



Serial 279
Local Government
(Consequential
Amendments)
Mr Hatton

NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend various enactments consequential on
the passing of the *Local Government Act 1993*

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 (Consequential Amendments) Act 1993*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Local Government Act 1993*.

3. AMENDMENT OF CRIMINAL CODE

The Criminal Code is amended -

- (a) by inserting in section 1, after the definition of "knowingly", the following:

"'local government election' means any election held under any law relating to local government;"

- (b) by omitting from section 1 the definition of "municipal election"; and

- (c) by omitting from section 89(3) "municipal" (twice occurring) and substituting "local government".

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4. AMENDMENT OF LOCAL GOVERNMENT GRANTS COMMISSION ACT

The Local Government Grants Commission Act is amended -

- (a) by omitting from section 3 the definition of "council";
- (b) by omitting from the definition of "local governing body" in section 3 "a council" and substituting "a municipal council";
- (c) by inserting in section 3, after the definition of "member", the following:
" 'municipal council' has the same meaning as in the Local Government Act;";
- (d) by omitting from section 5(2)(a) "of councils" and substituting "of municipal councils"; and
- (e) by omitting from section 5 subsection (3) and substituting the following:

"(3) The Minister shall, before making an appointment under subsection (2), request the Local Government Association of the Northern Territory to nominate 3 persons from whom may be appointed a member to represent the interests of municipal councils and 3 other persons from whom may be appointed a member to represent the interests of community government councils."

5. AMENDMENT OF OMBUDSMAN (NORTHERN TERRITORY) ACT

(1) Section 3(1) of the Ombudsman (Northern Territory) Act is amended -

- (a) by omitting from the definition of "authority" paragraph (c) and substituting the following:
"(c) that is a local government council;";
- (b) by inserting, after the definition of "Executive Council", the following:
" 'local government council' means the council of a municipality or community government area constituted under the Local Government Act;";
- (c) by omitting the definition of "mayor";
- (d) by inserting, after the definition of "Ombudsman", the following:

" 'presiding member', in relation to a local government council, means the mayor, president, chairman or person, by whatever name called,

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presiding over the council, and includes the deputy to the presiding member;"

- (e) by omitting from paragraph (b) of the definition of "principal officer" the words "the council or a municipality" and substituting "a local government council";
- (f) by omitting from the definition of "principal officer" paragraph (c) and substituting the following:

"(c) in relation to a local government council, means the person for the time being holding or acting in or performing the duties of clerk of the council;"

(2) The *Ombudsman (Northern Territory) Act* is amended -

- (a) by omitting from section 19(1)(b) "the council of a municipality, the mayor of the municipality" and substituting "a local government council, the presiding member of the council";
- (b) by omitting from section 19 paragraph (6) and substituting the following:

"(6) Where an investigation by the Ombudsman concerns administrative action taken by an officer or employee of a local government council, the Ombudsman -

- (a) may at any time during or after the investigation consult with the presiding member of the council; and
- (b) shall, if the presiding member makes a request to the Ombudsman to be consulted or if the investigation relates to any recommendation made to the local government council, consult with the presiding member before forming a final opinion adverse to the administrative action concerned.";
- (c) by omitting from section 19(7) paragraph (b) and substituting the following:

"(b) send a copy of the report to the responsible Minister and, where the authority is a local government council, to the presiding member of the council.";
- (d) by omitting from section 26(3) "mayor of the municipality" and substituting "presiding member of the local government council"; and

- (e) by omitting from section 26(5)(b) "the council of a municipality, to the mayor of the municipality" and substituting "a local government council, to the presiding member of the council".

6. CONSEQUENTIAL AMENDMENTS

(1) The provisions of the Acts specified in Part A of the Schedule are amended as provided in that Part.

(2) The provisions of the Regulations specified in Part B of the Schedule are amended as provided in that Part.

SCHEDULE

PART A
ACTS AMENDED

Section 6(1)

Provision	Amendment	
	omit	substitute
<i>Associations Incorporation Act</i>		
Section 22B(1)	"a council"	"a municipal council"
<i>Control of Roads Act</i>		
Section 5(1) - definition of "council"	the whole definition	
Section 5(2)	"section 91"	"Division 4 of Part 6"
	"a council"	"a municipal council"
Section 7	"section 91"	"Division 4 of Part 6"
<i>Consumer Affairs and Fair Trading Act</i>		
Section 9(1)	"department, statutory corporation or municipal authority"	"department or statutory corporation, or a council within the meaning of the <i>Local Government Act</i> ,"

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	"or authority"	"or council"
<i>Crimes (Forfeiture of Proceeds) Act</i>		
Section 25(2)	"municipal" (twice occurring)	"local government"
<i>Crown Lands Act</i>		
Section 3 - definition of "municipality"	the whole definition	"'local government council' means a municipal or community government council constituted under the <i>Local Government Act</i> ; "'local government area' means a municipality or community government area constituted under the <i>Local Government Act</i> ;"
Section 63	"the council of a municipality"	"a local government council"
Section 73(1)(c)	"a council of a municipality"	"a local government council"
Section 75(3)	"section 73 land is vested in a council of a municipality"	"section 73 land is vested in a local government council"
Section 76(1)(a) (xi)	the whole paragraph	"(xi) for purposes relating to a local government area;"
Section 88(2)(a)	"municipality" (twice occurring)	"local government area"
Section 91(3)(a)	"municipality" (twice occurring)	"local government area"
Section 93(1)	"municipality"	"local government council"
<i>Darwin Port Authority Act</i>		
Section 45(1)	"municipal"	"local government"
Section 45(2)	"municipal"	"municipal or community government"

Defamation Act

Section 6(1)(b)	"district"	"community government"
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Encroachment of Buildings Act

Section 3 - definition of "local authority"	"a council"	"a municipal council"
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Energy Pipelines Act

Section 3(1) -definition of "council"	"a municipality"	"a municipality or community government area"
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Section 6(a)	"municipality"	"municipality or community government area"
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Section 13(4)(a)	"municipality"	"municipality or community government area"
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Section 21B(2)(a)	"municipality"	"municipality or community government area"
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Section 21B(3)	"municipal"	
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Section 21B(4)	"municipal"	
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Evidence Act

Section 62A(1)	"or town"	", town or community government area"
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Section 64(b)	"municipal or District Council, Town Council"	"municipal or community government council"
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Firearms Act

Section 3(1) - definition of "community government council"	"constituted under Part VIII of"	"within the meaning of the <i>Local Government Act</i> "
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Section 60(1) - definition of "town"	"municipality"	"municipality within the meaning of the <i>Local Government Act</i> "
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Hawkers Act

Section 10(1)	"municipality"	"municipality or community government area (within the meaning of the <i>Local Government Act</i>)"
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Section 10A(2)(a)	the whole paragraph	"(a) where the land is within a council area within the meaning of the <i>Local Government Act</i> , by the clerk of the council for the area; or"
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Section 10A(2)(b)	"municipality"	"council area"
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Heritage Conservation Act

Section 40(2)	"municipality" (twice occurring)	"municipal"
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Housing Act

Section 32(1)(a) and (b)	"municipality"	"municipality or community government area"
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Interpretation Act

Section 18 - definition of "statutory corporation"	"municipal authority"	"council within the meaning of the <i>Local Government Act</i> or the Authority or Council within the meaning of the <i>Jabiru Town Development Act</i> "
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Justices Act

Section 60A - paragraph (c) of definition of "infringement notice"	"or community government council"	
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Lands Acquisition Act

Schedule 2 - clause 8(a)(ii)	"a council"	"a municipal council"
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Liquor Act

Section 4

- definition of
"council"

"a council"

"a municipal council"

Pastoral Land Act

Section 131(1)

"municipality"

"municipality or
community government
area"

Pay-Roll Tax Act

Section 3(1)

- definition of
"local governing
body"

paragraph (a) of the
definition

"(a) a municipal or
community govern-
ment council
within the
meaning of the
*Local Government
Act*;"

Place Names Act

Section 4

- definition of
"municipality"

the whole definition

Section 9(1A)

"municipality"

"municipality or
community government
area"

Pounds Act

Section 3

- definition of
"local authority"

"a council"

"a municipal council"

*Power and Water
Authority Act*

Section 19(1)
and (2)

"municipal"

"local government"

*Prevention of
Cruelty to Animals
Act*

Section 15(2)(a)

"a municipality"

"a council area
(within the meaning
of the *Local
Government Act*)"

"that municipality"

"that council area"

Section 15(2)(b)

"a municipality"

"a council area"

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*Public Employment
(Mobility) Act*

Section 3(1) - definition of "municipal authority"	"local government"	"municipal"
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Real Property Act

Section 191B(2)	"Local Government Act"	"Local Government Act 1985 as saved by Part 14 of the Local Government Act 1993"
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Section 274(1)(a)	"a council"	"a municipal council"
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*Real Property
(Unit Titles) Act*

Sections 9(h), 9F(g), 9G(b), 9H(b) and 15	"the municipality"	"the council area (within the meaning of the Local Government Act)"
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	"a municipality"	"a council area"
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*Soil Conservation
and Land
Utilisation Act*

Section 20A - definition of "proper authority"	"municipality"	"municipality or community government area within the meaning of the Local Government Act"
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*Special Purposes
Leases Act*

Section 3 - definition of "municipality"	"Ordinance"	"Act"
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Unit Titles Act

Section 21E(2) (b)(i)	"- to the council of the municipality"	"or community govern- ment area within the meaning of the Local Government Act - to the council of the municipality or community government area"
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Section 53(1A)(c)	"municipal"	"municipal or community government"
Section 53(3)(b)	"municipal"	"municipal or community government"
<i>Water Act</i>		
Section 4(1) - definition of "public authority"	"a council"	"a municipal council"
Section 8(1)	"council, or"	"municipal council or municipal council"
Section 8(2)	"council or"	"municipal council or municipal council"
Section 8(3)(a)	the whole paragraph	

**PART B
REGULATIONS AMENDED**

Section 6(2)

Provision	Amendment	
	omit	substitute
Agents Licensing Regulations		
Schedule 1 - Form 2A, paragraph (b) (second occurring) item 1	"municipal offices"	"local government offices"
Crimes (Victims Assistance) Regulations		
Regulation 4(a) (iii)	the whole subpara- graph	

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Regulation 4(a) (vii)	the whole subpara- graph	"(vii) a by-law of a council within the meaning of the <i>Local Government Act</i> or a by-law made by the Jabiru Town Council under the <i>Jabiru Town Development Act</i> ;"
Regulation 4(b)(i)	"a council"	"a municipal council"
Regulation 4(b)(ii)	"under sections 218A or 221 of that Act"	"or agreement with the Territory under that Act whereby the council administers Regulations or exercises power or performs functions under a law of the Territory in its council area"
Local Court Rules		
Form 29F, item 3	"Municipal rates"	"Local government rates"
Pay-Roll Tax Regulations		
Regulation 33(1)(e)	"a municipal corporation"	"a municipal or community government council within the meaning of the <i>Local Government Act</i> "
	"the corporation"	"the council"
Real Property (Unit Title) Regulations		
Regulation 10(2)(b)(ii)	"municipality"	"council area (within the meaning of the <i>Local Government Act</i>)"
Schedule 1, Form 11, paragraph (a) of Note 1	"a municipality"	"a council area (within the meaning of the <i>Local Government Act</i>)"
	"that municipality"	"that council area"

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Supreme Court Rules

Schedule

- Form 72C,
item 3(a)

"Municipal rates"

"Local government
rates"

**Work Health Court
Rules**

Rule 20(8)(a)
and (b)

both paragraphs

"(a) In the case of
a municipal or
community
ment council
within the
meaning of the
Local Government
Act, the clerk
of the council;"

govern-