

# NORTHERN TERRITORY OF AUSTRALIA

## LOCAL GOVERNMENT AMENDMENT ACT 2021

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### Act No. 15 of 2021

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 15 of 2021

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An Act to amend the *Local Government Act 2019*

[Assented to 25 May 2021]  
[Introduced 24 March 2021]

The Legislative Assembly of the Northern Territory enacts as follows:

## 1 Short title

This Act may be cited as the *Local Government Amendment Act 2021*.

## 2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

## 3 Act amended

This Act amends the *Local Government Act 2019*.

## 4 Section 7 amended (Definitions)

(1) Section 7, definition ***elector***

*omit*

(2) Section 7

*insert*

***corporation***, for Chapter 8, Part 8.6, see section 147(1).

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**disposition of property**, for Chapter 8, Part 8.6, see section 147(1).

**election** means a general election or a by-election.

**election day** means the day fixed by or under this Act for an election.

**elector**, for an area or a ward, means a person:

- (a) who is an elector within the meaning of section 3 of the *Electoral Act 2004*; and
- (b) who is enrolled within the meaning of section 3 of the *Electoral Act 2004* in respect of a place of residence that is in the ward or area.

**electoral roll** means a roll of electors prepared by the Electoral Commission for an area or a ward under section 139.

**entity**, for Chapter 8, Part 8.6, see section 147(1).

**loan**, for Chapter 8, Part 8.6, see section 147(1).

- (3) Section 7, definitions **campaign donation return, details** and **disclosure period**

*omit*

147

*insert*

147(1)

## **5 Section 30 amended (Considerations for determination)**

Section 30(1)(a)

*omit*

polling day of

*insert*

election day for

---

**6 Section 136 amended (By-elections)**

- (1) Section 136(4)(a)(ii) and (7)

*omit*

56(3)

*insert*

56(7)

- (2) Section 136(6), note

*omit, insert*

*Note for subsection (6)*

*See section 141 for the requirements in relation to the conduct of an election or poll of electors.*

**7 Section 137 amended (Resolution for mandatory postal vote election)**

Section 137(2)

*omit*

56(3)

*insert*

56(7)

**8 Section 138 replaced**

Section 138

*repeal, insert*

**138 Entitlement to vote**

A person is entitled to vote at an election or a poll of electors for an area or a ward if:

- (a) the person is an elector for the area or ward in which the election or poll is to be conducted on the date on which the electoral roll for the election or poll closes; or

- 
- (b) subject to any requirements prescribed by the regulations, the person is entitled under the *Electoral Act 2004* to be enrolled as an elector for the area or ward in which the election or poll is to be conducted.

## **9 Section 147 amended (Definitions)**

- (1) Section 147, heading

*omit, insert*

### **147 Interpretation**

- (2) Section 147, before "In"

*insert*

(1)

- (3) Section 147, definitions ***disclosure period*** and ***donation***

*omit*

- (4) Section 147

*insert*

***corporation*** means a corporation as defined in section 57A of the *Corporations Act 2001* (Cth).

***disclosure period*** means:

- (a) for a periodic general election held under section 135 – the period mentioned in section 149(1); or
- (b) for a general election held under section 134 or 319 – the period mentioned in section 149(2); or
- (c) for a by-election – the period mentioned in section 149(3).

***disposition of property*** means a disposition of property as defined in section 176 of the *Electoral Act 2004*.

***donation*** means any disposition of property made by a person or entity to someone else without consideration in money or money's worth or with inadequate consideration, and includes providing a service for no consideration or for inadequate consideration, but does not include:

- (a) a disposition of property by will; or

- 
- (b) volunteer labour provided by a person that is:
    - (i) conducted outside the person's normal working hours or while the person is on leave; and
    - (ii) not remunerated; or
  - (c) such a disposition of property or service provided to a candidate for election:
    - (i) that is made in a private capacity to the candidate for the candidate's personal use; and
    - (ii) that the candidate has not used, and will not use, solely or substantially for a purpose related to an election.

**entity**, see section 176 of the *Electoral Act 2004*.

**loan**, see section 176 of the *Electoral Act 2004*.

- (5) Section 147, at the end

*insert*

- (2) For this Part, the regulations may:
  - (a) prescribe matters relating to methods or processes for determining the value of a donation; and
  - (b) broaden or narrow the definition of **donation**.

## **10 Section 148 amended (Campaign donation return)**

- (1) Section 148(1)

*omit*

in a periodic general election, general election or by-election

*insert*

for election who received a donation or loan during the disclosure period for that election

- (2) Section 148(2), after "The"

*insert*

campaign donation

---

(3) After section 148(2)

*insert*

- (3) Despite subsection (1), a candidate for election is not required to give a campaign donation return for:
- (a) a donation from a person or entity if the amount or value of the donation and the sum of all other donations made by the person or entity to the candidate during the disclosure period for the election is less than \$200; or
  - (b) a loan from a person or entity (the ***lender***) to the candidate if:
    - (i) the lender is an ADI; or
    - (ii) the amount or value of the loan is less than \$1 500.

## **11 Section 149 replaced**

Section 149

*repeal, insert*

### **149 Disclosure period**

- (1) The disclosure period for a periodic general election held under section 135 is the period beginning on 1 July in the year before the year in which the election is to be held and ending 30 days after the election day for the election.
- (2) The disclosure period for a general election held under section 134 or 319 is:
  - (a) if the general election is to be held in the same year that a periodic general election is scheduled to be held under section 135 – the period beginning on 1 July in the year before the year in which the election is to be held and ending 30 days after the election day for the election; or
  - (b) otherwise – the period beginning on 1 July preceding the day on which the general election is to be held and ending 30 days after the election day for the election.
- (3) The disclosure period for a by-election is the period beginning on 1 July preceding the day on which the by-election is to be held and ending 30 days after the election day for the election.



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**12      Section 150 amended (Candidate to know details for donation or loan)**

Section 150, after "person"

*insert*

or entity

**13      Section 151 amended (Contents of return)**

(1)      Section 151(1)

*omit*

The campaign donation return must set out the following:

*insert*

A campaign donation return must include the following information for the disclosure period:

(2)      Section 151(2)

*omit*

(3)      Section 151(3)

*omit (all references)*

return

*insert*

campaign donation return

(4)      Section 151(4), after "specified in the"

*insert*

campaign donation

**14      Section 152 amended (Incomplete return)**

(1)      Section 152, heading, after "**Incomplete**"

*insert*

**campaign donation**

- 
- (2) Section 152(a) and (b)(i)  
*omit*  
return  
*insert*  
campaign donation return
- (3) After section 152(a)  
*insert*  
(ab) give the Electoral Commission the campaign donation return  
so prepared; and
- (4) Section 152(b)(ii) and (iii)  
*omit*  
particulars  
*insert*  
information
- (5) Section 152(b)(iv)  
*omit*  
give the particulars  
*insert*  
provide the information

**15 Section 153 amended (Permission to amend return)**

- (1) Section 153, heading, after "**amend**"  
*insert*  
**campaign donation**
- (2) Section 153, before "A"  
*insert*  
(1)

- 
- (3) Section 153(a) and (b), after "amend a"

*insert*

campaign donation

- (4) Section 153, at the end

*insert*

- (2) The amendment of a campaign donation return under this section does not affect the liability of a candidate for an offence against section 154(2).

## **16 Section 154 amended (Offences)**

- (1) Before section 154(1)(a) and (2)(a)

*insert*

(aa) the candidate is required to give the Electoral Commission a campaign donation return for the disclosure period under section 148; and

- (2) Section 154(1)(b)

*omit*

return in the time required

*insert*

campaign donation return within the time required under section 148(1)

- (3) Section 154(2)(b), after "incomplete"

*insert*

campaign donation

## **17 Section 179 amended (Offences for conflict of interest)**

- (1) Section 179(1)(b) and (2)(b), after "which the"

*insert*

staff

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(2) Section 179(5) and (6)

*omit*

(1)(b)

*insert*

(2)(c)

**18 Section 186 amended (Return of identity card)**

Section 186(1)

*omit*

officer

*insert*

person

**19 Section 291 amended (Content of annual report)**

Section 291(1)(e)

*omit*

made

*insert*

paid

**20 Section 336 amended (Misleading information)**

Section 336(4)(f)

*omit*

officer

*insert*

person

---

**21 Section 343 amended (Regulations)**

- (1) Section 343(2)(b)  
*omit*  
time.  
*insert*  
time;
- (2) After section 343(2)(b)  
*insert*
- (c) matters relating to methods or processes for determining a person's entitlement to vote at an election or a poll of electors under section 138(b);
  - (d) matters relating to how a person who is entitled to vote at an election or a poll of electors under section 138(b) may vote at the election or poll.
- (3) After section 343(2)  
*insert*
- (3) The regulations may:
- (a) make different provision in relation to:
    - (i) different persons or matters; or
    - (ii) different classes of persons or matters; and
  - (b) apply differently by reference to stated exceptions or factors.

**22 Section 357 amended (Local authorities)**

- (1) Section 357(2)  
*omit*  
is taken  
*insert*  
are taken

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(2) Section 357(4)

*omit*

75(1)(b)

*insert*

77(1)(b)

**23 Section 365 amended (Adoption of code of conduct and policies by councils)**

(1) Section 365, heading

*omit*

**code of conduct and**

(2) Section 365(1)(c)

*omit*

120

*insert*

121

**24 Schedule 3 amended (Information to be publicly available)**

(1) Schedule 3

*omit (all references)*

polling day

*insert*

election day

(2) Schedule 3

*omit*

early voting centres, absentee voting centres, mobile polling places  
and other polling places

*insert*

voting centres

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**25      Schedule 5 amended (Other legislation amended)**

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Schedule 5, entry for *Planning Act 1999*

*omit, insert*

***Planning Act 1999***

section 3(1), definitions      whole definition  
***local authority*** and  
***Local Government***  
***Association***

section 3(1)

***prescribed***  
***corporation*** means the  
corporation prescribed  
under section 9 of the  
*Local Government*  
*Act 2019*.

section 3(1), definition  
***consolidation***,  
paragraph (d)

local authority under  
section 187(3) of the  
*Local Government*  
*Act 2008*

local government  
council under  
section 272(3) of the  
*Local Government*  
*Act 2019*

the local authority

the local government  
council

section 3(1), definition  
***council area***

*2008*

*2019*

section 3(1), definitions  
***development***,  
paragraph (c)(iv)(A)  
and ***statutory***  
***corporation***

local authority

local government  
council

section 5(2)(a)(ii)

*2008*

*2019*

section 5(2)(a)(iii)

local authority under  
section 187(3) of the  
*Local Government*  
*Act 2008*

local government  
council under  
section 272(3) of the  
*Local Government*  
*Act 2019*

section 19, heading

**local authority**

**local government  
council**

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sections 19(1), (2) and (3), 22(4), (5), (7)(a) and (b) and (9) and 25(5)	local authority	local government council
section 30H, heading	<b>local authority</b>	<b>local government council</b>
sections 30H(1) and (3), 30M(4) and (5), 30X(2)(b) and (4), 30Y(2)(b) and (4), and 30Z(2)(b) and (4)	local authority ( <i>all references</i> )	local government council
section 48, heading	<b>local authority</b>	<b>local government council</b>
sections 48(1) and (2) and 49(3), (6) and (7)	local authority ( <i>all references</i> )	local government council
section 50(2)	local authority	local government council
	the authority	the council
sections 50(5), 53A(2)(b) and (4), 53B(2)(b) and (4), 53C(1)(b) and (3) and 60(1)(e)	local authority ( <i>all references</i> )	local government council
section 64(3)	<i>2008</i>	<i>2019</i>
section 68(1), (2), (3)(a), (5) and (7)	local authority ( <i>all references</i> )	local government council
section 69(2)	local authority	local government council
	local authority's	local government council's
sections 70(5) and (6) and 71(2)(b)	local authority	local government council
section 71(3)	local authority	local government council
	the authority	the council or the authority



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section 72, heading	<b>local authority</b>	<b>local government council</b>
sections 72(1) and (2) and 73(1) and (3)	local authority	local government council
section 73(2)(b)(ii)	local authority	local government council
	<i>2008</i>	<i>2019</i>
section 74	local authority ( <i>all references</i> )	local government council
section 81F(1)(e) and (3)	Local Government Association	prescribed corporation
section 81H(1)(c)	Local Government Association the Association	prescribed corporation the corporation
sections 83(3), 89(1)(a) and (b) and (3), 91(1), (3) and (4) and 92(2) and (4), 98A(1), (2) and (3), 100A(2)(c) and (3), 115(3)(a) and (b) and (5)(b), 117(1AA) to (3), 118A(c)	local authority ( <i>all references</i> )	local government council
section 120, heading	<b>Authorities</b>	<b>Authorities and local government councils</b>
sections 120(2), 130(5)(a) and (b) and (6)	local authority	local government council

## 26 Repeal of Act

This Act is repealed on the day after it commences.