

NORTHERN TERRITORY OF AUSTRALIA

LOCAL GOVERNMENT (ADMINISTRATION AND
MISCELLANEOUS) REGULATIONS

TABLE OF PROVISIONS

Regulation

PART I - PRELIMINARY

1. Citation
2. Certain regulations to apply to community government councils

PART II - ADMINISTRATION

3. Records of council
4. Custody of records
5. Offences in relation to records
6. Common seal
7. Permits, &c., to be in writing

PART III - MISCELLANEOUS

8. Declaration under section 9 of Act
9. Declaration by mayor or alderman
10. Prescribed form of Register of Interests
11. Prescribed confidential matters
12. Prescribed matters in minutes
13. Qualifications of clerks of councils
14. Prescribed business
15. Prescribed scale of costs of Tribunal
16. Prescribed manner of application to Tribunal
17. Qualifications of clerks of community government councils
18. Repeal

SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1988, No. 44*

Regulations under the *Local Government Act*

I, ERIC EUGENE JOHNSTON, 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 28 September 1988.

E.E. JOHNSTON
Administrator

LOCAL GOVERNMENT (ADMINISTRATION AND
MISCELLANEOUS) REGULATIONS

PART I - PRELIMINARY

1. CITATION

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

2. CERTAIN REGULATIONS TO APPLY TO COMMUNITY GOVERNMENT COUNCILS

Regulations 3, 4, 5 and 6 shall apply to and in relation to a community government council as if a reference -

- (a) to a "council" were a reference to a community government council;
- (b) to a "clerk" were a reference to the clerk of a community government council; and
- (c) to a "mayor" were a reference to the member of a community government council elected or appointed to the office of President, or however else referred to, in that council.

* Notified in the *Northern Territory Government Gazette* on 5 October 1988.

*Local Government (Administration and
Miscellaneous) Regulations*

PART II - ADMINISTRATION

3. RECORDS OF COUNCIL

(1) A council shall keep and maintain the following records:

- (a) a minute book;
- (b) a rate book; and
- (c) registers of -
 - (i) documents to which the common seal of the council is affixed;
 - (ii) correspondence addressed to or sent by the council;
 - (iii) correspondence addressed to or sent by the mayor in his or her capacity as mayor; and
 - (iv) declarations of elections and polls by the returning officer.

(2) The records referred to in subregulation (1) are in addition to a Register of Interests required to be kept under section 24(4)(b) of the Act and any other record required to be kept and maintained under the Act.

(3) A council shall keep the records referred to in subregulation (1) in good condition but may, not less than 6 years after the date of the last entry in such a record, lodge it in the Northern Territory Archives Services.

(4) The records of a council, which are not records referred to in subregulation (1), 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 the record; and
- (c) the auditor of the council certifies in writing that the record is no longer required for audit purposes.

4. CUSTODY OF RECORDS

The records of a council shall -

- (a) be kept 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 authorized in writing by the clerk.

*Local Government (Administration and
Miscellaneous) Regulations*

5. OFFENCES IN RELATION TO RECORDS

(1) A member or officer of a council shall not show a record of the council to a person (who is not a member or officer 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 a law in force in the Territory.

(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 in accordance with regulation 4(a) 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 a 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: \$500.

6. COMMON SEAL

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

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

(3) Where the common seal of a council is affixed to a document the document shall be signed by the mayor and the clerk.

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

A permit, authority, approval, consent 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 authorized by the clerk.

*Local Government (Administration and
Miscellaneous) Regulations*

PART III - MISCELLANEOUS

8. DECLARATION UNDER SECTION 9 OF ACT

For the purposes of section 9(2)(b) of the Act, a declaration referred to in that paragraph shall be in accordance with Form 1 of the Schedule.

9. DECLARATION BY MAYOR OR ALDERMAN

For the purposes of section 16(1) of the Act, a declaration referred to in that subsection shall be in accordance with Form 2 of the Schedule.

10. PRESCRIBED FORM OF REGISTER OF INTERESTS

(1) For the purposes of section 24(4)(b) of the Act, a Register of Interests shall contain, in respect of an interest in a matter declared by a member under section 24(1) of the Act -

- (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) A Register of Interests shall be maintained in chronological order.

11. PRESCRIBED CONFIDENTIAL MATTERS

For the purposes of section 69 of the Act -

- (a) consideration of legal advice;
- (b) matters which may give rise to litigation;
- (c) staffing matters;
- (d) dealings in or relating to real property; and
- (e) matters relating to tenders and contracts,

are matters prescribed as confidential.

12. PRESCRIBED MATTERS IN MINUTES

For the purposes of section 70 of the Act -

- (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;

*Local Government (Administration and
Miscellaneous) Regulations*

- (c) the manner in which a question is dealt with by the chairperson;
- (d) the date, time and place of a meeting as stated in a notice under section 65(1) of the Act;
- (e) the time when a meeting is declared open and closed; and
- (f) a record of any adjournment of a meeting or debate,

are prescribed matters.

13. QUALIFICATIONS OF CLERKS OF COUNCILS

For the purposes of section 77(1)(b) of the Act, the prescribed qualifications for a clerk are those qualifications which qualify a person for appointment as a clerk of a municipal body in a State.

14. PRESCRIBED BUSINESS

For the purposes of the definition of "urban farm land" in section 96 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.

15. PRESCRIBED SCALE OF COSTS OF TRIBUNAL

For the purposes of section 196(2) of the Act, the prescribed scale of costs is the scale of costs in force from time to time under the *Local Courts Act* applying to a subject matter which does not exceed \$2,000.

16. PRESCRIBED MANNER OF APPLICATION TO TRIBUNAL

An application of appeal to the Tribunal under section 219(1) of the Act shall be -

- (a) lodged with a Registrar of the Tribunal not later than 28 days after the date on which notice of the decision of the council of which the person is aggrieved is given to that person by the council; and
- (b) served on the council by that person not less than 21 days before the date set down for the hearing of the application.

*Local Government (Administration and
Miscellaneous) Regulations*

17. QUALIFICATIONS OF CLERKS OF COMMUNITY GOVERNMENT COUNCILS

For the purposes of section 268(1)(b) of the Act, the prescribed qualifications for a clerk of a community government council are -

- (a) those qualifications which qualify a person for appointment as a clerk of a municipal body in a State; or
- (b) a certificate of qualification from an educational institution approved for the purposes of this regulation by the Minister by notice in the *Gazette* and not less than 3 years administrative and accounting experience in the employ of a council or a community government council.

18. REPEAL

The Local Government Regulations, comprising Regulations 1971, No. 13; 1972, No. 5; 1977, No. 3; 1979, No. 32; 1983, No. 13 and 1984, No. 25, are repealed.

*Local Government (Administration and
Miscellaneous) Regulations*

SCHEDULE

FORM 1

Regulation 8

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act

Local Government (Administration and
Miscellaneous) Regulations

DECLARATION VERIFYING SIGNATURES ON APPLICATION
UNDER SECTION 9 OF ACT

I, _____ of _____, having
signed the application annexed hereto, 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

*Local Government (Administration and
Miscellaneous) Regulations*

FORM 2

Regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act

Local Government (Administration and
Miscellaneous) Regulations

DECLARATION

I, _____, having been
* elected/appointed to the office of * mayor/alderman for
the municipality of _____, declare that I
take the office upon myself and will duly and faithfully
fulfil the duties of the office and such other office as
the council may, from time to time resolve, according to
the best of my judgement and ability.

I further declare that I shall vote on all matters
before the council, other than when precluded by section
24 of the *Local Government Act*, and shall observe the
rule of law as it applies to the business of the council.

Dated

19 . _____

Signature of declarant

The above-named person made and subscribed this
declaration in the presence of me on the date set out
above.

Justice of the Peace.

* Strike out if inapplicable.