

Serial 196
Local Government
(Validation)
Mr Palmer

NORTHERN TERRITORY OF AUSTRALIA
LOCAL GOVERNMENT (VALIDATION) BILL 1996

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to validate the constitution and subsequent actions
of certain community government councils and
for related purposes

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 (Validation) Act 1996*.

2. INTERPRETATION

A word or expression defined in the *Local Government Act* and used in this Act has the same meaning as it has in the *Local Government Act*.

3. VALIDATIONS

(1) A decision or action during the period commencing on 1 June 1994 until the commencement of this Act made or taken by or on behalf of a community government council in the purported exercise of its powers or the performance of its functions, and the consequences of the decision or action, is declared to

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be, and always to have been, as valid and effectual as if the offices of the members of the council had not become vacant as a consequence of the operation of section 11(1)(d) of the *Local Government Act*.

(2) The office of a member of a community government council that during the period referred to in subsection (1) became vacant as a consequence of the operation of section 11(1)(d) of *Local Government Act* is declared not to have become vacant by force of that section.

(3) Despite subsection (2), on the commencement of this Act a member referred to in that subsection must not act in the office until the declaration prescribed for the purposes of section 10 of the *Local Government Act* is made and lodged with the clerk of the community government council or a person nominated by the Minister, and the office becomes vacant where the member fails to complete the declaration, or lodge it, within 3 months of that commencement.

(4) A decision or action taken by or on behalf of the Wulugarr Community Government Council in the purported exercise of its powers or the performance of its functions, and the consequences of the decision or action, is declared to be, and always to have been, as valid and effectual as if the persons purporting to hold office as the members of the council had been validly elected in accordance with the Wulugarr Community Government Scheme.

(5) On the commencement of this Act, a person referred to in subsection (4) is to be taken to hold office as a member of the Wulugarr Community Government Council as if validly elected under the Wulugarr Community Government Scheme and will continue in office, subject to the *Local Government Act*, until the declaration of the result of the election held under section 4.

(6) Despite subsection (5), a member referred to in that subsection must not act in the office until the declaration prescribed for the purposes of section 10 of the *Local Government Act* is made and lodged with the clerk of the Wulugarr Community Government Council or a person nominated by the Minister.

4. GENERAL ELECTION

(1) The Wulugarr Community Government Council must hold a general election.

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(2) Subject to this section, the general election is to be conducted in accordance with the *Local Government Act* and the Wulugarr Community Government Scheme.

(3) The declaration of the result of the general election must be made on or before the 28 February 1997.

(4) Section 24 of the *Local Government Act* applies to and in relation to the general election held under this section.

(5) Despite clause 17(2) of the Wulugarr Community Government Scheme, the next general election to be fixed by the Wulugarr Community Government Council under that clause is to be in August 1999 and the term of office of a member elected in accordance with this section expires on the declaration of the result of that election.

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