

Serial 20
Local Government Amendment Bill 2021
Mr Paech

A Bill for an Act to amend the *Local Government Act 2019*

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT AMENDMENT ACT 2021

Act No. [] of 2021

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2021

An Act to amend the *Local Government Act 2019*

[Assented to [] 2021]
[Introduced [] 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).

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 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.

8 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**.

9 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.

10 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.

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

Section 150, after "person"

insert

or entity

12 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

13 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

14 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).

15 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

16 Section 179 amended (Offences for conflict of interest)

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

insert

staff

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

omit

(1)(b)

insert

(2)(c)

17 Section 186 amended (Return of identity card)

Section 186(1)

omit

officer

insert

person

18 Section 291 amended (Content of annual report)

Section 291(1)(e)

omit

made

insert

paid

19 Section 336 amended (Misleading information)

Section 336(4)(f)

omit

officer

insert

person

20 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.

21 Section 357 amended (Local authorities)

(1) Section 357(2)

omit

is taken

insert

are taken

(2) Section 357(4)

omit

75(1)(b)

insert

77(1)(b)

22 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

23 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

24 Repeal of Act

This Act is repealed on the day after it commences.