1A) If the office of a member of a council would become vacant under subsection (1)(d) and the Minister is of the opinion that, in the circumstances, the member should have the opportunity to rectify the failure to lodge a declaration, the Minister may grant an extension of time as the Minister thinks fit within which the member may lodge the declaration.";

- (d) by omitting from subsection (3) "clerk" (all references) and substituting "CEO";
- (e) by inserting in subsection (3) ", subject to section 13," after "but"; and
- (f) by omitting from subsection (4) "clerk" (all references) and substituting "CEO".

13. Repeal and substitution

Section 13 of the Principal Act is repealed and the following substituted:

"13. Member standing for Territory or Federal election

"(1) A person who is a member of a council and who is, or is to be, nominated for election to the Legislative Assembly, House of Representatives or Senate may give notice in writing to the CEO of the council of the person's resignation from the council under this section.

"(2) When a member gives notice of resignation under subsection (1), the office of the member becomes vacant but the vacancy cannot be filled under section 12, and a by-election cannot be held under section 39, until the expiry of the period within which the person may apply under this section to be reinstated to the office.

"(3) A person who has given notice of resignation under this section may apply in writing to the CEO of the council to be reinstated to the office from which he or she resigned –

- (a) before the election in relation to which the resignation was tendered – if the person withdraws his or her consent to act as a member of the Legislative Assembly, House of Representatives or Senate (as the case may be) if elected or ceases to be qualified to be a candidate for election; or
- (b) if the person was not successful in the election in relation to which the resignation was tendered – before the expiry of the seventh day after the declaration of the poll for the election,

and the council must reinstate the person to the office from which he or she resigned, effective on and from the day the application for reinstatement was received by the CEO.

"(4) Despite section 23, a person reinstated to office under this section is not entitled to any remuneration or allowance as a member during the period in which the resignation had effect.

"13A. Officer or employee standing for Territory or Federal election

"(1) A person who is an officer or employee of a council and who is, or is to be, nominated for election to the Legislative Assembly, House of Representatives or Senate may give notice in writing to the CEO of the council of the person's resignation from the office or employment with the council under this section.

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"(2) A notice of resignation under this section cannot be expressed to take effect more than one month before the date on which nominations for the election are to close.

"(3) A person who has given notice of resignation under this section may apply in writing to the CEO of the council to be reinstated to the office or employment from which he or she resigned –

- (a) before the election in relation to which the resignation was tendered – if the person withdraws his or her consent to act as a member of the Legislative Assembly, House of Representatives or Senate (as the case may be) if elected or ceases to be qualified to be a candidate for election; or
- (b) if the person was not successful in the election in relation to which the resignation was tendered – before the expiry of the seventh day after the declaration of the poll for the election,

and the council must (subject to subsection (4)) reinstate the person as an officer or employee of the council effective on and from the day the application for reinstatement was received by the CEO and at a salary equivalent to the salary the person had immediately before his or her resignation took effect.

"(4) If the position or capacity in which a person was employed immediately before his or her resignation under this section took effect is not available with the council, the person is to be appointed to another available position (if any) that the person is qualified to hold and that –

- (a) is as near as possible to the position or capacity in which the person was previously employed; and
- (b) carries a salary as near as possible to the salary that the person previously received.

"(5) A person who is reinstated under this section is taken, for all employment related purposes other than the calculation of recreation or sick leave entitlements, to have continued in the employment of the council on unpaid leave during the period from the day the person's resignation took effect until the person's reinstatement."

14. Repeal and substitution

Part 2, Division 3 of the Principal Act is repealed and the following substituted:

"Division 2A – Role of members

"14A. Role of member

"(1) The role of a member, as a member of the council and jointly with the other members, is –

- (a) to direct and control the affairs of the council in accordance with the Act;
- (b) to ensure the most effective and efficient allocation of the council's resources for the benefit of the council area;
- (c) to participate in the deliberations of the council and its community activities;
- (d) to ensure the council's adopted policies and objectives are appropriate and kept under review; and
- (e) to review the performance of the council and its business plans, revenue policies and delivery of services.

"(2) The role of a member, as a person elected to represent the community, is –

- (a) to represent the interests of the residents and ratepayers of the council area;
- (b) to provide leadership and guidance to the community; and
- (c) to facilitate communication between the community and the council.

"(3) A member has no direct authority over an officer or employee of the council in relation to the way in which the officer or employee performs his or her duties.

"14B. Role of presiding member

"The role of the presiding member (in addition to his or her role under section 14A as a member) is –

- (a) subject to section 18, to chair all meetings of the council;
- (b) to act as the principal spokesperson of the council (unless otherwise determined by the council either generally or in a specific instance);
- (c) to perform other council-related functions as determined by the council from time to time; and

- (d) to carry out the civic and ceremonial functions of the office of the presiding member.

"Division 3 – Meetings

"15. Community government constitution may provide differently

"A community government constitution may provide that a matter dealt with in this Division is to be dealt with differently under the constitution.

"16. Contact details for service and service of members

"(1) A council must maintain a register of contact details provided by each member of the council and each member of a committee.

"(2) For the purposes of this Act, a notice summoning an ordinary meeting of the council or a committee is served on a member if –

- (a) the notice is posted to the address provided by the member or served personally on the member; or
- (b) the content of the notice is transmitted to the member by telephone, radio, facsimile transmission, electronic mail or other means using the contact details provided by the member.

"17. Ordinary meeting

"(1) An ordinary meeting of –

- (a) a municipal council is to be held at least once in each month; and
- (b) a community government council is to be held at least once in each two-monthly period so that at least 6 meetings are held in each financial year.

"(2) Any business of, or relating to, the council may be transacted at an ordinary meeting.

"18. First meeting of council

"Within 14 days after the declaration of a poll at a general election –

- (a) the CEO; or
 - (b) if the general election is the first for the council – the Minister,
- must summon an ordinary meeting of the council.

"19. Notice of meeting of council

- "(1) A notice summoning a meeting of a council –
- (a) is to be given to each member;
 - (b) is to be in writing signed by the CEO or, if there is not a CEO, by a person nominated by the Minister;
 - (c) is to state the date, time and place of the meeting;
 - (d) if it is a notice of a special meeting of the council – is to set out the business to be transacted at the meeting; and
 - (e) is to give not less than –
 - (i) 3 days notice of an ordinary meeting; or
 - (ii) 4 hours notice of a special meeting.

"(2) When notice of a meeting is given to members, a copy of the notice is to be posted on a public notice board at the council office and is to remain on the notice board until after the meeting has been held.

"19A. Place where meetings held

"Each meeting of a council and of any of its committees is to be held at the council office or another place that the council or committee thinks fit.

"19B. Special meeting

- "(1) A special meeting of a council may be convened by –
- (a) the presiding member; or
 - (b) 3 or more members,

directing the CEO to summon a special meeting.

"(2) A direction under subsection (1) is made by serving on the CEO a notice that sets out the date and time of the special meeting (subject to section 19(1)(e)(ii)) and the business to be transacted.

"(3) If the CEO is served with a notice under subsection (2), he or she must summon a special meeting of the council in accordance with the notice.

"(4) The only business that may be transacted at a special meeting is the business set out in the notice under subsection (2) unless all members are present at the special meeting and unanimously agree to the transacting of further business.

"19C. Special meeting of committee

"(1) A special meeting of a committee may be called and held in accordance with rules made by the committee, subject to any directions given or restrictions imposed by the council.

"(2) Where the members of a standing committee are readily available, the chairperson of the committee may, without written notice, call a special meeting of that committee to be held forthwith at a place specified by the chairperson.

"19D. Meeting may be postponed

"If it appears necessary or desirable to postpone a meeting of a council or a committee because of natural disaster, civil disturbance or other emergency, the CEO or the presiding member –

- (a) may postpone the meeting for a period, or periods, not exceeding 21 days in total; and
- (b) must notify, or attempt to notify, each person to whom notice of the meeting was given of the postponement and the date and time the postponed meeting is to be held.

"19E. Quorum

"(1) A quorum at a meeting of –

- (a) a council is a majority of the members of the council then in office; and
- (b) a committee is a majority of the members of the committee.

"(2) If a quorum is not present within 30 minutes after the time fixed for a meeting of a council or committee, the presiding member or chairperson (or, in their absence, the CEO) must, without the need for further notice, postpone the meeting to a date, time and place, as is thought fit.

"(3) For the purposes of establishing a quorum, a member is taken to be personally present at a meeting –

- (a) if he or she is physically present; or
- (b) despite that he or she is not physically present, if the member is connected by telephone, teleconferencing or other technological means that permits the member to hear each other member and permits each other member to hear the member who is not physically present.

"(4) Subsection (3)(b) applies only if a council has resolved that a member can attend a meeting by the technological means and the member's attendance is in accordance with any relevant procedures of the council.

"(5) If a community government constitution provides that a member can appoint a proxy to attend a meeting in the member's place, the proxy is not included for the purpose of establishing a quorum.

"19F. Chairperson of meeting

"(1) The presiding member of a council is the chairperson for all meetings of the council.

"(2) The presiding member of a council is not the chairperson for a meeting of a committee of the council unless he or she has been appointed as the chairperson of that committee.

"19G. Conduct of meeting

"(1) The procedures for the conduct of meetings of a council and of any of its committees are to be in accordance with by-laws made by the council in that regard.

"(2) If a council has not made by-laws in relation to the conduct of meetings, the council and committees of the council are to conduct meetings in accordance with the meeting procedures (if any) prescribed under this Act and, in the absence of a prescribed procedure, as the council decides.

"19H. Meeting open except as prescribed

"A meeting of a council (but not of its committees) is to be open to the public except where a matter prescribed as confidential is being considered or voted on.

"19J. Voting

"(1) In relation to a question before a meeting of a council or committee –

- (a) each member or member of the committee (as the case may be) present is entitled to one vote which, except for an abstention because of a member's interest in a matter (which abstention is to be recorded), must be exercised and the question is to be decided by a majority of votes of the members present;
- (b) unless the council or committee unanimously agrees to a secret ballot on the question, voting is to be by a show of hands; and

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- (c) if there is an equal number of votes for and against a question, the presiding member may cast a deciding vote in addition to his or her vote as a member.

"(2) If a member is attending a meeting by telephone, teleconferencing or the like and it is not possible to discern the member's vote by a show of hands, the member's vote is to be recorded according to a spoken 'yes' or 'no' as the case may be.

"19K. Minutes

"(1) The CEO must ensure minutes are kept of each meeting of a council or committee.

"(2) For the purposes of subsection (1), minutes are to set out –

- (a) the proceedings of the meeting;
- (b) the names of the members or the members of the committee present and the times they were in attendance at the meeting; and
- (c) other prescribed matters.

"(3) Within 10 working days after a meeting of a council, the CEO must cause a copy of the unconfirmed minutes of that meeting (together with recommendations or reports referred to in the meeting which are not prescribed as confidential) to be made available for public inspection at the council office.

"(4) Minutes of a meeting of a council or committee are to be submitted for confirmation at the first ordinary meeting of the council or committee (as the case may be) after the meeting to which the minutes relate and, where the minutes are confirmed, with or without amendment, the presiding member of the meeting must sign the minutes certifying that they have been confirmed.

"(5) A person may obtain a copy of the confirmed minutes of a meeting of a council –

- (a) on payment of a fee; or
- (b) if the copy is certified by the CEO as a true and correct copy – on payment of a further fee,

as determined by the council."

15. Interests of members of councils or committees

Section 20 of the Principal Act is amended –

- (a) by omitting from subsection (1) "has or may have an interest" and substituting "has an interest or possible interest";
- (b) by omitting from subsection (2) "a member has an interest in a matter before the council or committee" and substituting "the circumstances in which a member is taken to have an interest in a matter before the council or committee include, but are not limited to,"; and
- (c) by adding at the end the following:

"(4) If a member of a council or a committee of a council discloses that he or she potentially has an interest in a matter before the council or committee, the other members of the council or committee must, by resolution, decide whether or not the potential interest is of a nature that the member must declare the interest under subsection (1).

"(5) For this section –

- (a) a person has a possible interest if he or she currently holds an interest that may or may not be relevant to a matter before the council or committee; and
- (b) a person potentially has an interest if he or she does not currently hold an interest that is relevant to a matter before the council or committee, but is aware that such an interest may (or will) arise within a relevant time (whether or not as a result of, or contingent upon, any action taken by the council)."

16. Repeal and substitution

Section 21 of the Principal Act is repealed and the following substituted:

"21. Action after declaration of interest

"(1) If, under section 20(1), a member declares an interest or possible interest in relation to a matter, the CEO must record the declaration in –

- (a) the minutes of the meeting; and
- (b) a register of interests kept in the prescribed form for that purpose.

"(2) A member who has, under section 20(1), declared an interest or possible interest in relation to a matter ('the substantive matter') –

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- (a) may remain at a meeting and take part (but cannot vote) in any discussion as to whether the council should request the Minister's approval for the member to take part in the consideration of the substantive matter; and
- (b) must not remain at a meeting during consideration of, or the taking of a vote on, the substantive matter unless the Minister has given approval.

"(3) If the Minister is of the opinion –

- (a) that the business of a council may be impeded if (or has been impeded because) a member who has declared an interest under section 20(1) is prevented from taking part in the consideration of the substantive matter; or
- (b) that it is otherwise in the interest of the residents of the council area,

the Minister may, by notice to the council –

- (c) approve the member taking part in the consideration of the substantive matter; and
- (d) permit, conditionally or unconditionally, the member to vote on the substantive matter.

"(4) If the Minister gives approval under subsection (3), the member may remain at a meeting during consideration of the substantive matter and may vote on the substantive matter if permitted by the Minister to do so."

17. New section

The Principal Act is amended by inserting after section 21 the following:

"21A. No improper use of information by member

"A member must not make improper use of information acquired as a member that might lead to gaining, directly or indirectly, an advantage for the member or for another person or cause detriment to the council."

18. Conduct prejudicial to elections

Section 25 of the Principal Act is amended by omitting the penalty provision and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units."

19. Constitution of municipality

Section 29 of the Principal Act is amended by omitting all the words after "Territory" and substituting the following:

"as a municipality and may –

- (a) determine its boundaries;
- (b) assign a name to the municipality;
- (c) determine the boundaries of wards (if any) comprising the municipality;
- (d) assign names to wards (if any) comprising the municipality; and
- (e) subject to section 34, determine the maximum number of aldermen to be elected to the council of the municipality."

20. Repeal and substitution

Section 38 of the Principal Act is repealed and the following substituted:

"38. General elections

"(1) Subject to subsections (2) and (3), an election for each municipal council is to be held on the last Saturday –

- (a) in May 2004; and
- (b) in March during each leap year after 2004.

"(2) Where an election under section 37 or 264(6)(b) has been held for a council within 12 months before the election day specified in subsection (1), an election under subsection (1) is not to be held for the council in the immediately ensuing leap year.

"(3) If the last Saturday in March of a leap year is Easter Saturday, the Chief Electoral Officer must, by notice in the *Gazette* not less than 6 months before an election in that year is due under subsection (1), vary the date on which the election is to be held by specifying a Saturday that is not more than 2 Saturdays removed from the last Saturday in March."

21. Repeal

Part 3, Division 4 is repealed.

22. Ratable land

Section 58 of the Principal Act is amended –

- (a) by omitting from subsection (2)(d) ", public benevolent institution or charity"; and
- (b) by inserting after subsection (2)(d) the following:
 - "(da) land (including part of a lot) that is used solely for the purposes of a public benevolent institution or public charity but not if the purpose is a commercial venture of a type that would not be exempt under this section if carried on by a person who is not a public benevolent institution or public charity;"

23. Declaration of rates and charges

Section 64 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "and";
- (b) by omitting from subsection (1)(b)(iv) "land." and substituting "land; and";
- (c) by adding at the end of subsection (1) the following:
 - "(c) whether the rates are payable by approximately equal instalments and, if so, the number (not exceeding 4) of instalments."; and
- (d) by inserting after subsection (1) the following:
 - "(1A) If –
 - (a) land is divided under the *Unit Titles Act* into small parcels (such as, but not limited to, self-storage units or marina berths) that are not intended for residential use; and
 - (b) the council considers that an inequity would result if the minimum rate declared for parcels within the same ward, town, part of a municipality or zone were applied to the small parcels,

the council may declare under subsection (1)(b) a different and lesser minimum amount to be payable in respect of the small parcels."

24. Charges for services in relation to land

Section 74 of the Principal Act is amended by adding at the end the following:

- "(4) In this section –

'service', in relation to land, means the provision of a service as, or under, one or more of the following functions of the council:

- (a) environmental control (including flammable or noxious plants and materials, unsightly or abandoned chattels and unkempt properties);
- (b) sanitation and garbage;
- (c) litter control."

25. New section

The Principal Act is amended by inserting after section 74 in Part 4, Division 3 the following:

"74A. Irregularity

"(1) The Minister may, if requested in writing by a council, authorise the council to take any necessary action to rectify an error or irregularity in the council's declaration of rates and charges.

"(2) The Minister may, by notice in the *Gazette*, declare that a rate or charge levied by a council is valid despite –

- (a) an irregularity in the council's declaration of the rates and charges;
- (b) a failure to comply with a time limit or other procedural requirement of this Act; or
- (c) any other error or omission,

that would, but for this section, affect the validity of the rate or charge.

"(3) A declaration under subsection (2) has the effect that the rate or charge concerned is taken to be valid from the date of the purported declaration by the council.

"(4) The Minister must not act under this section unless he or she is satisfied that the irregularity, failure or other error or omission is of a minor or technical nature."

26. Public notice of rates and charges

Section 75 of the Principal Act is amended –

- (a) by omitting "Before" and substituting "(1) Before";
- (b) by omitting "section 64" and substituting "section 64 or 74";

- (c) by inserting "or in the manner that the CEO thinks necessary" after "municipality"; and
- (d) by adding at the end the following:

"(2) The notice of rates and charges published in accordance with subsection (1) is to include the following:

- (a) the amount the council intends to raise by rates;
- (b) the amount adopted by the council as the total of the assessed value of all land within its municipality;
- (c) the date (or dates if the council has resolved that payment may be made by instalments) by which the rates are payable;
- (d) details of any discount or other benefit for prompt payment that the council has resolved under section 81."

27. Levying rates and charges

Section 76 of the Principal Act is amended by adding at the end of subsection (2)(b) "and the date (or dates if payment by instalments is provided for) by which payment is to be made".

28. New section

The Principal Act is amended by inserting after section 88 the following:

"88A. Anomaly or inequity

"If a council is of the opinion that a rate declared under section 64 will result, or has resulted, in an anomaly or an inequity in relation to –

- (a) a property or class of properties; or
- (b) a ratepayer or class of ratepayers,

the council may, by resolution –

- (c) waive all or part of a rate in relation to the relevant property or properties; or
- (d) remit or refund to any person who suffered the anomaly or inequity all or part of the rate (whether for the current year or a previous year or years and whether or not the person is still a ratepayer in respect of the council),

as the council sees fit in order to rectify the anomaly or redress the inequity."

29. Rates and charges a charge on land

Section 90 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) An overriding statutory charge on land (within the meaning of the *Land Title Act*) exists for the benefit of a municipal council if, in relation to the land, any of the following are due to the council and are unpaid:

- (a) rates;
- (b) a charge made for services provided to the land or for work done in relation to the land;
- (c) costs awarded to the council by a court or the Tribunal in proceedings in relation to a rate or a charge of a type referred to in paragraph (b)."

30. Council may sue for rates or charges

Section 92 of the Principal Act is amended –

- (a) by omitting "A municipal" and substituting "(1) A municipal"; and
- (b) by adding at the end the following:

"(2) A council may recover, in addition to the unpaid rate or charge, the council's reasonable expenses incurred in tracing the person liable to pay the rate or charge."

31. Contents of community government constitution

Section 97 of the Principal Act is amended –

- (a) by omitting from subsection (1) "scheme" (all references) and substituting "constitution";
- (b) by omitting subsection (1)(d), (e), (f) and (g);
- (c) by omitting from subsection (1)(p) "meetings;" and substituting "meetings; and";
- (d) by omitting from subsection (1)(q) "meeting; and" and substituting "meeting.";
- (e) by omitting subsection (1)(r); and
- (f) by omitting subsection (2) and substituting the following:

"(2) A constitution may establish committees of the council to perform functions conferred by the constitution and any other functions that may be delegated by the council."

32. Repeal

Section 99 of the Principal Act is repealed.

33. Notice of approval of community government constitution

Section 106 of the Principal Act is amended –

- (a) by omitting from subsection (1) "scheme" (first reference) and substituting "constitution";
- (b) by inserting after subsection (1)(a) the following:

"(aa) the functions of local government given to the council for the community government area;"
- (c) by omitting from subsection (1)(b) and (c) "scheme" and substituting "constitution";
- (d) by omitting subsection (2)(b) and substituting the following:

"(b) to be subject to or excused from liabilities (including a duty, fee or other charge in relation to property transferred to or vested in the council),

in accordance with the terms of the notice."; and

- (e) by omitting from subsection (3) "scheme" (all references) and substituting "constitution".

34. Powers of council

Section 115 of the Principal Act is amended –

- (a) by omitting "Subject to" and substituting "(1) Subject to"; and
- (b) by adding at the end the following:

"(2) A council may –

 - (a) for the performance of its functions, grant registrations and issue permits and licences; and
 - (b) for the provision of services of a type not addressed in section 74, levy charges, fees and rents and recover amounts payable for the provision of the services.

"(3) A fee charged in connection with a service provided at an airport maintained by a council may be recovered from the holder of the certificate of registration issued under the Civil Aviation Regulations of the Commonwealth for the aircraft in respect of which the service was provided, whether or not the holder of the certificate is the person to whom the service was provided."

35. Functions of community government councils

Section 122 of the Principal Act is amended –

- (a) by omitting from subsection (1) "scheme" and substituting "constitution";
- (b) by inserting after subsection (1) the following:

"(1A) The Administrator, when approving a constitution under section 105, may declare that the community government council has –

- (a) of the functions of local government specified in Schedule 2, only those functions specified in the instrument of approval; or
- (b) all the functions of local government specified in Schedule 2 other than those (if any) excluded by the instrument of approval,

subject to any conditions that the Administrator thinks fit and specifies in the instrument of approval, and the council has those functions accordingly.

"(1B) The Minister may, by notice in the *Gazette* –

- (a) add any function of local government specified in Schedule 2 to the functions specified by the Administrator in relation to a community government council;
 - (b) amend the conditions to which a function of a community government council is subject; or
 - (c) remove from a community government council a function that was specified by the Administrator or added by the Minister under paragraph (a)."; and
- (c) by omitting from subsections (2) and (4) "scheme" and substituting "constitution".

36. New section

The Principal Act is amended by inserting after section 122 the following:

"122A. Core functions of councils

"The Regulations may prescribe –

- (a) that a function is a core function of a municipal council or a community government council; and
- (b) the standard of performance that the council must achieve or exceed in carrying out the function."

37. Minister may extend council powers to non-councils

Section 128 of the Principal Act is amended –

- (a) by omitting from subsection (2) "municipal council in relation to Animal Control and Animal Impounding" and substituting "council that are specified by the Minister in the notice under subsection (1)"; and
- (b) by omitting from subsection (2) "municipal council has in relation to its municipality" and substituting "council has in relation to its council area".

38. CEO

Section 142 of the Principal Act is amended –

- (a) by omitting from subsection (1) "clerk" and substituting "CEO";
- (b) by omitting from subsection (2) "clerk" (first reference) and substituting "CEO";
- (c) by omitting from subsection (2)(c) "policy" and substituting "policies"; and
- (d) by omitting from subsection (2)(d), (3), (4) and (5) "clerk" (all references) and substituting "CEO".

39. New section

The Principal Act is amended by inserting after section 142 the following:

"142A. Role of CEO

"(1) The CEO is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation, without undue delay, of lawful decisions of the council.

"(2) The CEO has the following functions in particular:

- (a) the day-to-day management of the council's operations;
- (b) exercising the powers and performing the functions of the council that are delegated by the council to the CEO;

- (c) providing advice and reports to the council on the exercise of its powers and the performance of its functions under this or another Act;
- (d) ensuring that timely and accurate information about the council and its activities is provided to the council's community and that requests for information from the council are responded to promptly;
- (e) appointing staff in accordance with an organisational structure and resources approved by the council;
- (f) directing and, if necessary, dismissing officers and employees of the council;
- (g) ensuring appropriate human resource management practices are maintained, including adherence to principles of equal employment opportunity and selection on merit;
- (h) ensuring that the assets and resources of the council are properly managed and maintained;
- (i) ensuring that records required to be kept under this or another Act are properly kept and maintained.

"(3) The CEO has the other functions that are conferred or imposed on the CEO under this or another Act."

40. New section

The Principal Act is amended by inserting after section 143 the following:

"143A. Human resource management principles

"(1) The CEO must ensure that sound principles of human resource management are applied to employment in the council and must ensure as far as practicable that those principles are known to the council's officers and employees.

"(2) The CEO must ensure –

- (a) that selection processes are based on merit and are fair and equitable;
- (b) that officers and employees have reasonable access to training and development and have equal opportunities to secure advancement and promotion;

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- (c) that officers and employees are treated fairly and consistently and are not subject to arbitrary or capricious decisions;
- (d) that there are in place suitable processes to deal with grievances concerning working conditions and decisions of supervisors;
- (e) that officers and employees receive regular reports on their performance;
- (f) that officers and employees have safe and healthy working conditions;
- (g) that an equal employment opportunity program relating to employment with the council is implemented and reviewed regularly; and
- (h) that there is no unlawful discrimination against officers or employees, or persons seeking employment with the council, on the ground of race, colour, nationality, marital status, pregnancy, sex, religion, age, disability or other ground.

"(3) The CEO must ensure that officers and employees maintain proper standards of integrity, conduct and concern for the public interest."

41. Delegation by council or CEO to officers or employees

Section 144 of the Principal Act is amended –

- (a) by omitting from subsection (1) "this power of delegation or";
- (b) by inserting after subsection (1) the following:

"(1A) A power or function delegated by a council –

- (a) to its CEO may be further delegated by the CEO to another officer or employee if the original delegation expressly permits further delegation; and
- (b) to an officer or employee other than the CEO cannot be further delegated.

"(1B) The CEO may, by instrument in writing, delegate to an officer or employee, whether by name or by reference to an office, designation or position, any of the CEO's powers and functions by or under this Act, other than this power of delegation.";

- (c) by omitting from subsection (2) "council," and "council." and substituting "council or CEO," and "council or CEO, as the case may be.";

- (d) by omitting from subsection (3) "council." and substituting "council or CEO, as the case may be."; and
- (e) by omitting from subsection (4) "clerk" and substituting "CEO".

42. Interests of officers and employees

Section 145 of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following:

"(4) A person who contravenes or fails to comply with subsection (1) is guilty of an offence.

Penalty: 200 penalty units or imprisonment for 12 months."

43. New section

The Principal Act is amended by inserting after section 145 the following:

"145A. No improper use of information by officer or employee

"(1) An officer or employee must not make improper use of information acquired through holding his or her position as an officer or employee, or make improper use of that position, that might lead to gaining, directly or indirectly, an advantage for himself or herself, or for another person, or cause detriment to the council.

"(2) In this section –

'employee' includes a person who is employed on a contract basis or as a consultant."

44. Suspension or dismissal of officers or employees

Section 148 of the Principal Act is amended –

- (a) by omitting "Subject" and substituting "(1) Subject"; and
- (b) by adding at the end the following:

"(2) If a council resolves to dismiss its CEO, the dismissal does not take effect until 14 days after the Minister is advised in writing by the council of the resolution.

"(3) The Minister may, in a particular case, specify that a shorter period is to apply for the dismissal of a CEO to take effect."

45. Access to information

Section 149 of the Principal Act is amended –

- (a) by omitting from subsection (1)(g) "section 57(3)" and substituting "section 19J(3)";
- (b) by omitting from subsection (5) "clerk" (all references) and substituting "CEO"; and
- (c) by adding at the end the following:

"(6) This section does not require or permit a council to disclose (except in accordance with section 223) details of a ratepayer's history of payment of rates or charges."

46. New section

The Principal Act is amended by inserting after section 149 the following:

"149A. Protection of privacy

"(1) A person may apply in writing to the CEO to have his or her personal details suppressed from the records that are available under section 149 for public inspection.

"(2) An application under subsection (1) is to provide reasons for the suppression sought.

"(3) If the CEO is satisfied –

- (a) that the inclusion of the person's personal details in the publicly available records would place at risk the personal safety of the person, a member of the person's family or any other person; or
- (b) that other good reason exists for suppressing the person's personal details,

the CEO must ensure that the person's personal details are suppressed from the publicly available records.

"(4) In this section –

'personal details', of a person, means the person's name and address and any other information that may disclose the identity or place of residence of the person."

47. Referendum or survey by council

Section 150 of the Principal Act is amended by inserting "residents or members of the public generally," after "electors,".

48. Expenditure

Section 155 of the Principal Act is amended –

- (a) by omitting "A council" and substituting "(1) A council"; and
- (b) by adding at the end the following:

"(2) A council must not expend money otherwise than as permitted under subsection (1) unless the expenditure is authorised by a resolution of the council."

49. New section

The Principal Act is amended by inserting after section 161 the following:

"161A. Business plan

"(1) A council must prepare an annual business plan relating to the proposed operations of the council for at least the next 3 years.

"(2) The business plan of a council is to be prepared in accordance with the requirements prescribed by the Accounting Code under the Local Government (Accounting) Regulations."

50. Repeal and substitution

Section 165 of the Principal Act is repealed and the following substituted:

"165. Annual financial statement

"(1) A council must prepare an annual financial statement relating to the income, expenditure, assets and liabilities of the council.

"(2) The annual financial statement of a council is to be prepared as a general purpose report as specified in –

- (a) the Australian Accounting Standards; or
- (b) another standard specified by the Minister.

"165A. Annual report

"(1) A council must prepare an annual report relating to the operations of the council during the preceding financial year.

"(2) The annual report of a council is to be prepared in accordance with the annual reporting requirements –

- (a) prescribed by the Accounting Code under the Local Government (Accounting) Regulations; or
- (b) another standard specified by the Minister."

51. Borrowings and overdraft

Section 170 of the Principal Act is amended –

- (a) by inserting after subsection (2) the following:

"(2A) In subsection (2) –

'borrow money' includes –

- (a) entering into a lease of a type known as a finance lease or an operating lease for equipment with a capital value that exceeds \$10 000 or, if another amount is prescribed, that amount; and
- (b) entering into any combination of finance leases or operating leases, or both, for equipment with a total capital value that exceeds \$35 000 or, if another amount is prescribed, that amount."; and

- (b) by inserting after subsection (3) the following:

"(3A) An advance under subsection (3) is not to be for a period in excess of 3 months unless the approval of the Minister has been obtained."

52. Penalties

Section 193 of the Principal Act is amended –

- (a) by omitting from subsection (1) "\$3,000 or imprisonment for 6 months" and "\$100" and substituting "100 penalty units for a natural person or 500 penalty units for a body corporate" and "1 penalty unit" respectively; and
- (b) by omitting from subsection (2) "\$2,000 or imprisonment for 3 months" and substituting "100 penalty units for a natural person or 500 penalty units for a body corporate".

53. Infringement offences and notices

Section 194 of the Principal Act is amended by inserting after subsection (2) the following:

"(2A) By-laws that provide for the service of an infringement notice may provide that, at any time until the fixed penalty is paid, the infringement notice may be withdrawn for the purpose of prosecuting the alleged offender by summons and complaint."

54. New section

The Principal Act is amended by inserting after section 201 in Part 7, Division 1 the following:

"201A. Appeal to Tribunal against decision under by-law

"(1) A person aggrieved by a decision of a council made or taken under a by-law (not being a decision made or taken to commence or continue proceedings for an offence against, under or in relation to a by-law) may appeal to the Tribunal.

"(2) Section 235 (except for subsection (6)) applies to an appeal under this section but the reference in section 235(1) to section 63(8) is read as a reference to subsection (1)."

55. Appointment of authorised person

Section 204 of the Principal Act is amended –

- (a) by omitting subsection (2) and substituting the following:

"(2) The CEO must notify an appointment under subsection (1) in the *Gazette*";

- (b) by omitting from subsection (3) "clerk" (all references) and substituting "CEO"; and

- (c) by omitting from subsection (5) "this section" and substituting "this Division".

56. Powers of authorised person

Section 205 of the Principal Act is amended by omitting the penalty provision from subsection (4) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

57. Entry of owner on occupied land to carry out work required by council

Section 221 of the Principal Act is amended by omitting the penalty provision from subsection (3) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

58. Notice of change of ownership of land

Section 222 of the Principal Act is amended by omitting the penalty provision from subsection (1) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

59. Person summoned to attend

Section 232 of the Principal Act is amended by omitting the penalty provision and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

60. Witness to give sworn evidence

Section 233 of the Principal Act is amended by omitting the penalty provision from subsection (1) and substituting the following:

"Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

61. Appointment of inspectors of local government

Section 241 of the Principal Act is amended –

(a) by omitting "The Minister" and substituting "(1) The Minister"; and

(b) by adding at the end the following:

"(2) A person appointed under section 264(2)(b) to be the manager of a council is an inspector of local government."

62. Powers of inspector

Section 243 of the Principal Act is amended –

- (a) by omitting the penalty provision from subsection (1); and
- (b) by inserting after subsection (1) the following:

"(1A) A person who fails to comply with a direction under subsection (1) commits an offence.

Penalty: If the offender is a natural person – 200 penalty units.

If the offender is a body corporate – 1 000 penalty units."

63. Access to documents and other things

Section 254 of the Principal Act is amended by omitting the penalty provision from subsections (2), (3) and (4) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

64. Power to summons

Section 255 of the Principal Act is amended by omitting the penalty provision from subsection (3) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

65. Refusal to swear or give evidence

Section 258 of the Principal Act is amended by omitting the penalty provision and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

66. Repeal and substitution

Section 264 of the Principal Act is repealed and the following substituted:

"264. Suspension of members of council

"(1) If, in the opinion of the Minister, a council has failed –

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- (a) to provide for the good government of its council area in relation to the functions vested in it;
- (b) to perform a function that the council is required to perform under this or another Act;
- (c) to satisfactorily perform a function that is prescribed as a core function of the council;
- (d) to exercise a power that the council should exercise under this or another Act; or
- (e) to comply with a law in force in the Territory including, in the case of a community government council, its constitution,

the Minister may recommend to the Administrator that all the members of the council be suspended.

"(2) If the recommendation under subsection (1) is that all the members of the council be suspended –

- (a) the Administrator must, by notice in the *Gazette*, suspend all the members from office; and
- (b) the Minister must appoint a person to be the manager of the council.

"(3) If a person is appointed under subsection (2)(b) to be the manager of a council –

- (a) he or she is taken to constitute the council for the purposes of this Act and, subject to any conditions of appointment, is to perform the functions and exercise the powers of the council;
- (b) the appointment is not invalid by reason of a defect in or in relation to the appointment; and
- (c) any remuneration and other terms and conditions of appointment are as determined by the Minister and are to be paid from the income of the council.

"(4) A person who is appointed under subsection (2)(b) to be the manager of a council must –

- (a) rectify any disruption of council services to the council area;
- (b) investigate the business, affairs and financial circumstances of the council and take appropriate action under Part 11; and

- (c) provide the Minister with a report, within the time specified by the Minister, as to the actions taken by the manager and, if necessary, recommend further courses of action that are available.

"(5) The Minister may extend the time for the manager to provide a report if the Minister thinks it necessary.

"(6) Within 28 days after receiving a report under subsection (4), the Minister must, by notice in writing, advise each suspended council member of the findings of the manager and invite the suspended member to make submissions in relation to those findings within 21 days of the notice or such longer period that the Minister specifies.

"(7) After considering the report by the manager and any submissions under subsection (6), the Minister must, within 28 days after the expiry of the period specified under subsection (6), recommend to the Administrator –

- (a) that the suspended members of the council be reinstated; or
- (b) that all members of the council be dismissed.

"264A. Reinstatement or dismissal of members

"(1) After the Minister has made a recommendation under section 264(7), the Administrator must, by notice in the *Gazette* –

- (a) reinstate the members of the council; or
- (b) dismiss all the members and declare all offices of members vacant.

"(2) If the members of the council are reinstated, the manager appointed under section 264 ceases to hold office and no longer constitutes the council.

"(3) If the members of a council are dismissed under subsection (1)(b), the Minister must, within 5 sitting days of the Legislative Assembly after the day of the dismissal, table a report in the Assembly setting out the circumstances giving rise to the dismissal.

"264B. Minister may appoint Commissioner

"If the members of a council have been dismissed under section 264A, the Minister may appoint a Commissioner under section 250 to inquire into and investigate the matters that the Minister refers, in writing, to the Commissioner.

"264C. Election after dismissal of members

"(1) Within 12 months after the dismissal of members under section 264A, the Minister must (subject to section 265 for a community

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government council) fix a date for the holding of a general election to fill the vacancies created by the dismissal.

"(2) An election under this section is to be held in accordance with the procedures for a by-election.

"(3) If an election is held under this section –

- (a) the manager ceases to hold office on the day that the results of the poll are declared or, if no poll is conducted, the day that the candidates are declared to be elected; and
- (b) the CEO must summon a meeting of the council within 14 days after that day."

67. Confidentiality of information

Section 265B of the Principal Act is amended –

- (a) by omitting the penalty provision from subsection (1) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."; and

- (b) by inserting after subsection (1) the following:

"(1A) Subsection (1) applies (with the necessary changes) to a person who is engaged as a consultant to a council."

68. Tampering with documents

Section 265C of the Principal Act is amended by omitting the penalty provision from subsection (1) and substituting the following:

"Penalty: If the offender is a natural person – 20 penalty units.

If the offender is a body corporate – 100 penalty units."

69. Schedule 2

Schedule 2 to the Principal Act is amended –

- (a) by omitting "Section 121(2)" and substituting "Sections 121(2) and 122(1A) and (1B)";
- (b) by omitting from the heading "MUNICIPAL COUNCILS" and substituting "LOCAL GOVERNMENT";

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- (c) by inserting "4A. Animal Welfare" after "4. Animal Impounding";
- (d) by omitting "17. Zoos";
- (e) by omitting from item 19 "Municipal" and substituting "Council";
- (f) by inserting under the heading "General Public Services" after item 22 the following:
 - "22A. Communications and Broadcasting
 - 22B. Marketing and Promotion
 - 22C. Public Safety and Security
 - 22D. Economic Development
 - 22E. Regional Development";
- (g) by inserting under the heading "Health Services" after item 26 the following:
 - "26A. Substance Abuse (Prevention and Control)";
- (h) by inserting after item 31 the following:
 - "31A. Ablution Blocks and Laundries";
- (i) by inserting under the heading "Housing and Community Services" after item 40 the following:
 - "40A. Collection of Water, Sewerage and Electricity Charges (as agent)
 - 40B. Adult, Vocational and Other Training
 - 40C. Community Employment Programs";
- (j) by inserting after item 41 the following:
 - "41A. Cinemas"; and
- (k) by adding at the end the following:
 - "54. Barge Landings and Wharves".

70. Further amendments

The Principal Act is amended as set out in Schedule 1.

71. Amendments of Regulations

(1) The Regulations specified in Schedule 2 are amended as set out in that Schedule.

(2) A regulation amended as set out in Schedule 2 may be amended or repealed by a regulation as if the amendment had been made by a regulation.

72. Savings

(1) A community government scheme approved under the Principal Act before the commencement of this Act continues in existence as a community government constitution.

(2) A community government council that is in existence before the commencement of this Act continues to have the functions given to it by its constitution.

(3) A person who was a clerk of a council immediately before the commencement of this Act is the CEO of the council.

(4) A reference to the clerk of a council in any document that was in existence immediately before the commencement of this Act is taken to be a reference to the CEO of the council.

SCHEDULE 1

Section 70

FURTHER AMENDMENTS OF PRINCIPAL ACT

Provision	Amendment	
	omit	substitute
Section 12(3)	scheme	constitution
Section 14	clerk (all references)	CEO
Section 22(1)	section 20(1) or section 21(2) or (6) \$10,000	section 20(1), 21(2)(b) or 21A 200 penalty units or imprisonment for 12 months
Section 22(4)	Where a member	If, without approval by the Minister under section 21(3), a member
Section 26(1)(b)	scheme	constitution
Sections 26(2)(b)(ii) and 37(3)	clerk (all references)	CEO
Section 42	\$100	1 penalty unit
Section 60(1) and (2)	clerk	CEO
Section 61	clerk \$500	CEO 20 penalty units
Section 62(1) and (2)	clerk (all references)	CEO
Section 62(4)	\$500	20 penalty units
Section 63(3), (4), (5) and (7)	clerk (all references)	CEO
Section 67(1)	section 64(1)(b)(ii)	section 64(1)(b)(ii) or (iv)
Sections 77(4) and 91(1) and (2)	clerk (all references)	CEO

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Section 91(4)	\$500	5 penalty units
Sections 93(2)(a) and 95(1)	clerk	CEO
Sections 98, 101(4), 102, 103(1), (2) and (3), 104, 105(1), (2), (3) and (4), 107(1), (2) and (3), 108(1), (2), (3), (4) and (5), 109, 110(1) and 111(b)	scheme (all references)	constitution
Section 113	\$100	1 penalty unit
Section 114	scheme clerk	constitution CEO
Sections 117(2)(b)(ii), (2)(c)(ii) and (2)(c)(iii) and 119(2)	clerk	CEO
Section 125	scheme	constitution
Sections 134(5) and 137(3)	clerk (all references)	CEO
Section 139(1)	this section	this Division
Sections 162(1) and 164	clerk	CEO
Section 171(1)(b)	to repay the principal amount of the loan	
Section 178(3)(b)	member's a member	person's an auditor
Section 179(1)	clerk (all references)	CEO
Section 181(2)	clerk \$2,000	CEO 100 penalty units
Section 181(6)(a)	clerk	CEO
Sections 181(8) and 181A(5)	\$5,000	100 penalty units

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Section 186	scheme	constitution
Sections 195(2)(a) and 200(a)	clerk (all references)	CEO
Section 202	\$3,000 or imprisonment for 6 months, or both,	200 penalty units for a natural person and 1 000 penalty units for a body corporate
Section 207(1)(b) and (c)	scheme	constitution
Sections 207(2) and 209(a)	clerk	CEO
Section 209(b)	certified post clerk	registered post CEO
Section 210(c)	certified post	registered post
Sections 215 and 216(g), (h) and (n)	clerk	CEO
Section 219(1)(a)	sign	control device
Section 230	(1) At the hearing	At the hearing
Sections 235(6) and 243A(1)	clerk	CEO
Section 243A(4)	\$5,000	100 penalty units
Section 265(1)	section 264 section 264(6)(b)	section 264A section 264C(1)
Section 265(2)	scheme	constitution

SCHEDULE 2

Section 71

AMENDMENTS OF REGULATIONS

Provision	Amendment	
	omit	substitute
Local Government (Accounting) Regulations		
Regulation 2(1)		
– definition of "authorised officer"	clerk	CEO
– definition of "CEO"	CEO	Chief Executive Officer
Regulation 2B(1)	CEO CEO's	Chief Executive Officer Chief Executive Officer's
Regulation 2B(2)	CEO	Chief Executive Officer
Regulations 4(b) and (d), 5(3), 7(1) and 8(1)	clerk	CEO
Regulation 8A(1)	clerk (all references) CEO (all references)	CEO Chief Executive Officer
Regulation 8A(2)	CEO 10 penalty units	Chief Executive Officer 100 penalty units
Regulation 9(1)	clerk CEO	CEO Chief Executive Officer
Regulation 9(7) and (8)	clerk	CEO
Regulation 11(1)	clerk (all references) CEO (all references)	CEO Chief Executive Officer
Regulation 11(2)	CEO 10 penalty units	Chief Executive Officer 100 penalty units

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Regulation 12(5)	clerk (all references)	CEO
Regulation 12(6)	CEO	Chief Executive Officer
	10 penalty units	100 penalty units
Regulation 13(1)	clerk	CEO
Regulation 13(1)(b)	CEO	Chief Executive Officer
Regulation 13(4)	CEO	Chief Executive Officer
	10 penalty units	100 penalty units
Regulation 15(1)	clerk	CEO
Regulation 15(3)	scheme	constitution
	clerk	CEO
Regulation 16(1)	clerk	CEO
Regulation 16(4)	scheme	constitution
	clerk	CEO
Regulations 19(2), 21, 23 and 24(1)	clerk	CEO
Regulation 24(2)	clerk (first reference)	CEO
	clerk (second reference)	Chief Executive Officer
Regulation 27(2)	clerk (all references)	CEO
Schedule		
– Forms 1, 2, 3 and 4	clerk	Chief Executive Officer
Local Government (Administration) Regulations		
Regulation 2		
– definition of "minutes"	scheme	constitution
Regulations 3(d) and 4(b)	clerk (all references)	CEO
Regulation 6(4)	\$1,000	20 penalty units

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Regulations 7(1) and (3) and 8	clerk (all references)	CEO
Regulation 14(1)	section 57(2)(c)	section 19J(2)(c)
Regulation 14(1)(d)	section 54	section 19
Regulation 14(2)	section 57(3)	section 19J(3)
Regulation 16	the whole regulation	
Local Government (Darwin Parking Local Rates) Regulations		
Regulation 2		
– definition of "local rate"	section 160(2)	section 69(2)
Regulations 4, 5(1), 6(1), 7(2) and (3) and 8A	clerk (all references)	CEO
Regulation 9(1)	clerk \$200.	CEO If the offender is a natural person – 20 penalty units. If the offender is a body corporate – 100 penalty units.
Regulation 9(2)	clerk section 148	CEO section 59
Regulation 11(1)	\$100 and \$100 for each day during which the offence continues.	If the offender is a natural person – 20 penalty units. If the offender is a body corporate – 100 penalty units.
Schedule 4		
– clause 5	clerk	CEO

**Local Government
(Electoral) Regulations**

Regulation 16A	the whole regulation	
Regulation 19(3), (4) and (5)	10 penalty units	20 penalty units
Regulation 20	or imprisonment for 6 months	
Regulation 25(13)	10 penalty units	20 penalty units
Regulations 26(1), (2) and (3) and 27	or imprisonment for 6 months	
Regulation 31(2)	10 penalty units	20 penalty units
Regulation 35	or imprisonment for 6 months	
Regulation 37	10 penalty units	20 penalty units
Regulation 39(3)	5 penalty units	20 penalty units
Regulation 45(4), (5) and (6)	or imprisonment for 6 months	
Regulations 51(2) and 52(1)	5 penalty units	20 penalty units
Regulation 52(2)	or imprisonment for 6 months	
Regulation 52(3)	5 penalty units	20 penalty units
Regulation 52(4)	or imprisonment for 6 months	
Regulation 52(5) and (6)	2 penalty units	20 penalty units
Regulation 52(7)	10 penalty units or imprisonment for 6 months	20 penalty units
Regulation 52(8)	Imprisonment for 6 months	20 penalty units

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Regulation 52(9)	2 penalty units	20 penalty units
Regulation 52(10)	Imprisonment for 6 months	20 penalty units
Regulation 52(11)	10 penalty units or imprisonment for 6 months	20 penalty units
Regulation 56(2)	or imprisonment for 6 months	
Regulation 74(1)	10 penalty units or imprisonment for 6 months	20 penalty units
Regulations 75 and 76(1) and (2)	10 penalty units or imprisonment for 6 months.	If the offender is a natural person – 20 penalty units. If the offender is a body corporate – 100 penalty units.
Regulation 77	or imprisonment for 2 years	
Regulations 78(3) and 79(1)	or imprisonment for 6 months	
Regulation 80	10 penalty units	20 penalty units
Regulations 81(1) and 82	or imprisonment for 6 months	
Regulation 83(1)	10 penalty units or imprisonment for 6 months	20 penalty units
Regulation 86	or imprisonment for 6 months	
Local Government (Road Opening and Closing) Regulations		
Regulation 25(2)	10 penalty units	20 penalty units

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Regulation 25(3)	30 penalty units or imprisonment for 6 months	20 penalty units
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ALTERATIONS TO SECTION HEADINGS

On the day on which the *Local Government Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to the sections specified in the table are altered as set out in the table.

Section	Alteration	
	omit	substitute
Section 98	Scheme	Constitution
Sections 102, 103 and 105	scheme	constitution
Section 107	schemes	constitutions
Section 108	scheme	constitution
Section 114	Clerk	CEO
Section 265	scheme	constitution