



NORTHERN TERRITORY OF AUSTRALIA

No. 70 of 1982

AN ACT

To amend the *Local Government Act*

[Assented to 25 October 1982]

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. 3) 1982*.

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Section 42 of the Principal Act is repealed and the following substituted:

"42. MAYOR'S ALLOWANCE

"(1) At the first meeting of a council in each financial year, the council shall determine -

- (a) whether an allowance is to be paid to the mayor in respect of the financial year during which the meeting is held; and

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- (b) where an allowance is to be paid, the amount of the allowance and, subject to sub-section (3), the intervals at which it is to be paid.

"(2) Subject to sub-section (3), an allowance under sub-section (1) shall be paid in such instalments, whether in advance or otherwise, as the council determines.

"(3) An allowance under sub-section (1) payable in respect of a financial year during which an ordinary election is to take place shall be paid in such manner that the portion of the allowance attributable to the part of the financial year which remains after the date of the election -

- (a) shall not be paid, in whole or in part, before the date of the election; and
- (b) shall be paid to the person elected as mayor at the election."

5. FEES

Section 44B of the Principal Act is amended by omitting sub-section (3) and substituting the following:

"(3) Fees payable under this section shall not exceed such amount as is determined by the council by resolution at the first meeting of the council in each financial year."

6. QUALIFICATIONS FOR ENROLMENT

Section 57 of the Principal Act is amended by omitting "House of Representatives for the Northern Territory" and substituting "Legislative Assembly".

7. CLERK TO COMPLETE ELECTORS ROLL

Section 59(1) of the Principal Act is amended by omitting "House of Representatives for the Northern Territory" and substituting "Legislative Assembly".

8. CONDUCT OF POLLING

Section 97 of the Principal Act is amended by omitting "8 o'clock in the afternoon" (twice occurring) and substituting "6 o'clock in the afternoon".

9. DUTIES OF RETURNING OFFICER ON POLLING DAY

Section 107 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "8 o'clock" and substituting "6 o'clock"; and

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(b) by inserting after sub-section (1) the following:

"(1A) The returning officer may at any time, being not less than 2 hours after voting has closed, adjourn the counting of votes to the next day, not being a Sunday or a public holiday, and, if he does so, shall proceed in accordance with section 107A."

10. NEW SECTION

The Principal Act is amended by inserting after section 107 the following:

"107A. POSTPONEMENT OF COUNT

"Where the returning officer has under section 107(1A) postponed the counting of the votes, he shall -

- (a) inform the scrutineers present of the time at which he will recommence the counting of the votes;
- (b) parcel up and seal the parcels of ballot papers in such manner as will enable the counting to proceed without delay on its recommencement;
- (c) clearly identify each sealed parcel of ballot papers, sign the parcel, and request the scrutineers present to sign the parcel;
- (d) make suitable arrangement for the custody of the parcels of ballot papers in the interval between the postponement of the counting and its recommencement;
- (e) before unsealing the parcels of ballot papers and recommencing the counting at the time fixed by him, satisfy himself that the parcels of ballot papers have not been tampered with, and offer the scrutineers then present an opportunity to inspect the parcels of ballot papers; and
- (f) recommence the count at the stipulated time and proceed in accordance with section 108."

11. CASES REQUIRING SUPPLEMENTARY ELECTION

Section 109(2) of the Principal Act is amended by omitting "8 o'clock" and substituting "6 o'clock".

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12. LOCAL RATES

Section 160 of the Principal Act is amended -

- (a) by omitting from sub-section (3) all words after "assessed and levied" and substituting "as prescribed in the Regulations made for the purposes of this section.";
- (b) by omitting from sub-section (4) "made under" and substituting "referred to in"; and
- (c) by inserting after sub-section (4) the following:

"(4A) Notwithstanding section 156(1)(a), the regulations referred to in sub-section (3) may provide for the payment, by a person upon whom a local rate may be levied, of an amount in advance, determined as prescribed, which shall be accepted in full discharge and satisfaction of his liability to pay the local rate for the period determined in accordance with the Regulations, and a payment so made shall relieve the person of his liability to pay the local rate in respect of the period so determined.".

13. PENALTY FOR NOT VOTING

Section 362(2)(a) of the Principal Act is amended by omitting "8 in the afternoon" and substituting "6 in the afternoon".

14. SCHEDULE 4

Form 3 in Schedule 4 to the Principal Act is amended by omitting "House of Representatives for the Northern Territory" and substituting "Legislative Assembly".

15. REPEAL

Section 371 of the Principal Act is repealed.

16. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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SCHEDULE

Section 16

Provision	Amendment	
	omit	substitute
Section 5		
- definition of "supplementary election"	"a 3 yearly election"	"an ordinary election"
Section 10(1) and (2)	"3 yearly election"	"ordinary election"
Section 32(3)	"an election"	"an ordinary election"
Section 47	"a 3 yearly election"	"an ordinary election"
Section 109(1)(a)	"the second anniversary"	"the third anniversary"
Section 137(3)(a)	"to the officers"	"to be officers"
Section 210(1)(e)	"allowances of fees"	"allowances or fees"
Section 307(2)	"section 349"	"section 350"
Section 345(2)	"3 yearly election"	"ordinary election"

