



NORTHERN TERRITORY OF AUSTRALIA

No. 46 of 1991

AN ACT

to amend the *Local Government Act*

[Assented to 26 September 1991]

BE 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. 2) 1991*.

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. AUTHORIZED PERSON

Section 82(6) of the Principal Act is amended by omitting paragraph (b) and substituting the following:

"(b) with the consent of the occupier or, in the absence of the occupier, the owner of any land not open to or used by the public ("private land") or in pursuance of a warrant issued by a Justice, enter onto private land -

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- (i) where he has reasonable grounds to believe an offence has been, is being or is about to be committed against an Act, regulation or by-law he is empowered to enforce, and to seize anything found on the land that is evidence of the offence or proposed offence; or
- (ii) to perform a function imposed on him or exercise a power given to him by or under this or any other Act;
- (ba) where in his opinion it is necessary for him to do so in an emergency to prevent injury to a person or animal or to protect the health of a person or animal, without the consent of the occupier or owner, or a warrant; enter onto private land to perform a function imposed on him or exercise a power given to him by or under this or any other Act; or".

5. POWER TO MAKE BY-LAWS

Section 203 of the Principal Act is amended by adding at the end the following:

"(4) Without limiting the generality of subsection (1), the power of a council to make by-laws in relation to the performance of a function specified in Schedule 2 as Animal Control or Animal Impounding extends to the making of by-laws providing for -

- (a) the seizure of an apparently diseased, injured, savage, destructive or stray animal; and
- (b) the destruction of a diseased, injured, savage, destructive, unclaimed or unwanted animal,

by an authorized person."

6. NEW SECTION

The Principal Act is amended by inserting after section 235C the following:

"235D. MINISTER MAY EXTEND ANIMAL CONTROL, &c. POWERS

"(1) The Minister may, by notice in the *Gazette*, declare a person or body who or which, in the Minister's opinion, has in any part of the Territory responsibility for, or performs or is capable of performing, relevant functions of a local government nature to be a person to whom or body to which this section applies in relation to a specified area of the Territory not being a municipality or community government area.

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(2) On a person or body being declared under subsection (1), that person or body has the functions of a council of a municipality in relation to Animal Control and Animal Impounding in the specified area of the Territory and, in relation to those functions, has the same by-law making and enforcement powers (and this Act, with the necessary changes, applies to and in relation to the person or body for that purpose and any by-laws so made) as a council has in relation to its municipality."

7. FUNCTIONS OF COMMUNITY GOVERNMENT COUNCILS

Section 270 of the Principal Act is amended by omitting paragraph (a) and substituting the following:

- "(a) animal control;
- (aa) animal impounding;
- (ab) commercial development;".

8. BY-LAWS

Section 292 of the Principal Act is amended by inserting after subsection (3) the following:

"(3A) Sections 82 and 203(4), with the necessary changes, apply to and in relation to a community government council as if the council were the council of a municipality and the reference in section 203(4) to 'subsection (1)' were a reference to subsection (1) of this section."
