

NORTHERN TERRITORY OF AUSTRALIA  
LOCAL GOVERNMENT AMENDMENT ACT (NO. 3) 1992

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No. 63 of 1992

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TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. Repeal and substitution:  
  
"91. CONTROL OF ROADS"
5. Things growing, &c., roads
6. Repeal and substitution:  
  
"93. FEE SIMPLE IN PERMANENTLY CLOSED ROADS"
7. Roads vested in Territory





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## AN ACT

to amend the *Local Government Act*

[Assented to 28 October 1992]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act* 1978 of the Commonwealth, as follows:

### 1. SHORT TITLE

This Act may be cited as the *Local Government Amendment Act (No. 3) 1992*.

### 2. COMMENCEMENT

This Act shall come into operation on a date to be 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. REPEAL AND SUBSTITUTION

Section 91 of the Principal Act is repealed and the following substituted:

#### "91. CONTROL OF ROADS

"(1) Notwithstanding any other Act, but subject to this section -

- (a) roads vested in a council under section 99 of the *Planning Act*;

*Local Government Amendment (No. 3)*

- (b) roads in respect of which a council accepts or has accepted responsibility for the care, control and management; and
- (c) roads within the meaning of paragraph (e) of the definition of 'road' in section 4,

are, by force of this subsection, under the care, control and management of the council and, in respect of roads referred to in paragraph (b), vested in that council.

"(2) The Minister may, by notice in the *Gazette*, declare that all or specified roads in a community government area are vested in and are under the care, control and management of the council of the area and, in like manner, the Minister may revoke or amend the notice at any time.

"(3) Notwithstanding any other Act, but subject to this section, with effect on and from the publication of a notice under subsection (2) and while the notice is in force, all roads or the roads specified in the notice, as the case may be, are vested in and are under the care, control and management of the community government council specified in the notice.

"(4) The Minister may, by notice in the *Gazette*, after consulting with a council or the community government council of a community government area in respect of which a notice under subsection (2) is in force, declare that a road within the municipality, or a road within the community government area to which the notice relates, is vested in and is under the care, control and management of the Territory.

"(5) Notwithstanding a declaration under subsection (4) relating to a road within a municipality or community government area, a by-law made by the council or community government council relating to the use of roads by persons, with or without a motor vehicle within the meaning of the *Motor Vehicles Act*, applies to and in relation to the road and all persons using it.

"(6) A council or community government council may, subject to the Regulations and notwithstanding any right of way that may be registered over the land, open a road on any land within its municipality or community government area -

- (a) of which it is the registered proprietor; or
- (b) which is acquired in pursuance of an application under section 95 for the purpose of a road.

*Local Government Amendment (No. 3)*

"(7) A council or a community government council may, subject to subsection (8) and the Regulations, temporarily or permanently close a road, or part of a road, which is under the care, control and management of the council or community government council.

"(8) A council or a community government council shall not permanently close a road or part of a road under subsection (7) -

- (a) unless it has given written notice to the Minister of its intention to close the road, and the Minister and the Minister responsible for the *Control of Roads Act* (other than Part IV of that Act) consent to the road being closed; or
- (b) if the road is the only road access to a parcel of land (whether or not that parcel of land is held in common ownership with another parcel of land which has separate road access).

"(9) A council or a community government council may, subject to the Regulations, construct or cause to be constructed a temporary road whilst a road or a part of a road which is under the care, control and management of the council or community government council is being constructed or repaired."

5. THINGS GROWING, &c., ROADS

Section 92 of the Principal Act is amended -

- (a) by inserting, in subsection (1) after "municipality", "or a community government area in respect of which a notice under section 91(2) is in force";
- (b) by omitting from subsection (2) "section 91(3)" and substituting "section 91(5)"; and
- (c) by adding at the end the following:

"(4) In this section, 'council' includes the community government council of a community government area specified in subsection (1)."

6. REPEAL AND SUBSTITUTION

Section 93 of the Principal Act is repealed and the following substituted:

"93. FEE SIMPLE IN PERMANENTLY CLOSED ROADS

"Where a council or community government council permanently closes a road under section 91 and the land on which the road was situated is vested in the Territory, that land, by virtue of this section and with effect on

*Local Government Amendment (No. 3)*

and from the date the road is closed, vests in fee simple in the council or community government council.".

7. ROADS VESTED IN TERRITORY

Section 330 of the Principal Act is amended -

- (a) by omitting "section 91(1) and (3)" and substituting "section 91(4) and (5)"; and
  - (b) by omitting "91(2)" and substituting "91(4)".
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