

# NORTHERN TERRITORY OF AUSTRALIA

## LOCAL GOVERNMENT AMENDMENT (RESTRUCTURING) ACT 2013

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### Act No. 34 of 2013

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Act No. 34 of 2013

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An Act to amend the *Local Government Act*

[Assented to 18 December 2013]  
[Second reading 27 November 2013]

The Legislative Assembly of the Northern Territory enacts as follows:

## **1 Short title**

This Act may be cited as the *Local Government Amendment (Restructuring) Act 2013*.

## **2 Act amended**

This Act amends the *Local Government Act*.

## **3 Section 10A and Part 2.2A inserted**

After section 10

*insert*

### **10A By-laws**

- (1) This section applies in relation to by-laws that apply in a part of the Territory immediately before:
- (a) the constitution of a local government area; or
  - (b) the boundaries of a local government area are changed; or
  - (c) there is a change in the classification of a local government area.

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- (2) The by-laws continue to apply within the local government area to the extent that they applied before the constitution, boundary change or change in classification, and may be amended or repealed by the council for the area, even if the by-laws were not originally made by that council.

## **Part 2.2A        Restructuring orders**

### **10B        Definition**

In this Part:

***restructuring order***, see section 10C.

### **10C        Minister's powers for restructuring system of local government**

- (1) The Minister may make an order (a ***restructuring order***) that the Minister considers necessary or desirable to facilitate the restructuring of the system of local government, including an order to:
- (a) abolish or constitute a council; or
  - (b) abolish or constitute a local government area; or
  - (c) establish a body corporate as the prospective council for a local government area to be constituted; or
  - (d) suspend from office, or terminate the term of office of, the principal member or any other member of a council; or
  - (e) call, cancel, defer or suspend an election, or exclude an area from the ambit of a general election; or
  - (f) appoint a person to fill a vacancy in the membership of a council, including in the office of the principal member; or
  - (g) appoint a suitable person to manage the affairs of a council; or
  - (h) appoint a person to an office or position with a council or prospective council; or
  - (i) transfer an employee of a council (with the employee's consent) to employment with another council or a prospective council; or
  - (j) make an apportionment or adjustment between councils, or between a council and a prospective council, of:
    - (i) property; or

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- (ii) income or expenditure; or
  - (iii) rights and liabilities; or
  - (k) a council to dispose of property or rights and liabilities of the council; or
  - (l) a council to take any action that the Minister considers appropriate within a period that the Minister may specify.
- (2) The Minister may, in a restructuring order, do anything that the Minister could otherwise do under section 9(2) or 10(1).

**10D Procedures for restructuring order**

- (1) The Minister must:
- (a) publish a restructuring order in the *Gazette* and in a newspaper circulating in each local government area affected by the order; and
  - (b) table the restructuring order in the Legislative Assembly within 6 sitting days after the order is made.
- (2) A restructuring order takes effect on:
- (a) the date it is published in the *Gazette*; or
  - (b) if a later date is provided for in the order – that later date.

**10E Effect of restructuring order**

- (1) A restructuring order operates to the exclusion of any inconsistent provision of this Act.
- (2) If a manager is appointed by a restructuring order mentioned in section 10C(1)(g), the manager assumes the council's functions and has all the powers of the council.
- (3) No stamp duty is payable in respect of a transfer of property under a restructuring order.
- (4) The Registrar-General must, on application for registration of a disposition of an interest in land under a restructuring order, make appropriate entries in the land register.

*Note for section 10E*

*Section 10A applies in relation to the effect after a restructuring order of by-laws made before the order.*

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**10F Prospective councils**

- (1) If a restructuring order establishes a body corporate as a prospective council for a local government area to be constituted, the body corporate:
- (a) has the name assigned by the restructuring order (which may be the name intended for the council to be constituted); and
  - (b) has full legal capacity to acquire or incur any rights, powers, obligations and liabilities that may attach to a body corporate; and
  - (c) has the powers and functions assigned by the restructuring order.
- (2) If a body corporate is established by a restructuring order, the order, or another restructuring order, must appoint a manager, and the manager has and may exercise the powers of the body corporate until it becomes a council or otherwise ceases to exist.

**10G Expiry of Part**

This Part expires on 1 January 2016.

**4 Expiry of Act**

This Act expires on the day after it commences.