



# NORTHERN TERRITORY OF AUSTRALIA

Act No. 28 of 2002

## AN ACT

to amend the *Local Government Act*

*[Assented to 16 July 2002]*

*[Second reading 27 February 2002]*

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Local Government Amendment Act 2002*.

**2. New section**

The *Local Government Act* is amended by inserting after section 12 the following:

**"13. Members nominating for election to Legislative Assembly**

"(1) This section applies to a person who is a member of a council and who wishes to be nominated for election to the Legislative Assembly.

"(2) A person to whom this section applies may give notice in writing to the clerk of the person's resignation from the council under this section.

"(3) Subject to subsection (4), a notice of resignation under subsection (2) takes effect on the day on which the nomination for election to the Legislative Assembly of a person to whom this section applies is lodged with the Chief Electoral Officer.

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"(4) A resignation under this section may be revoked by notice in writing to the clerk –

- (a) before the election to which the resignation relates – if the person to whom this section applies withdraws his or her consent to act as a member of the Legislative Assembly if elected or ceases to be qualified to be a candidate for election; or
- (b) before the expiry of the seventh day after the declaration of the poll for the election to which the resignation relates,

and the resignation to which the notice of revocation relates ceases to have effect, under paragraph (a), on the day the person withdrew consent or ceased to be qualified or, under paragraph (b), on the day the notice was received by the clerk.

"(5) A revocation under subsection (4) has the effect of restoring the person to whom this section applies to office as a member of the council from which he or she resigned to the same extent as if her or she had not resigned but, subject to subsection (6), had continued as a member.

"(6) Despite section 23, a person restored to office under subsection (5) is not entitled to any remuneration or allowance as a member during the period in which the resignation had effect.

"(7) For the purposes of section 34 in relation to a municipal council, a person who has resigned under this section is to be taken to be a member of the council until, if no notice of revocation is given under subsection (4), the expiry of the period mentioned in paragraph (b) of that subsection."