

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS

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SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 16*

Regulations under the *Local Government Act*

I, JOHN KEITH AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Local Government Act*.

Dated 30 June 1994.

K.J.A. ASCHE
Administrator

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS

1. CITATION

These regulations may be cited as the Local Government (Administration) Regulations.

2. DEFINITIONS

In these regulations -

"minutes", except in regulation 14(1), includes the record of proceedings kept by a community government council under its scheme;

"record of a council" means a register under regulation 3, minutes, the register of interests, a rate book and any other document required to be kept or maintained by a council under the Act.

3. COUNCIL TO KEEP REGISTERS

A council shall keep and maintain registers of -

- (a) documents to which the common seal of the council is affixed;

* Notified in the *Northern Territory Government Gazette* on 1 July 1994.

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- (b) correspondence addressed to or sent by the council;
- (c) correspondence addressed to or sent by the presiding member in his or her capacity as such; and
- (d) declarations of elections and polls by a returning officer or, as the case may be, clerk.

4. CUSTODY OF RECORDS

The records of a council shall -

- (a) be kept in good condition at the council office or such other place as the council may determine; and
- (b) remain in the custody of the clerk or an officer or employee authorised in writing by the clerk.

5. DISPOSAL OF RECORDS AND OTHER DOCUMENTS

(1) A council may, not less than 6 years after the date of the last entry in a record, lodge that record in the Northern Territory Archives.

(2) Other documents of a council, which are not records of the council, may be destroyed or disposed of where -

- (a) a resolution to that effect is passed by the council;
- (b) not less than 6 years have elapsed since the date of the last entry in, or dealing with, the document; and
- (c) the document is no longer required for audit purposes.

6. OFFENCES IN RELATION TO RECORDS

(1) A member or officer or employee of a council shall not show a record of the council to a person (who is not a member or officer or employee of the council) except -

- (a) when required for the purpose of conducting the business of the council;
- (b) with the permission of the council; or
- (c) as provided or required by the Act or any other law in force in the Territory.

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(2) A person shall not remove a record of a council from the council office or from any other place where the record is kept except -

- (a) when required for the purpose of conducting the business of the council;
- (b) with the approval of the council; or
- (c) as provided or required by the Act or any other law in force in the Territory.

(3) A person shall not, except in accordance with these Regulations or as provided or required by a law in force in the Territory, destroy, deface or alter a record of a council.

(4) A person who contravenes or fails to comply with this regulation is guilty of an offence.

Penalty: \$1,000.

7. COMMON SEAL

(1) The clerk has custody of the common seal of a council.

(2) When not being used, the common seal shall be kept in a secured condition to prevent unauthorised use.

(3) Where the common seal is affixed to a document the document shall be signed by the presiding member and the clerk.

8. PERMITS, &c., TO BE IN WRITING

A permit, licence, registration, authority, approval, consent, notice of any decision, requirement or state of affairs or certificate of a council granted or given by or under a law in force in the Territory shall, unless a contrary intention appears, be in writing and signed by the clerk or a person authorised by the clerk.

9. PRESCRIBED BUSINESS OR INDUSTRY FOR URBAN FARM LAND RATE

For the purposes of the definition of "urban farm land" in section 3 of the Act -

- (a) the raising, keeping or breeding of livestock, including poultry, bees, fish, reptiles and crustaceans; or
 - (b) the growing of fruit, vegetables or other crops,
- is a prescribed business or industry.

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10. DECLARATION BY PRESIDING MEMBER OR MEMBER BEFORE TAKING OFFICE

For the purposes of section 10 of the Act, a declaration referred to in that section shall be in accordance with Form 1 of the Schedule.

11. REGISTER OF INTERESTS

(1) For the purposes of section 21(1)(b) of the Act, a register of interests shall contain, in respect of an interest in a matter declared by a member -

- (a) the name of the member;
- (b) the date and type of meeting at which the matter was or was to be dealt with;
- (c) particulars of the matter; and
- (d) the minute number or other meeting reference of the matter.

(2) Entries in a register of interests shall be maintained in chronological order.

12. DECLARATION UNDER SECTION 32(2) OF ACT RELATING TO MUNICIPALITIES

For the purposes of section 32(2)(b) of the Act, a declaration referred to in that paragraph shall be in accordance with Form 2 of the Schedule.

13. CONFIDENTIAL MATTERS FOR WHICH MEETING MAY BE CLOSED TO PUBLIC

(1) A municipal council may close to the public under section 56 of the Act only so much of its meeting as comprises the receipt or discussion of, or a motion or vote relating to, any of the following:

- (a) personnel matters concerning particular individuals;
- (b) the personal hardship of any resident or ratepayer;
- (c) commercial information the disclosure of which would be likely
 - (i) to prejudice the commercial position of the person who supplied it;
 - (ii) to confer a commercial advantage on a competitor of the council; or
 - (iii) to reveal a trade secret;

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- (d) proposals for -
 - (i) the sale or purchase of land;
 - (ii) a development application or a control plan under the *Planning Act*;
 - (iii) entering into contracts of any kind,
 - if prior knowledge of those proposals could confer an unfair financial advantage on any person;
- (e) information that is subject to legal obligations of confidence;
- (f) the receipt and consideration of legal advice concerning litigation;
- (g) information the disclosure of which would prejudice the maintenance of the law;
- (h) information provided to the council on the condition it is kept confidential;
- (j) business for which a public discussion would be likely to prejudice the interests of the council or some other person;
- (k) matters affecting the security of the council, its members, officers or employees or property;
or
- (m) a motion to close the meeting to the public.

(2) The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting.

14. MATTERS TO BE CONTAINED IN MINUTES, CONFIDENTIALITY

- (1) For the purposes of section 57(2)(c) of the Act, minutes shall set out -
 - (a) the particulars, including the wording, of a motion and any amendment to a motion;
 - (b) the name of the mover and seconder of a motion;
 - (c) the manner in which a question is dealt with by the chairman;
 - (d) the date, time and place of a meeting as stated in a notice under section 54 of the Act;
 - (e) the time when a meeting is declared open and closed;

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- (f) a record of any adjournment of a meeting; and
- (g) the time or times when and the grounds on which a meeting is closed to the public.

(2) For the purpose of section 57(3) of the Act (for municipal councils) and section 149(1)(g) of the Act (for community government councils) recommendations and reports referred to in the minutes of a council are confidential -

- (a) if they deal with matters specified in regulation 13(1) as being matters which may be received or discussed or be moved or voted on by the council at a meeting closed to the public; and
- (b) they were received or discussed or moved or voted on by the council at such a meeting.

15. QUALIFICATIONS OF CLERK

For the purposes of section 142 of the Act, a clerk is qualified if he or she holds a degree, diploma or certificate from a tertiary educational institution or from or granted under the auspices of a statutory body in the Territory or a State or another Territory of the Commonwealth which examines or determines the curricula for a degree, diploma or certificate, relevant to the functions of a clerk, and has not less than 3 years administration or accounting experience with a council or an Agency, department or body involved in local government whether within or without the Territory.

16. APPEAL TO TRIBUNAL AGAINST DECISION UNDER BY-LAW

(1) A person aggrieved by a decision of a council made or taken under a by-law (not being a decision made or taken to commence or continue proceedings for an offence against, under or in relation to a by-law) may appeal to the Tribunal.

(2) The provisions of section 235 (1) to (5) (inclusive) of the Act apply to an appeal under subregulation (1) but read as if the reference to section 63(8) in section 235 (1) of the Act were a reference to subregulation (1) of this regulation.

17. REPEAL

The Local Government (Administration and Miscellaneous) Regulations, being Regulations 1988, No. 44, are repealed.

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SCHEDULE

FORM 1

Regulation 10

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act

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DECLARATION

I, _____, having been elected/
appointed to the office of * _____ on the
_____ Council, declare that I will
conscientiously and to the best of my ability fulfil the duties
of the office and of such other office as the council may, from
time to time, resolve.

Signature

This declaration was made before me on

19 .

Minister or Minister's nominee
Commissioner for Oaths
Justice of the Peace
Legal Practitioner
Clerk

*Insert whether mayor, president, chairman (or other title of
presiding member) or alderman or member.

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FORM 2

Regulation 12

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act

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DECLARATION VERIFYING SIGNATURES ON APPLICATION
UNDER SECTION 32(2) OF ACT

I, _____ of
having signed the annexed application, declare that each
signature in or on that application is, to the best of my
knowledge and belief, the signature of the elector or person who
has purportedly signed the application.

Dated

19 .

Signature of declarant

Signature of witness

Address of witness
