

NORTHERN TERRITORY OF AUSTRALIA
LOCAL GOVERNMENT AMENDMENT ACT 1988

No. 54 of 1988

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NORTHERN TERRITORY OF AUSTRALIA

No. 54 of 1988

AN ACT

to amend the *Local Government Act*

[Assented to 17 November 1988]

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 1988*.

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. DEFINITIONS

Section 4 of the Principal Act is amended -

(a) by inserting after the definition of "auditor" the following:

"'authorized person' means an authorized person within the meaning of section 82;";

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"(7) For the purposes of section 14 in relation to a council of a municipality, a person who has resigned under this section shall be deemed to be a member of a council until, if no notice of revocation is given under subsection (4), the expiry of the period mentioned in paragraph (b) of that subsection."

7. VACANCY IN OFFICE OF MAYOR OR ALDERMAN

Section 17 of the Principal Act is amended -

- (a) by inserting in subsection (1)(e) after "him" the words "(other than a notice of resignation under section 16A)"; and
- (b) by inserting in subsection (3)(b) after "officer" the words "(where this is not the clerk)".

8. INTERESTS OF MEMBERS

Section 24(3) of the Principal Act is amended -

- (a) by omitting from paragraph (c) "which may be prescribed"; and
- (b) by inserting in paragraph (m) after "membership" the words ", if the purposes or objects of the body or institution are predominantly to benefit the public or are predominantly benevolent, philanthropic or charitable in nature, notwithstanding that the body or institution may incidentally make a commercial gain or profit in carrying out its purposes or, as the case may be, pursuing its objects".

9. FAILURE TO ATTEND OR PRODUCE EVIDENCE

Section 34(1) of the Principal Act is amended by omitting "\$100" and substituting "\$10,000".

10. REFUSAL TO BE SWORN OR TO GIVE EVIDENCE

Section 35 of the Principal Act is amended by omitting "\$100" and substituting "\$10,000".

11. MINISTER TO NOTIFY COUNCIL

Section 40 of the Principal Act is amended by omitting "mayor and clerk" and substituting "council".

12. OUTCOME OF ENQUIRY

Section 42 of the Principal Act is amended -

- (a) by omitting subsection (2); and
- (b) by omitting "mayor" (wherever occurring) and substituting "council".

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13. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 55 and the cross-heading appearing before that section and substituting the following:

"Division 9 - Referendum or Survey

"55. REFERENDUM OR SURVEY BY COUNCIL

"A council may, for its information and guidance on a matter under this or any other Act, cause the matter to be referred to its electors by referendum or a survey of opinion to be taken from electors, in such manner as the council thinks fit."

14. STANDING COMMITTEES OF COUNCIL

Section 61 of the Principal Act is amended -

- (a) by omitting from subsection (3) "(other than a management committee established under section 62(1) or an advisory committee established under section 63(1))";
- (b) by inserting "standing" before "committee" in subsections (1), (2), (3), (4) (first time appearing), (5) (first time appearing), (7) and (8); and
- (c) by omitting subsection (6) and substituting the following:

"(6) A council shall not delegate to a standing committee the power to declare a rate or to fix a charge under section 118 or the power to -

- (a) borrow money;
- (b) enter into contracts; or
- (c) incur expenditure,

for an amount or amounts exceeding that or those previously determined by the council."

15. MANAGEMENT COMMITTEES

Section 62 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Without limiting the generality of section 61(1),";
- (b) by omitting from subsection (2) the word "it" and substituting "the council"; and
- (c) by adding at the end the following:

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"(3) Subject to any directions given or restrictions imposed by the council, the provisions of section 61 (other than subsections (1)(a) and (b), (2), (7) and (8)) shall apply in relation to the procedures of a management committee as if it were a standing committee under that section."

16. ADVISORY COMMITTEES

Section 63 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Without limiting the generality of section 61(1),";
- (b) by omitting from subsection (2) the word "it" and substituting "the council"; and
- (c) by adding at the end the following:

"(3) Subject to any directions given or restrictions imposed by the council, the provisions of section 61 (other than subsections (1)(a) and (b), (2) and (8)) shall apply in relation to the procedures of an advisory committee as if it were a standing committee under that section."

17. QUORUM

Section 66(1)(b) of the Principal Act is amended by inserting after "the committee" the words "or, in the case of a standing committee established under section 61, a majority of the members (including the mayor) of the committee".

18. CONDUCT OF MEETINGS

Section 68 of the Principal Act is amended by omitting "as prescribed" and substituting "in accordance with by-laws made by the council in that behalf".

19. CLERK

Section 77(2)(d) of the Principal Act is amended by omitting "prescribed or".

20. INTERESTS OF OFFICERS AND EMPLOYEES

Section 81 of the Principal Act is amended -

- (a) by omitting subsection (2) and substituting the following:

"(2) An officer or employee of a council who may exercise a delegated authority and has an interest in a matter coming before him shall not exercise that authority in respect of the matter but shall refer it to the council for determination.";

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(b) by inserting after subsection (4) the following:

"(4A) Where the Minister is of the opinion that any commercial business or activity of the spouse of an officer or employee of a council may be unduly restricted by the operation of a provision of subsections (1) to (4) of this section he may, by notice to the council, suspend the application of the provision."; and

(c) by omitting subsection (8).

21. AUTHORIZED PERSON

Section 82(1) of the Principal Act is amended by inserting after "another Act" the words ", regulation, by-law or any part of them".

22. FUNCTION PERFORMED OUTSIDE MUNICIPALITY

Section 86(1) of the Principal Act is amended -

(a) by omitting ", in relation to a proposed performance of a council's function" and substituting "a council proposes the performance of a function"; and

(b) by inserting before "the Minister" the words "it may apply to the Minister for consent, and if".

23. CONTROL OF ROADS

Section 91 of the Principal Act is amended -

(a) by inserting before "control" (wherever occurring) the word "care,"; and

(b) by omitting from subsection (4) "all roads" and substituting "any road" and by omitting "the roads" and substituting "any road".

24. THINGS GROWING ON, &c., ROADS

Section 92(1) of the Principal Act is amended by inserting before "control" (twice occurring) the word "care,".

25. PROPERTY

Section 94 of the Principal Act is amended -

(a) by inserting after subsection (3B) the following:

"(3C) Subsections (3A) and (3B) shall apply within a community government area, and for this purpose shall be read as if a reference in those subsections to 'council' were a reference to a community government council, and to 'municipality' were to a community government area."; and

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- (b) by omitting subsection (5) and substituting the following:

"(5) Subject to the Regulations and to the approval of the Minister, a council may, for a term not exceeding 50 years, grant a sublease of the whole or a part of a reserve in its municipality which has been leased to it."

26. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 109 and substituting the following:

"109. APPELLANT MAY APPLY TO TRIBUNAL IF APPEAL DISALLOWED

"(1) Where a council disallows an appeal under section 108, the clerk shall, as soon as practicable after the meeting at which the appeal was disallowed, notify the appellant in writing of the result of the appeal.

"(2) A person to whom a notice is given under subsection (1) may, within 28 days after and including the date on which the notice was received, apply to the Tribunal against the decision of the council and the Tribunal has jurisdiction to hear and determine the application.

"(3) The Tribunal may, upon hearing an application under this section, confirm, reverse or vary the decision of the council and make such order, as to costs or otherwise, as it thinks fit."

27. DEFINITIONS

Section 110 of the Principal Act is amended -

- (a) by inserting after the definition of "differential rates" the following:

"'flat rate per parcel' means a general rate declared at the same amount on each parcel of land within a municipality or within a specified -

- (a) ward;
- (b) town within the meaning of the *Crown Lands Act*;
- (c) part of a municipality; or
- (d) zone, within the meaning of a relevant planning instrument under the *Planning Act*, without regard for the assessed value of the parcel of land;" and

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- (b) by inserting in the definition of "general rates" after "the parcel" the words "or a flat rate per parcel".

28. DECLARATION OF RATES

Section 111 of the Principal Act is amended -

- (a) by omitting from subsection (1) the word "before" and substituting "by";
- (b) by omitting from subsection (1)(b)(ii) the words "different rates." and substituting the following:
 - "different rates;
 - (iii) a flat rate per parcel; or
 - (iv) a combination of differential rates and a flat rate per parcel but not both in respect of any one parcel of land."; and
- (c) by omitting from subsection (2) -
 - (i) the words ", in addition to general rates"; and
 - (ii) paragraph (a).

29. ASSESSED VALUE AS BASIS OF VALUATION

Section 112 of the Principal Act is amended -

- (a) by omitting from subsection (2) "3 years" and substituting "one year"; and
- (b) by inserting in subsection (3) after "all" the word "ratable".

30. LOCAL RATE

Section 116 of the Principal Act is amended -

- (a) by omitting from subsection (1) "where, under section 111(2)(a), a council has declared a local rate," and substituting "a council may, at a meeting referred to in section 111(1), by resolution declare a local rate and";
- (b) by inserting in subsection (3) before "subsection (2)" the words "subsection (1) or";
- (c) by inserting after subsection (3)(b) the following:
 - "(ba) the number of complete financial years for which the local rate will be payable;"; and

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- (d) by omitting from subsection (4) "Regulations" (twice occurring) and substituting "resolution" and by omitting "determined as prescribed,".

31. PUBLIC NOTICE OF RATES AND CHARGES

Section 119 of the Principal Act is amended by omitting "in a prescribed form,".

32. COUNCIL LEVYING RATES

Section 120(2)(b) of the Principal Act is amended by omitting ", half-yearly or quarterly basis" and substituting "basis or by not more than 4 approximately equal instalments".

33. DISCOUNT FOR PROMPT PAYMENT

Section 126 of the Principal Act is amended -

- (a) by inserting in subsection (1) after "charges" the words "at such rate or rates of discount and in such circumstances as are specified in the resolution"; and
- (b) by omitting from subsection (2) "prescribed rate" and substituting "appropriate specified rate or rates".

34. PENALTY FOR LATE PAYMENT

Section 127 of the Principal Act is amended -

- (a) by omitting from subsection (2) "at the prescribed rate on a monthly basis from the date the rates and charges were declared" and substituting "on a monthly basis from the date that the rates were levied or the charges made"; and
- (b) by omitting from subsection (3) "declared" and substituting "determined".

35. RATES AND CHARGES MAY BE WAIVED IN CASES OF HARDSHIP

Section 132 of the Principal Act is amended -

- (a) by omitting subsection (1)(a); and
- (b) by inserting in subsection (3)(b) before "verify" the word "to".

36. POWER TO SELL LAND

Section 136 of the Principal Act is amended by inserting after subsection (2) the following:

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"(2A) A council which, after reasonable enquiry having regard to the amount of rates and charges unpaid and the estimated value of the land or interest in land on which they are a charge, is unable to locate a person liable for payment of the rate or charge may apply to the Tribunal for directions.

"(2B) After considering an application under subsection (2A) the Tribunal may direct -

- (a) that the council need take no further action and shall be deemed to have exercised its rights under section 135 for the purposes of subsection (2)(a);
- (b) that the council make further enquiries or that the council give public notice of its intention to act under this section, in a form approved by the Tribunal, in a newspaper or by displaying a notice on the land, and that after taking the appropriate action the council, on a date to be fixed by the Tribunal, shall be deemed to have exercised its rights under section 135 for the purposes of subsection (2)(a); or
- (c) that the council take such other action as the Tribunal thinks appropriate."

37. CERTIFICATES, &c.

Section 137(3) of the Principal Act is amended by omitting "the prescribed fee" and substituting "a fee (if any) fixed by the council".

38. INCOME OF TRUST FUND

Section 148(2) of the Principal Act is amended by inserting after paragraph (a) the following:

"(aa) moneys, which may include moneys received from a local rate, received by the council to be used for a specified purpose;"

39. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 151 and substituting the following:

"151. COUNCIL NOT TO BUDGET FOR DEFICIT

"Where under section 150 a council adopts estimates it shall ensure that, as far as practicable, the estimated expenditure does not exceed the estimated income."

40. RESERVES

Section 155(1) of the Principal Act is amended by omitting "or prescribed".

Local Government Amendment

41. NEW SECTION

The Principal Act is amended by inserting after section 157 but in subdivision B the following:

"157A. NO DEROGATION FROM *NORTHERN TERRITORY (SELF-GOVERNMENT) ACT*

"Nothing in sections 158, 159, 162 or 164 shall derogate from the provisions of section 47 of the *Northern Territory (Self-Government) Act 1978* of the Commonwealth."

42. COUNCIL TO APPOINT AUDITOR EACH ALTERNATE YEAR

Section 166(1) of the Principal Act is amended by omitting paragraphs (a) and (b) and substituting the following:

- "(a) appoint the Auditor-General, or another person, to be the auditor for its municipality; and
- (b) determine the amount of the fee to be paid to its auditor.

"(1A) Subject to subsection (1B), a council shall not appoint a person as its auditor unless the person is a member of an institute or association of accountants approved by the Minister as an institute or association for the purpose of this section.

"(1B) Where, on an application being made by a council, the Minister is satisfied that -

- (a) no person who is a member of an institute or association of accountants approved under subsection (1A) is available for appointment as its auditor; and
- (b) a person nominated by the council is competent to carry out the duties of an auditor under this Part,

the Minister may approve of the appointment as auditor of the person nominated and the council may appoint the person accordingly."

43. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 181 and substituting the following:

"181. MEMBERS OWING SURCHARGE

"Where a surcharge, or part of a surcharge, owing to a council by a member remains unpaid -

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- (a) where the member does not apply to the Tribunal against the imposition of the surcharge, on the day after the last day on which he could have applied; or
- (b) where the member applies against the surcharge but the Tribunal does not annul it, on the day after the day on which the Tribunal hands down its determination,

the member is disqualified from carrying out any duties of office as a member until either the amount owing has been paid or the member is disqualified from holding office under section 15(1)(fa), whichever occurs sooner."

44. AUDITOR, &c., MAY ADMINISTER OATH, &c., TO WITNESS

Section 183 of the Principal Act is amended -

- (a) by inserting in subsection (1) after "to" the words "or take an affirmation from" and by inserting after "on oath" the words "or affirmation"; and
- (b) by inserting in subsection (2)(a) after "oath" the words "or make an affirmation".

45. RECORDING OF ORDERS

Section 193 of the Principal Act is amended -

- (a) by omitting "the prescribed fee (if any)" and substituting "such fee (if any) as may be fixed by the President for the purpose"; and
- (b) by omitting "the prescribed form" and substituting "a form approved by the President".

46. MAKING BY-LAWS

Section 204 of the Principal Act is amended -

- (a) by omitting from subsection (1) "take effect" (twice appearing) and substituting "bind the Crown";
- (b) by omitting from subsection (3) "will be, when made," and substituting "when made will, in the opinion of the person giving the certificate, be".

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47. NEW SECTION

The Principal Act is amended by inserting after section 218 the following:

"218A. COUNCIL MAY ENTER INTO AGREEMENT TO ADMINISTER REGULATIONS

"(1) Where a council has power to make by-laws in relation to any matter or thing already the subject of regulations made under another Act, the council may enter into an agreement with the Minister who has been allotted the administration of the provisions of the Act under which the regulations were made to administer all or part of the regulations in its municipality.

"(2) An agreement under subsection (1) -

- (a) shall be in writing and shall specify the regulations proposed to be administered;
- (b) shall be in force for such period not exceeding 3 years as may be specified in the agreement, but may be renewed;
- (c) may make provision for the payment of costs and expenses, the use and allocation of resources (including resources of the Territory), the sharing of responsibilities between the council and a Department, the collection of fees, the enforcement of the regulations and such other matters as the council and the Minister think fit; and
- (d) shall have effect according to its tenor."

48. APPLICATION TO TRIBUNAL

Section 219 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) A person aggrieved by a decision of a council made or taken under a by-law (not being a decision made or taken to commence proceedings for an offence against, under or in relation to a by-law) may make an application of appeal, in a form approved by the President, to the Tribunal against the decision."

49. PROOF OF PUBLIC ROAD, &c.

Section 226 of the Principal Act is amended by omitting subsection (2).

50. NEW SECTIONS

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

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"235B. COUNCIL MAY ACT AS TRUSTEES OF CEMETERY

"(1) A public cemetery situated within the boundaries of a municipality is vested in the council of that municipality.

"(2) A council in which a public cemetery is vested has, in addition to the power to make by-laws under this Act, the powers and authorities of a Board of Trustees appointed under the *Cemeteries Act*.

"235C. COUNCIL'S POWERS UNDER PLACES OF PUBLIC ENTERTAINMENT ACT

"In the application of the *Places of Public Entertainment Act*, within the boundaries of a municipality, a reference to the Minister shall be read as a reference to the council of that municipality."

51. REGULATIONS

Section 236 of the Principal Act is amended by inserting after "council" the words "or, as the case may be, community government council".

52. DEFINITIONS

Section 238 of the Principal Act is amended by omitting the definition of "community government scheme" and substituting the following:

"'community government scheme' means a scheme instituted under this Part;".

53. CONTENTS OF COMMUNITY GOVERNMENT SCHEMES

Section 239(e) of the Principal Act is amended by inserting after "business" the words ", being at least one meeting in each two-monthly period so that at least 6 meetings are held in each financial year".

54. REPEAL OF SECTION 241

Section 241 of the Principal Act is repealed.

55. EXPLANATION OF APPLICATION

Section 243(4) of the Principal Act is amended by omitting "community government council" and substituting "draft community government scheme".

56. PREPARATION OF DRAFT SCHEMES

Section 244 of the Principal Act is amended by omitting subsections (2) and (3).

57. REPEAL OF SECTION 245

Section 245 of the Principal Act is repealed.

Local Government Amendment

58. SCHEME TO BE LAW OF TERRITORY

Section 253 of the Principal Act is amended -

- (a) by inserting in subsection (1) after "effect" the words "as a law of the Territory";
- (b) by omitting from subsection (5) the words ", subject to subsection (6),"; and
- (c) by omitting subsection (6).

59. NEW SECTION

The Principal Act is amended by inserting after section 253 the following:

"253A. REPLACEMENT OR AMENDMENT OF SCHEMES

"(1) A community government council or not less than 10 electors of a community government area may apply in writing to the Minister to prepare a replacement community government scheme or an amendment to a community government scheme.

"(2) Sections 243(4) and 246 to 253 inclusive, with the necessary changes, shall apply to a replacement community government scheme or an amendment to a scheme under subsection (1) as if the replacement or amendment was a draft community government scheme.

"(3) If, pursuant to section 253(5), the Legislative Assembly disallows a replacement or amendment mentioned in subsection (2) the community government scheme purported to be replaced or amended remains of full force and effect."

60. COMMUNITY GOVERNMENT COUNCIL TO BE BODY CORPORATE

Section 255 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) The common seal of a community government council shall -

- (a) bear the title of the council together with such other words, letters, signs and devices as it thinks fit;
- (b) be kept at the council office; and
- (c) be used only by resolution of the council."

61. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 261 and substituting the following:

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"261. ALLOWANCES AND EXPENSES

"(1) At its first meeting in each financial year, a community government council may, by resolution, fix allowances to be paid for the financial year to its members..

"(2) Where, under subsection (1), a community government council fixes an allowance, it shall determine the method, conditions and intervals of payment (but not in advance) of that allowance and that allowance shall be paid accordingly.

"(3) A community government council may pay to or on behalf of members a reasonable amount towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling -

- (a) to and from a meeting of the council, or a meeting of a committee of the council; or
- (b) on business of the council in compliance with a prior resolution of the council."

62. RESIGNATION

Section 264 of the Principal Act is amended by adding at the end the following:

"(3) This section does not apply to a resignation under section 16A."

63. VACANCY OF OFFICE OF MEMBER

Section 266 of the Principal Act is amended by inserting after paragraph (c) the following:

"(ca) the member has resigned pursuant to section 16A and, before the expiry of the seventh day after the declaration of the poll for the election to which the resignation relates, has not, pursuant to that section, revoked the resignation;"

64. NEW SECTIONS

The Principal Act is amended by inserting after section 267 the following:

"267A. COMMITTEES

"Sections 61, 62 and 63 (which relate to standing committees, management committees and advisory committees, respectively, of a council) shall apply, with the necessary changes, in relation to a community government council as if a reference in those sections -

- (a) to a 'council' were a reference to a community government council; and

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- (b) to a 'mayor' were a reference to the president, chairman, chairperson or other title by which the presiding member of a community government council is known.

"Division 7A - Financial Interests of Members

"267B. INTERESTS OF COMMUNITY GOVERNMENT COUNCIL MEMBERS

"Section 24 shall apply, with the necessary changes, in relation to the interest that a member of a community government council may have in a matter before the council or a committee of the council as if a reference in that section -

- (a) to a 'council' were a reference to a community government council; and
- (b) to a 'municipality' were a reference to a community government area."

65. RATES AND CHARGES

Section 271 of the Principal Act is amended -

- (a) by inserting in subsection (1) after "provide" the words ", or may authorize the community government council, by resolution, to provide"; and
- (b) by omitting paragraph (a) from subsection (2) and substituting the following:
"(a) where they relate to a service provided by the community government council, be declared to apply to a person whether the person uses the service provided or not;"

66. POWERS OF COMMUNITY GOVERNMENT COUNCILS

Section 272(2) of the Principal Act is amended by omitting "rating land within its' community government area and".

67. POWER TO EXPEND FUNDS

Section 279 of the Principal Act is amended by inserting after "estimates" the words "(as may be varied by resolution of the council from time to time)".

68. APPROVAL OF ESTIMATES

Section 280 of the Principal Act is amended by omitting from subsection (2) "adopted" and substituting "approved".

Local Government Amendment

69. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 281 and substituting the following:

"281. COMMUNITY GOVERNMENT COUNCIL NOT TO BUDGET FOR DEFICIT

"Where under section 280 a community government council approves estimates it shall ensure that, as far as practicable, the estimated expenditure does not exceed the estimated income."

70. SPECIAL REPORT

Section 290(a) of the Principal Act is amended by inserting after "Act", the words "or the Regulations".

71. BY-LAWS

Section 292 of the Principal Act is amended -

- (a) by inserting in subsection (1) after paragraph (d) the following:

"(da) providing for the community government council, by resolution, to do any of the things specified in paragraph (a), (b), (c), or (d);";

- (b) by omitting subsection (1)(j) and substituting the following:

"(j) prescribing penalties, not exceeding \$2,000 or imprisonment for 6 months, for a failure to comply with, or a contravention of, the By-laws and, in addition, may prescribe a penalty, not exceeding \$100, for each day during which the offence or contravention continues; and

"(k) providing for, in addition to a penalty imposed in relation to a failure to comply with or a contravention of the By-laws, an expense incurred by a community government council in consequence of that failure or contravention, or in the execution of work required by the By-laws to be executed by a person and not executed by him, shall be recovered in whole or in part from the person failing to so comply with or contravening the By-laws or failing to execute the work, as a debt due and payable by that person to the council."

- (c) by adding at the end the following:

"(4) Where no penalty is expressly prescribed in the By-laws for a failure to comply with, or a contravention of, the By-laws, a court of competent jurisdiction may impose a penalty not exceeding \$1,000 or imprisonment for 3 months in relation to the failure or contravention.

Local Government Amendment

76. REPEAL AND SUBSTITUTION

The Principal Act is amended by repealing section 304 and substituting the following:

"304. FINES, &c., TO BE PAID TO COMMUNITY GOVERNMENT COUNCIL

"Where a fine or monetary penalty is recovered by a community government council for offences committed in its community government area against this or another Act, or a regulation under this or another Act or against the By-laws, the fine or monetary penalty, as the case may be, shall be paid to the council."

77. REGULATIONS

Section 346 of the Principal Act is amended by adding at the end the following:

"(3) The Local Government (Darwin Parking Local Rates) Regulations as in force as at the commencement of the new Act shall, notwithstanding section 116 of the new Act, continue to exist as regulations under the new Act."

78. SCHEDULE 2 AMENDED

Schedule 2 to the Principal Act is amended -

(a) by inserting after item 4 the following:

"4A. Control of Public Places";

(b) by omitting the heading "Other" and substituting "Other Services"; and

(c) by adding at the end the following:

"53. Commercial Undertakings".
