



# THE NORTHERN TERRITORY OF AUSTRALIA

No. 39 of 1981

## AN ACT

To amend the Local Government Act

[Assented to 8 April 1981]

**B**<sup>E</sup> 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 1981.

### 2. PRINCIPAL ACT

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

### 3. COMMENCEMENT

(1) Sections 8, 9, 10, 11 and 12 shall respectively come into operation on the respective dates to be fixed by the Administrator by notice in the Gazette.

(2) Subject to sub-section (1), this Act shall come into operation on the date on which the Administrator's assent is declared.

### 4. DEFINITIONS

Section 5 of the Principal Act is amended -

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

"'footpath' means that part of a road vested in a council which has been made or set apart for use otherwise than for the passage or accommodation of motor vehicles;"; and

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

"rate" means a rate declared by a council in pursuance of the provisions of this Act and includes a penalty rate added under section 190;".

### 5. GENERAL POWERS OF ADMINISTRATOR

Section 8 of the Principal Act is amended by inserting after sub-section (2) the following sub-section:

"(2A) The Administrator shall, in the notice constituting a municipality, state whether the municipality is to be known as a city, town or shire."

### 6. REPEAL AND SUBSTITUTION

Section 29 of the Principal Act is repealed and the following section substituted:

#### "29. NAME OF COUNCIL

"(1) The council of a municipality shall be known by one of the following titles -

- (a) the Council of the City of .....
- (b) the Council of the Town of .....
- (c) the Council of the Shire of .....
- (d) the ..... City Council;
- (e) the ..... Town Council; or
- (f) the ..... Shire Council.

"(2) The Council of a city, town or shire shall by resolution adopt, as the title by which it shall be known, one or other of the forms of the appropriate title set out in sub-section (1)."

### 7. REPEAL AND SUBSTITUTION

Section 52 of the Principal Act is repealed and the following section substituted:

#### "52. FILLING OF EXTRAORDINARY VACANCIES

"(1) Where an office of mayor or alderman becomes vacant more than one year before the next succeeding ordinary election, a supplementary election to fill the extraordinary vacancy shall be held in accordance with this Act.

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"(2) Where an office of an alderman becomes vacant less than one year before the next succeeding ordinary election, the extraordinary vacancy so created may be filled by the appointment by the council of a person to act as an alderman until that election takes place, but if no appointment is made the vacancy shall not be filled before that election.

"(3) Where an office of mayor becomes vacant less than one year before the next succeeding ordinary election, the council shall appoint an alderman from the municipality to be mayor and such an alderman shall hold office as mayor until the conclusion of that election."

### 8. NEW SECTION

The Principal Act is amended by inserting after section 165B the following section:

#### "165C. RATES IN RESPECT OF URBAN FARM LAND

"(1) In this section -

'urban farm land' means any parcel of land in a municipality which is more than 0.8 hectare in area and which is wholly or mainly used for the time being by the occupier for carrying on one or more of the businesses or industries of grazing, dairying, pig farming, poultry farming, viticulture, fruit growing, bee-keeping, horticulture or vegetable growing or the growing of crops of any kind and from which businesses or industries the occupier derives the whole or a substantial part of his livelihood.

"(2) Where the owner of a parcel of rateable land in a municipality considers that land to be urban farm land he may, if the rate book does not state that that land is urban farm land, by notice in writing given to the council, request that the necessary statement be included in the rate book, and the council shall consider such notice and, if satisfied that the rate book should be amended, proceed in accordance with the provisions of sections 151 and 152.

"(3) The council shall, in any case where it considers that a parcel of rateable land stated in the rate book to be urban farm land has ceased to be urban farm land, by resolution direct the clerk to make the necessary alteration in the rate book.

"(4) The council may, when declaring a general rate in accordance with section 158, include in its resolution a declaration specifying the proportion, not exceeding 50%, by which the general rate levied in respect of those parcels of rateable land at that time shown in the rate book as urban farm land shall be reduced.

"(5) For the purposes of this section, the council or a person authorized by resolution of the council may, by notice in writing, require any person who is the owner or occupier of land -

(a) stated in the rate book to be urban farm land; or

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(b) which is the subject of a notice given under sub-section (2), to furnish to the council or the authorized person such information in the possession or under the control of the person, or to which the person has access, as may be requested in the notice.

"(6) A person shall not, without lawful excuse, fail to answer a question put to him by the council or person authorized by the council or to furnish any information required by the council or an authorized person pursuant to sub-section (5).

Penalty: \$200."

### 9. APPEALS REGARDING ENTRY IN RATE BOOK

Section 169 of the Principal Act is amended by inserting in paragraph (c), after "rateable land", the words "or is or remains urban farm land as defined in section 165C."

### 10. NEW SECTION

The Principal Act is amended by inserting after section 189 the following section:

#### "189A. DISCOUNT FOR PROMPT PAYMENT OF RATES

"A council may by resolution declare that a discount of such proportion not exceeding 10% of the rate payable as it may determine shall be granted to any person paying before the due date the full amount of the rate for the current year."

### 11. REPEAL, SUBSTITUTION AND SAVINGS

(1) Section 190 of the Principal Act is repealed and the following section substituted:

#### "190. PENALTY RATE FOR LATE PAYMENT OF RATES

"When a rate or part of a rate remains unpaid after the expiration of 3 months after the date upon which it became due and payable, there shall be added to the amount of rates in arrears:

- (a) on the day on which the rates are first in arrears - a penalty rate of 10% of the amount in arrears; and
- (b) upon the expiration of each month from that day - a further penalty rate of 1% of the total amount in arrears (including the amount of any previous unpaid penalty rate)."

(2) Notwithstanding the repeal effected by sub-section (1), where a rate or any part of a rate due and payable before the date of commencement of this section is in arrears on that date, a penalty rate of 1% of the amount in arrears (including the amount of any previous unpaid penalty rate) shall be added to the amount in arrears on that date and on the expiration of each successive month during which the rates continue in arrears.

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12. PURPOSES FOR WHICH REVENUE MAY BE EXPENDED

Section 210 of the Principal Act is amended -

(a) by inserting after paragraph (1)(a) the following paragraph:

"(aa) in payment of discounts for prompt payment of rates;"; and

(b) by repealing sub-section (2).

13. NEW SECTION

The Principal Act is amended by inserting after section 210A the following section:

"210B. QUARTERLY STATEMENTS OF EXPENDITURE

"The clerk shall cause quarterly statements, comparing actual expenditure with the estimates, to be submitted to the Minister in such form as the Minister may require."

14. MANNER OF SIGNING CHEQUES

Section 212 of the Principal Act is amended by omitting "4 dollars" and substituting "\$50 or such other sum as the Minister may determine from time to time".

15. PETTY CASH

Section 213(1) of the Principal Act is amended by omitting "4 dollars" and substituting "\$50 or such other sum as the Minister may determine from time to time".

16. NEW SECTIONS

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

"232A. INVESTMENT OF SURPLUS FUNDS

"The council may invest any funds of the council in any securities of, or guaranteed by the Commonwealth or the Territory or in any investment in which trustees are by the law of the Territory authorized to invest trust funds."

"232B. INSURANCE RESERVES

"A council may expend its moneys in providing a reserve fund or funds for the purpose of meeting claims or making payments in respect of insurable risks other than workmen's compensation or public liability."

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