

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT 2025

Act No. 15 of 2025

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 15 of 2025

An Act to amend the *Local Government Act 2019* and the *Local Government (General) Regulations 2021*

[Assented to 6 June 2025]
[Introduced 19 March 2025]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Local Government Legislation Amendment Act 2025*.

2 Commencement

- (1) Subject to subsection (2), this Act commences on the day fixed by the Administrator by *Gazette* notice.
- (2) If a provision of this Act does not commence before 18 March 2027, it commences on that day.

Part 2 Amendment of Local Government Act 2019

3 Act amended

This Part amends the *Local Government Act 2019*.

4 Section 7 amended (Definitions)

- (1) Section 7, definition ***public notice***

omit

- (2) Section 7

insert

prospective council means a prospective council established under section 19(2).

5 Section 19 amended (Prospective council)

- (1) Section 19(2) and (7)(a), after "for the"

insert

intended

- (2) Section 19(7)

omit

has

insert

has, subject to section 19A,

- (3) Section 19(8)

omit, insert

- (8) When a local government area is constituted for the area for which the prospective council is established:

(a) the prospective council becomes the council for the local government area and all rights, liabilities and obligations of the prospective council become the rights, liabilities and obligations of the local government council; and

(b) the person appointed to constitute the prospective council under subsection (6) constitutes the local government council until the day after the day on which the result of the general election for the council for the local government area is declared.

6 Sections 19A, 19B and 19C inserted

After section 19

insert

19A Protection from liability

- (1) A person appointed to constitute a prospective council under section 19(6) is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function under this Act.
- (2) Any civil liability that would, but for this section, attach to the person, attaches instead to the prospective council.
- (3) In this section:

exercise of a power includes the purported exercise of the power.

performance of a function includes the purported performance of the function.

19B Performance of council functions before election of members of local government council

- (1) If a prospective council is established for an area of the Territory (the **prospective LGA**) that is already part of a local government area constituted under this Act (the **existing LGA**), the local government council for the existing LGA (the **existing LGC**) must continue to perform its functions in relation to the prospective LGA until the day mentioned in section 19(8)(b).
- (2) Despite subsection (1), the Administrator or the Minister may, by *Gazette* notice, make an order specifying the functions of the prospective council and the existing LGC in relation to the prospective LGA until the day mentioned in section 19(8)(b).

19C Other transitional orders

- (1) The Administrator or the Minister may, by *Gazette* notice, make an order in relation to a local government council or prospective council if the Administrator or Minister considers it necessary or desirable as a consequence of:
 - (a) the constitution or abolition of a local government area; or
 - (b) the merging of 2 or more local government areas; or

- (c) the division of a local government area into 2 or more local government areas; or
 - (d) a change to the boundaries of a local government area.
- (2) A order under subsection (1) may:
- (a) require a local government council for an area for which a prospective council is established to share specified information with the prospective council that is reasonably necessary for the prospective council to establish the operations of the council; and
 - (b) provide for other transitional matters to give effect to a matter mentioned in subsection (1).

Example for subsection (2)(a)

Information about the following:

- (a) *accrued entitlements of relevant council employees;*
 - (b) *assets owned by the local government council;*
 - (c) *council rates payable in relation to the area for which the prospective council was established.*
- (3) A local government council or prospective council in relation to which an order is made under this section must comply with the order.
- (4) The CEO of the council and the person constituting the prospective council must take all reasonable steps to facilitate the council's or the prospective council's compliance with the order.

7 Section 28 amended (Powers of committee)

- (1) Section 28(1) and (2)

omit

determine:

insert

recommend:

- (2) Section 28(2) and (3)

omit (all references)

determination

insert

recommendation

- (3) Section 28(4)

omit

also make

insert

make other

8 Section 35 amended (Municipal, regional or shire plans)

- (1) Section 35(3)(c)

omit

and in a newspaper circulating generally in the area

- (2) Section 35(3)(c), after "date of"

insert

publication of

9 Section 54 amended (Filling casual vacancy generally)

- (1) Section 54(2)

omit, insert

- (2) If a casual vacancy occurs:

- (a) 18 months or more before the next general election – the council must hold a by-election; or
- (b) less than 18 months, but more than 6 months, before the next general election – the council must, by vote of existing members, do one of the following:
 - (i) decide to appoint a person to fill the vacancy until the next general election;
 - (ii) hold a by-election; or

(c) 6 months or less before the next general election – the council must, by vote of existing members, do one of the following:

(i) appoint a person to fill the vacancy until the next general election;

(ii) leave the office vacant.

(2) Section 54(3)

omit

subsection (2)(a) or (b)

insert

subsection (2)(b) or (c)

10 Section 55 amended (Reinstatement if members stands as candidate)

Section 55(1)(d)

omit

known

insert

declared

11 Section 65 amended (Filling casual vacancies – principal member)

(1) Section 65(2)(b) and (3)(b) and (c)

omit

election:

insert

election – must, by vote of existing members, do one of the following:

(2) Section 65(2)(b)(i) and (3)(c)(i)

omit

may, by vote of existing members,

- (3) Section 65(2)(b)(i), (3)(b)(i) and (c)(i) and (ii)

omit

or

- (4) Section 65(2)(b)(ii), (3)(b)(ii) and (c)(ii) and (iii)

omit

may

- (5) Section 65(3)(b)(i)

omit

may, by a vote of existing members,

12 Section 93 amended (Publication of notice)

- (1) Section 93(1)(a) and (b)

omit, insert

- (a) for an ordinary meeting – must be published on the council's website at least 3 business days before the date of the meeting; and
- (b) for a special meeting – must be published on the council's website at least 4 hours before the time of the meeting.

- (2) Section 93(3)

omit

- (3) Section 93(4) and (5)

omit

and posted

13 Section 97 amended (Convening of meetings)

- (1) Section 97(3)(d)

omit

meeting; and

insert

meeting.

(2) Section 97(3)(e)

omit

14 Section 100 amended (Postponement of meeting)

(1) Section 100(2)

omit

be:

insert

be published on the council's website.

(2) Section 100(2)(a) and (b) and (5)(a) and (b)

omit

(3) Section 100(5)

omit

regulation:

insert

regulation, published on the council's website.

15 Section 103 amended (Calling meeting of electors)

(1) Section 103(3)(b)

omit

office; and

insert

office.

(2) Section 103(3)(c)

omit

16 Section 136 amended (By-elections)

(1) Section 136(1)

omit, insert

- (1) This section applies to a by-election that is to be held under the following:
- (a) section 54(2)(a) or (b)(ii), 65(3) or 134(3);
 - (b) a provision prescribed by regulation.
- (2) Section 136(4)
- omit*
- must be held under section 54(2)(c),
- insert*
- is to be held under section 54(2)(a) or (b)(ii),

17 Section 164 amended (Offences relating to campaign material)

Section 164(2)(a)

omit

by advertisement in a newspaper

insert

on the council's website

18 Section 169 amended (Vacancy)

- (1) Section 169, before "If"

insert

(1)

- (2) Section 169(a)

omit

6 weeks

insert

8 weeks

- (3) Section 169, at the end

insert

- (2) The CEO of the Agency may, in writing, extend the period

mentioned in subsection (1)(a) for a further specified period if the CEO is satisfied that there are exceptional circumstances justifying the extension.

19 Section 203 amended (Adoption of budget or amended budget)

(1) Section 203(4)(b)

omit

budget; and

insert

budget.

(2) Section 203(4)(c)

omit

20 Section 237 amended (General rates)

Section 237(1)

omit, insert

- (1) On or before 30 June in the financial year preceding a financial year for which rates are imposed, a council must, by resolution, declare rates (**general rates**) on allotments throughout the area to raise the amount the council intends to raise for general purposes for the financial year.

21 Section 238 amended (Special rates)

Section 238(2)(a)

omit

and in a newspaper circulating generally in the area

22 Section 239 amended (Imposition of charges)

Section 239(1)

omit, insert

- (1) A council may, by resolution, declare a charge on land within its area if the council carries out work or provides services for the benefit of the land or the occupiers of the land.

23 Section 241 amended (Public notice)

- (1) Section 241(1)
omit
rates:
insert
rates on its website.
- (2) Section 241(1)(a) and (b)
omit

24 Section 260 amended (Sale of land)

- Section 260(4)(a)
omit
website; and
insert
website no later than 21 days before the auction; and

25 Section 278 amended (Making by-laws)

- (1) Section 278(1)(a)(i)
omit, insert
- (i) publish the following on its website:
 - (A) the proposed by-law;
 - (B) a document explaining the general nature and effect of the by-law; and
- (2) Section 278(1)(a)(iii)
omit

26 Section 290 amended (Annual reports)

Section 290(2)(b)

omit, insert

- (b) make copies of the report available to be obtained from the council's public office; and

27 Section 300 amended (Agency must report on results of compliance review)

Section 300(3) and (4)

omit, insert

- (3) A copy of the report must be provided to the following:
- (a) for a report related to a council – to the CEO and principal member of the council;
 - (b) for a report related to a local government subsidiary – to the chief executive of the local government subsidiary and the principal member of each constituent council or councils.
- (4) As soon as practicable after receiving a report related to a council under subsection (3)(a), the CEO and the principal member must ensure a copy of the report is provided to each other member of the council.
- (5) As soon as practicable after receiving a report related to a local government subsidiary under subsection (3)(b):
- (a) the chief executive must ensure that a copy of the report is provided to all members of the constituent council or councils; and
 - (b) the principal member of each constituent council must ensure that a copy of the report is provided to each other member of their council.

28 Section 318 amended (Official management of councils)

After section 318(2)(a)

insert

- (ab) a suspended member is not entitled to any remuneration, allowances, expenses or benefits during the period of suspension; and

29 Chapter 21, Part 3 inserted

After section 368

insert

**Part 3 Transitional matters for Local Government
Legislation Amendment Act 2025****369 Definition**

In this Part:

amending Act means the *Local Government Legislation Amendment Act 2025*.

370 Application of amendments related to prospective councils

- (1) The amendments to section 19 of the Act made by section 5 of the amending Act do not apply to a prospective council established before the commencement of section 5 of the amending Act.
- (2) Sections 19B and 19C do not apply to a prospective council established before the commencement of section 6 of the amending Act.

371 Application of section 318

The amendments to section 318 made by section 28 of the amending Act do not apply in relation to a council that is placed under official management before the commencement of section 32 of the amending Act.

30 Act further amended

The Schedule has effect.

**Part 3 Amendment of Local Government (General)
Regulations 2021****31 Regulations amended**

This Part amends the *Local Government (General) Regulations 2021*.

32 Regulation 35 amended (Public quotations)

- (1) Regulation 35(2)(a)(i)

omit

in a newspaper circulating in the council's area and by notice

- (2) Regulation 35(2)(a)(ii)

omit

in a newspaper circulating in the Territory and by notice

33 Regulation 36 amended (Tenders by council or local government subsidiary)

- (1) Regulation 36(2)(a)

omit

in a newspaper circulating in the council's area and by notice

- (2) Regulation 36(2)(b)

omit

in a newspaper circulating in the Territory and by notice

34 Regulation 102 amended (Timeframes for requirements for meetings)

Regulation 102(3)

omit

35 Regulation 103 amended (Notice requirements for meeting of council committee or local authority)

- (1) Regulation 103(4)

omit

- (2) Regulation 103(5) and (6)

omit

and posted

36 Regulation 105 amended (Notice of postponement of meeting)

(1) Regulation 105(1)

omit

and posted on the notice board at the council's public office

(2) Regulation 105(2)

omit

and posted

37 Regulation 109 amended (Requirements for appointment to office of CEO)

Regulation 109(1)(a)

omit

, including by newspaper circulating in the area

38 Regulation 110 amended (Vacancy in office of CEO)

Regulation 110, note

omit

6 weeks

insert

8 weeks

Part 4 Act repealed

39 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Act further amended

section 30

| Provision | Amendment | |
|---------------------------------------|--------------------------------------------|------------------------|
| | <i>omit</i> | <i>insert</i> |
| section 30, heading | determination | recommendation |
| section 30(1) | determination (<i>all references</i>) | recommendation |
| section 30(1)(a), before "general" | | periodic |
| section 30(1)(c)(ii) | determinations | recommendations |
| section 30(4) and (5) | whole subsection | |
| section 31, heading | determinations | recommendations |
| section 31 | determination | recommendation |
| section 32(1) | determines | recommends |
| section 32(2) | determination | recommendation |
| section 201(2) | (h) include | (ha) include |
