

NORTHERN TERRITORY OF AUSTRALIA  
PALMERSTON DEVELOPMENT AUTHORITY ACT  
**No. 42 of 1981**  
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## NORTHERN TERRITORY OF AUSTRALIA

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No. 42 of 1981

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### AN ACT

To establish the Palmerston Development Authority  
[Assented to 23 June 1981]

**B**E 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 Palmerston Development Authority Act 1981.

#### 2. EXPIRATION

(1) This Act shall expire on 30 June 1986.

(2) The estate or interest in any land held by the Authority immediately before the expiry date shall, on that date, by force of this section, be vested, both legally and beneficially, in the Territory.

(3) Subject to sub-section (2), the rights, assets and liabilities of the Authority existing immediately before the expiry date are acquired and accepted by the Territory.

(4) The Territory shall carry out and complete and give effect to all dealings, transactions or matters in relation to the acquisition of rights, assets and liabilities referred to in sub-section (3) that the Authority was required to carry out, complete or give effect to immediately before the expiry date as if the Territory were the Authority.

(5) Notwithstanding any law of the Territory, the Registrar-General shall, after the expiry date, without any other authority than this section, upon application by the Territory, amend all references to the Authority in the registers kept under the Real Property Act to read as references to the Territory.

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(6) In this section "expiry date" means 30 June 1986.

3. DEFINITIONS

In this Act, unless the contrary intention appears -

"Authority" means the Palmerston Development Authority;

"Chairman" means the Chairman of the Authority;

"member" means a member of the Authority and includes the Chairman;

"Palmerston" means the town of Palmerston;

"Palmerston town area" means the area from time to time included within the boundaries of Palmerston by proclamation under the Crown Lands Act.

4. ESTABLISHMENT OF THE AUTHORITY

(1) There is hereby established an Authority to be known as the Palmerston Development Authority.

(2) The Authority -

(a) is a body corporate with perpetual succession;

(b) shall have a common seal; and

(c) may, in its corporate name, acquire, hold and dispose of real and personal property and sue and be sued.

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

5. COMPOSITION OF AUTHORITY

(1) The Authority shall consist of the Chairman and 3 other members.

(2) The Minister shall appoint the members of the Authority, one of whom shall be appointed as Chairman, and each member shall, at the time of his appointment, be a person who is an employee within the meaning of the Public Service Act.

(3) The Minister may, in respect of each member, appoint an alternate who shall, at the time of his appointment, be an employee within the meaning of the Public Service Act, and such alternate shall, where a member is unable to attend a meeting of the Authority or to participate in the business of the Authority, have the powers of that member.

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(4) The appointment of a member or alternate shall terminate upon his ceasing to be an employee within the meaning of the Public Service Act.

### 6. CALLING OF MEETINGS

(1) The Chairman shall call such meetings of the Authority as he considers necessary for the exercise of its powers and the performance of its functions but so that the interval between successive meetings does not exceed 3 months.

(2) The Minister may, at any time in writing, direct the Chairman to convene a meeting of the Authority and the Chairman shall accordingly convene a meeting of the Authority, which meeting shall take place within 14 days after the receipt by the Chairman of the Minister's direction.

### 7. PROCEDURE AT MEETINGS

(1) At a meeting of the Authority -

(a) 3 members constitute a quorum;

(b) subject to sub-section (2), the Chairman shall preside;

(c) all questions shall be decided by a majority of the votes of the members present and voting; and

(d) the Chairman shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

(2) If the Chairman is for any reason unable to attend a meeting of the Authority, the other members may elect one of the members present to preside at that meeting and the member so elected shall at that meeting have the powers of the Chairman.

(3) The Authority shall keep a record of its proceedings.

(4) Subject to this Act, the Authority shall determine its own procedures.

### 8. DISCLOSURE OF INTEREST

(1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Authority, and the member -

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- (a) shall not, while he has that interest, take part, after the disclosure, in any deliberations or decision of the Authority in relation to that matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Authority in relation to that matter.

### 9. COMMITTEES

(1) The Authority may establish committees for the purpose of advising the Authority upon such matters related to its functions as may be referred to such committees by the Authority.

(2) A person may be appointed to a committee of the Authority whether or not he is a member.

(3) Where a person appointed to a committee of the Authority is not an employee within the Public Service Act, he may be paid such fees and allowances as would be payable to him if he were a local member of the Northern Territory Planning Authority.

### 10. DELEGATION OF POWERS OF AUTHORITY

(1) The Authority may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.

(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 Authority.

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

### 11. PERSONAL LIABILITY OF MEMBERS OF AUTHORITY

A member is not rendered personally liable to any action, claim or demand arising from -

- (a) a matter or thing done, or a contract entered into, by the Authority in good faith, in pursuance of this Act; or
- (b) a matter or thing done, or a contract entered into, by a member in good faith, in pursuance of this Act for and on behalf of the Authority.

### 12. FUNCTIONS OF AUTHORITY

Subject to this Act, the functions of the Authority are -

- (a) to co-ordinate and participate in the development and construction of and provision of services to Palmerston;

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- (b) to be responsible for the financial management and administration of the development of Palmerston;
- (c) to promote the development of Palmerston;
- (d) to obtain the necessary funds for the development of Palmerston;
- (e) to be responsible for the overall planning of the orderly development of Palmerston and to undertake such functions under the Planning Act as are assigned to it by this Act or regulations made under this Act;
- (f) to administer, manage and control Palmerston; and
- (g) to exercise and discharge such other functions as are conferred or imposed on it by or under any Act.

### 13. POWERS OF AUTHORITY

(1) The Authority has power to do all things necessary or convenient to be done for or in connection with the exercise of its powers and the performance of its functions.

(2) Without limiting the generality of sub-section (1), for the purpose of performing all or any of its functions, the Authority may, subject to this Act -

- (a) acquire, hold or dispose of any interest or right in or in relation to real or personal property;
- (b) determine the uses to which land within the Palmerston town area may be put;
- (c) construct, install and maintain services for Palmerston;
- (d) carry out works to develop, improve or maintain real or personal property owned by or under the control of the Authority;
- (e) engage consultants and make arrangements to be provided with such technical advice as it thinks fit; and
- (f) exercise such powers as are assigned to it or delegated to it under the Crown Lands Act.

(3) For the purposes of its functions under this Act, the Authority may borrow money from -

- (a) the Territory or the Treasurer; or
- (b) with the Treasurer's approval, a statutory corporation or a financial institution.

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### 14. CONTRACTS BY AUTHORITY

(1) The Authority may enter into such agreements as are necessary or convenient for or in connection with or incidental to the exercise of its powers and the performance of its functions.

(2) The Authority may, in the exercise of its powers under section 13 enter into contracts as the agent of the Territory, and may assume the rights and liabilities of the Territory in relation to any such contracts as may have been entered into by the Territory prior to the commencement of this Act.

### 15. GRANTS OF CROWN LAND

(1) Subject to this Act and the Crown Lands Act, the Minister may, upon receiving a request from the Authority to that effect, make a grant of Crown land within the Palmerston town area to the person nominated by the Authority in its request.

(2) The Treasurer may pay to the Authority for use by the Authority for the purposes of this Act, the moneys received by the Territory as consideration for a grant made under sub-section (1).

### 16. PLANNING

(1) Subject to this section, the Planning Act shall apply to the Palmerston town area.

(2) The Authority shall, in relation to the Palmerston town area, other than such part or parts of that area as the Minister, in accordance with section 10 of the Planning Act, specifies after the commencement of this Act to be a separate planning area, exercise the powers and perform the functions of the Northern Territory Planning Authority and shall, unless a planning instrument otherwise provides, be the consent authority for subdivision applications under Part V of, and development applications under Part VI of, the Planning Act.

(3) A planning instrument made in respect of the Palmerston town area shall continue to apply in relation to an area that is subsequently specified by the Minister to be a separate planning area in such a manner that the powers and functions in relation to that planning instrument exercised and performed prior to that specification by the Authority shall be exercised and performed by the Northern Territory Planning Authority in accordance with the Planning Act.

(4) In exercising its powers in relation to the preparation of draft planning instruments, the Authority need not comply with the provisions of Part III of the Planning Act relating to the exhibition of draft planning instruments unless the Minister, in a particular case, otherwise directs.

(5) The provisions of Part II of the Planning Act relating to the constitution and procedures of the Northern Territory Planning Authority shall not apply to the Authority.

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(6) Subject to sub-section (3), a planning instrument may, in respect of a matter to which this sub-section is expressed in the instrument to apply, make provision for the Authority to determine, within the parameters and to the extent stated in the instrument, the manner in which that matter shall be resolved, and any such determination may be expressed by words or contained in a plan or plans to be annexed to the instrument.

(7) The Authority shall not make a determination in accordance with sub-section (6) affecting land held under a Crown lease or an estate in fee simple unless the lessee or owner has been given an opportunity to make representation to the Authority.

(8) A determination made in accordance with sub-section (6) shall, upon being made by the Authority, be signed by the Chairman and become effective when notification of the determination is published in the Gazette.

### 17. LOCAL GOVERNMENT

(1) The Minister may, by notice in the Gazette, declare that such sections of the Local Government Act as are specified in the notice shall apply to and in relation to the Authority and to and in relation to the Palmerston town area.

(2) Upon the publication of a notice in pursuance of sub-section (1), the Authority has and may exercise the powers and has and may perform the functions included in the sections of the Local Government Act so applied as though -

- (a) references in the Local Government Act to a council were references to the Authority; and
- (b) references in the Local Government Act to a municipality were references to Palmerston or the Palmerston town area.

### 18. RESERVES AND ROADS

The Authority shall act as the agent of the Territory in relation to the control and management of land within the Palmerston town area vested in the Territory by virtue of the operation of section 99(1) of the Planning Act and, when acting as the agent of the Territory, shall have the benefit of the same exclusion from liability for damage to property resulting from the exercise of its powers as has the Territory.

### 19. MINISTERIAL CONTROL

The Authority is, in the exercise of its powers and the performance of its functions, except in relation to the preparation of a report or recommendation made to the Minister, subject to the directions of the Minister.



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20. MONEYS OF AUTHORITY

The moneys of the Authority consist of -

- (a) moneys paid to the Authority out of money appropriated for the purpose by the Legislative Assembly;
- (b) moneys paid to the Authority by the Territory pursuant to section 15(2);
- (c) such moneys as the Authority receives in the exercise of its powers and the performance of its functions; and
- (d) moneys lent to the Authority by the Territory or the Treasurer, or by a statutory corporation or a financial institution.

21. REGULATIONS

The Administrator may make regulations not inconsistent with this Act prescribing all matters required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for or in connection with the carrying out of this Act.

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