

NORTHERN TERRITORY OF AUSTRALIA

LAND DEVELOPMENT CORPORATION AMENDMENT ACT 2014

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Act No. 33 of 2014

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 33 of 2014

An Act to amend the *Land Development Corporation Act*

[Assented to 13 November 2014]

[Second reading 21 August 2014]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Land Development Corporation Amendment Act 2014*.

## 2 Act amended

This Act amends the *Land Development Corporation Act*.

## 3 Section 3 amended

(1) Section 3, definitions ***Chairperson*** and ***Deputy Chairperson***

*omit*

(2) Section 3

*insert (in alphabetical order)*

***ordinary member*** means a member who is not the person appointed to be the Corporation under section 5(2).

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(3) Section 3, definition **Board**

*omit*

the

*insert*

an

(4) Section 3, definition **member**

*omit*

means the Chairperson, Deputy Chairperson or other

*insert*

, in relation to a Board, means the person appointed to be the Corporation or an ordinary

#### **4 Section 3A inserted**

After section 3, in Part 1

*insert*

#### **3A Application of Criminal Code**

Part IIAA of the Criminal Code applies to an offence against this Act.

*Note for section 3A*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

#### **5 Section 6 amended**

Section 6(e)

*omit, insert*

(e) to carry out or facilitate other activities associated with the development, management or use of project land.

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**6 Sections 13 to 21 replaced**

Sections 13 to 21

*repeal, insert*

**13 Establishment of Advisory Board**

- (1) The Minister may establish an Advisory Board to perform the functions mentioned in section 14.
- (2) A Board consists of the person appointed to be the Corporation and not more than 4 ordinary members appointed by the Minister.

**14 Function of Board**

The function of a Board is to advise the Corporation on any matter relating to the activities of the Corporation that the Minister or the Corporation refers to the Board.

**15 Duration of appointment of ordinary member**

- (1) An ordinary member holds office for the period specified in the instrument of appointment of the member.
- (2) An ordinary member is eligible for re-appointment.

**16 Vacation of office of ordinary member**

A person ceases to be an ordinary member if:

- (a) the person's term of office expires and the person is not re-appointed; or
- (b) the person resigns by giving written notice to the Minister.

**17 Termination of appointment of ordinary member**

- (1) The Minister may terminate the appointment of an ordinary member on the grounds of inability, inefficiency, misbehaviour or physical or mental incapacity.

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- (2) The Minister must terminate the appointment of an ordinary member if the member knowingly contravenes section 22.
- (3) An ordinary member's appointment terminates on either of the following occurring:
- (a) the member becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of the member's remuneration for their benefit;
  - (b) the member is found guilty:
    - (i) by a court in the Territory of an offence punishable by imprisonment for 12 months or more; or
    - (ii) by a court outside the Territory of an offence which, if committed against a law in force in the Territory, would be an offence punishable by imprisonment for 12 months or more.
- (4) A termination of an appointment under subsection (1) or (2) must be in writing and a copy must be given to the member.

## **7 Section 22 amended**

Section 22(1)

*omit*

by the Board

*insert*

by a Board

## **8 Section 23 amended**

- (1) Section 23(1) and (2)

*omit*

the Board

*insert*

a Board

- (2) Section 23(3)

*omit*

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**9 Section 24 amended**

(1) Section 24(1)

*omit, insert*

- (1) The person appointed to be the Corporation or, in that person's absence, the ordinary member elected by the ordinary members present from amongst their number, must preside at a meeting of a Board.

(2) Section 24(4)

*omit*

3 members constitute

*insert*

the number of members that is equal to half of the members plus one constitutes

**10 Section 25 amended**

Section 25(1)

*omit*

the Board

*insert*

a Board

**11 Section 35 amended**

Section 35(1)

*omit, insert*

- (1) A by-law may apply to:
- (a) the whole or a specified part of the Corporation land; or
  - (b) a specified class of persons or circumstances.

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**12 Section 44 amended**

Section 44(2)(b)

*omit*

the Board

*insert*

a Board

**13 Expiry of Act**

This Act expires on the day after it commences.