



NORTHERN TERRITORY OF AUSTRALIA

No. 78 of 1983

AN ACT

To amend the *Local Government Act*

[Assented to 28 November 1983]

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) 1983*.

2. COMMENCEMENT

(1) Subject to sub-section (2), this Act shall come into operation on 1 July 1984.

(2) Sections 22 and 23 shall come into operation on the day on which this Act is assented to by the Administrator.

3. PRINCIPAL ACT

The *Local Government Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 5 of the Principal Act is amended -

(a) by omitting the definition of "expenditure" and substituting the following:

"'expenditure' means money paid or payable by a council for a purpose specified in section 210(1);";

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(b) by omitting the definition of "income" and substituting the following:

"'income' means money received or receivable by a council as revenue under section 205;"; and

(c) by omitting, from the definition of "trading undertaking", paragraphs (c), (d) and (e) and substituting the following:

"(c) conducting a motor omnibus service for the conveyance of passengers for hire; and

(d) carrying out any other activity declared by the Minister, by notice in the Gazette, to be a trading undertaking;".

5. REPEAL

Section 140 of the Principal Act is repealed.

6. REPEAL AND SUBSTITUTION

Section 155 of the Principal Act is repealed and the following substituted:

"155. ESTIMATES

"(1) Before a council declares a rate or other annual charge it shall cause to be made, in the prescribed manner and form, estimates of the income and expenditure of the fund to which the rate or other annual charge relates.

"(2) A council shall cause details of estimates made under sub-section (1) to be published, or otherwise made available for inspection by the public, as prescribed."

7. RATES NOT TO BE WRITTEN OFF

Section 197 of the Principal Act is amended by omitting all words after "by the council" and substituting "except in the prescribed manner."

8. REPEAL

Section 201 of the Principal Act is repealed.

9. REVENUE OF COUNCIL

Section 205(f) of the Principal Act is amended by omitting "except loan rates".

10. REPEAL

Sections 206, 207 and 210A to 214 inclusive of the Principal Act are repealed.

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11. SEVERAL FUNDS OF COUNCIL

Section 215 of the Principal Act is amended by omitting paragraphs (b) and (c).

12. THE GENERAL FUND

Section 216(a) of the Principal Act is amended by inserting after "rate" the words ", special rates, local rates (other than a local rate that relates to a trading undertaking of the council) and loan rates".

13. REPEAL

Sections 218 to 225 inclusive of the Principal Act are repealed.

14. TRADING FUND

Section 226(a) of the Principal Act is amended by inserting after "trading undertaking" the words "(including moneys received or receivable in respect of a local rate that relates to the trading undertaking)".

15. REPEAL AND SUBSTITUTION

Section 228 of the Principal Act is repealed and the following substituted:

"228. BALANCE REMAINING WHEN FUND CLOSED

"Where a fund, in which a balance remains, is closed, the council shall transfer the balance to the General Fund."

16. NEW SECTION

The Principal Act is amended by inserting after section 232B the following:

"232C. LONG SERVICE LEAVE RESERVE

"A council shall, unless otherwise approved by the Minister, for the purpose of complying with the requirements of the *Long Service Leave Act* applicable to it, establish and maintain a reserve, to be known as 'The Long Service Leave Reserve', so that the moneys in that reserve are, on 30 June of each year, not less than the amount that is necessary to comply with those requirements as on that date."

17. REPEAL

Section 249 of the Principal Act is repealed.

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18. LOAN MONEYS TO BE DRAWN ON ONLY FOR CERTAIN PURPOSES

Section 250(1) of the Principal Act is amended by omitting all words before "except" and substituting "Subject to sub-section (2), a council shall not expend loan moneys".

19. REPEAL

Section 255 of the Principal Act is repealed.

20. MANNER OF CARRYING OUT AUDIT

Section 287 of the Principal Act is amended by omitting paragraph (b) and substituting the following:

"(b) whether they are in accordance with the books, records and other documents of the council; and".

21. REPEAL

Sections 288, 288C, 301, 302, 333 and 334 of the Principal Act are repealed.

22. REPEAL OF SECTION 355 OF PRINCIPAL ACT

Section 355 of the Principal Act is repealed.

23. PROOF OF BY-LAWS

Section 400 of the Principal Act is amended by omitting all words after "production" and before "is sufficient" and substituting "of a copy of a by-law of a council or community government council constituted under Part XX, purporting to be certified to be a true copy of the by-law signed by the clerk,".

24. TRANSITIONAL

(1) The Minister may, upon application in writing made to him by a council, by notice in the *Gazette* exempt the council, upon such terms and conditions as he thinks fit, from compliance, for the financial year 1983-1984, with such of the accounting requirements under the Principal Act, as in force immediately before the commencement of this Act, as are specified in the exemption and with which that council would otherwise be required to comply for that year but, in that exemption, the Minister shall specify, with such variations as he thinks fit, the alternative accounting requirements under the Principal Act, as in force immediately after the commencement of this Act, with which that council shall comply for that year and, for the purpose of that council complying with those last-mentioned accounting requirements, this Act shall be deemed to have come into operation on 1 July 1983.

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(2) A council the subject of an exemption under sub-section (1) shall comply with the exemption upon the terms and conditions, if any, upon which that exemption was granted.

