



NORTHERN TERRITORY OF AUSTRALIA

No. 21 of 1986

AN ACT

to amend the *Local Government Act*

[Assented to 30 June 1986]

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 1986*.

2. COMMENCEMENT

(1) Sections 1, 2, and 3 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) Subject to subsection (3), the remaining provisions of this Act shall come into operation on the commencement of the Principal Act.

(3) Section 14 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. NEW SECTION

The Principal Act is amended by inserting after section 14 the following:

"14A. TITLES OF MEMBERS

"(1) A council may by resolution determine that the mayor, deputy mayor or aldermen of the council shall be known and referred to by a title other than that of mayor, deputy mayor or alderman.

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"(2) Where a council has passed a resolution under subsection (1) -

- (a) a reference in this Act and the Regulations to a mayor, deputy mayor or alderman shall be deemed to be a reference to the title so determined by the council; and
- (b) a power exercised or a function performed by the mayor, deputy mayor or alderman by or under the title so determined by the council shall, for the purposes of this Act and the Regulations, be deemed to have been exercised or performed by or under the name of the mayor, deputy mayor or alderman, as the case may be."

5. NEW SECTIONS

The Principal Act is amended by inserting after section 46 the following:

"46A. EXTENSION OF TIME

"(1) Subject to subsection (2), the Minister may, by notice in the *Gazette*, within 20 days before the day on which, in accordance with this Act, an election is to be held, extend the time for the holding of that election for the purpose of obviating any difficulty that may arise in that election.

"(2) The Minister shall not exercise his power under subsection (1) at any time later than 7 days before the day on which, in accordance with this Act, the election was to be held.

"(3) A returning officer for a municipality to which an extension under subsection (1) relates shall give public notice of the extension within the municipality.

"46B. DATE FOR HOLDING BY-ELECTIONS, &c.

"An election, other than an election under section 45, shall be held on the fifth Saturday following nomination day."

6. NEW SECTION

The Principal Act is amended by inserting after section 50 the following:

"50A. DELEGATIONS BY RETURNING OFFICER

"(1) A returning officer may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

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"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the returning officer.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the returning officer."

7. NOMINATION

Section 52 of the Principal Act is amended -

(a) by omitting from subsection (1) "prescribed form and manner" and substituting "prescribed form and manner, shall be accompanied by the prescribed fee"; and

(b) by adding at the end the following:

"(3) A fee referred to in subsection (1) shall, as prescribed, be returned or forfeited."

8. CONDUCT OF ELECTIONS

Section 53 of the Principal Act is amended -

(a) by omitting subsection (1) and substituting the following:

"(1) An election shall be conducted in accordance with this Division and the Regulations."; and

(b) by omitting from subsection (2) "Where a returning officer has conducted, in accordance with subsection (1), an election he" and substituting "Where an election has been conducted in accordance with subsection (1), the returning officer".

9. THINGS GROWING OR ERECTED ON, OR AFFIXED TO, ROADS

Section 92(2) of the Principal Act is amended by omitting "sub-clause (3)" and substituting "subsection (3)".

10. PROPERTY

Section 94 of the Principal Act is amended by inserting after subsection (3) the following:

"(3A) Where there is a reserve within a municipality, the Minister may, by notice in the Gazette, appoint the council of the municipality to act as the trustee of that reserve.

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"(3B) A council appointed under subsection (3A) has in respect of the reserve for which it is appointed to act as trustee, the powers, authorities and duties of trustees appointed under section 103C of the *Crown Lands Act*."

11. REPEAL AND SUBSTITUTION

Section 95 of the Principal Act is repealed and the following substituted:

"95. COMPULSORY ACQUISITION OF PROPERTY

"(1) A council may, in respect of land within its municipality, apply in the prescribed manner to the Minister administering the *Lands Acquisition Act* for him to compulsorily acquire the land specified in the application.

"(2) Where the Minister administering the *Lands Acquisition Act* acquires land in pursuance of an application by a council under subsection (1), the council shall reimburse the Territory all costs, including any compensation, paid by the Territory under that Act in or in relation to the acquisition."

12. NEW SECTION

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

"235A. PROTECTION OF MEMBERS AND OFFICERS

"A member or an officer is not personally liable for or in relation to a matter or thing done, or a contract entered into by -

- (a) the council in good faith in pursuance of and for the purposes of this Act; or
- (b) the member or officer in good faith in pursuance of and for the purposes of this Act and for or on behalf of the council."

13. DEFINITIONS

Section 238 of the Principal Act is amended -

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

"'Association' means the Northern Territory Community Government Association constituted by section 307A(1);"; and

- (b) by omitting paragraph (b) from the definition of "resident" and substituting the following:

"(b) been, for not less than 3 months, ordinarily resident in the area."

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14. NEW DIVISION

The Principal Act is amended by inserting in Part VIII after Division 13 the following:

"Division 14 - Community Government Association

"307A. INCORPORATION OF NORTHERN TERRITORY COMMUNITY GOVERNMENT ASSOCIATION

"(1) The Northern Territory Community Government Association is hereby constituted a body corporate by the name 'Northern Territory Community Government Association'.

"(2) The Association -

- (a) has perpetual succession;
- (b) shall have a common seal;
- (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

"(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Association affixed to a document and shall, unless the contrary is proved, presume that it was duly affixed.

"(4) The first members of the Association shall be the community government councils existing at the commencement of this section.

"(5) The constitution of the Association is, subject to this Part, the constitution of the Northern Territory Community Government Association as in force immediately before the commencement of this section.

"(6) An amendment of the constitution of the Association shall not take effect unless it is approved by the Minister.

"(7) An amendment of the constitution of the Association that is approved by the Minister takes effect -

- (a) where the amendment specifies a day on which it is to take effect, being a day not earlier than the day on which the Minister approves the amendment - on the day so specified; and
- (b) in any other case - on the day on which the Minister approves the amendment.

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"(8) All property held, immediately before the commencement of this section, by a person, in trust or otherwise, for or on behalf of the Northern Territory Community Government Association is, subject to any charge or liability affecting the property, vested in the Association."

15. AUDITOR

Section 325(1) of the Principal Act is amended by omitting "until his term of appointment would have ceased if the former Act had not been repealed" and substituting "until the council appoints an auditor under section 166 of the new Act".
