

# NORTHERN TERRITORY OF AUSTRALIA

## LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS

As in force at 8 November 2013

### Table of provisions

<b>Part 1</b>	<b>Preliminary</b>	
1	Citation .....	1
2	Definitions.....	1
<b>Part 2</b>	<b>Local Government (Administration and Legislation) Advisory Committee</b>	
3	Establishment of Committee.....	1
4	Role of Committee.....	2
5	Composition of the Committee .....	2
6	Proceedings of Committee .....	2
<b>Part 3</b>	<b>Meetings</b>	
7	Public access to meetings .....	3
<b>Part 4</b>	<b>Confidential information and business</b>	
8	Classes of confidential information .....	3
9	Closure of meetings for confidential business .....	4
<b>Part 5</b>	<b>Records</b>	
10	Council's records .....	4
11	Council to keep registers .....	5
12	Contents of register of interests.....	5
13	Contents of minutes of meetings .....	5
14	Custody of records .....	6
15	Access to records .....	6
16	Disposal and destruction of records .....	6
<b>Part 6</b>	<b>Urban farm land</b>	
17	Urban farm land.....	7
<b>Part 7</b>	<b>Construction and closing of roads</b>	
18	Establishment of new road .....	7
19	Permanent closure of road .....	7
20	Substantial temporary road closure .....	8

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**ENDNOTES**

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## LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS

### Regulations under the *Local Government Act*

#### Part 1 Preliminary

##### 1 Citation

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

##### 2 Definitions

In these regulations:

*appoint* includes co-opt.

*appointed member*, of the Committee, means any member except the Chair.

*Committee* means the Local Government (Administration and Legislation) Advisory Committee.

*confidential information* means information classified as confidential under regulation 9.

*public notice* – a council gives public notice by publishing the notice in a newspaper circulating in the council's area.

#### Part 2 Local Government (Administration and Legislation) Advisory Committee

##### 3 Establishment of Committee

The Local Government (Administration and Legislation) Advisory Committee is established.

#### **4 Role of Committee**

The Committee is established to provide advice to the Minister and the Agency on legislative, administrative and operational questions relevant to local government.

#### **5 Composition of the Committee**

- (1) The Committee is constituted of the following members:
  - (a) 1 (the Chair) will be the CEO of LGANT or the CEO's nominee;
  - (b) 1 will be a person appointed by LGANT to the Committee;
  - (c) 2 will be persons appointed to the Committee by the Agency;
  - (d) 2 will be persons appointed to the Committee by Local Government Managers Australia;
  - (e) 2 will be council officers co-opted to the Committee after a selection process approved by the Minister.
- (2) A body by which an appointed member of the Committee is appointed must review the appointment of the member once in each year.
- (3) A person ceases to be an appointed member of the Committee if:
  - (a) the person resigns by written notice given to the Minister; or
  - (b) the person's appointment is not confirmed by the appointing body on an annual review; or
  - (c) the person breaches terms and conditions of membership determined by the Minister.
- (4) On the occurrence of a vacancy in the office of an appointed member, the relevant appointing body must make a fresh appointment.

#### **6 Proceedings of Committee**

- (1) The Committee is to meet at least once in each quarter.
- (2) A meeting may be convened by the Chair of the Committee, or the Minister.
- (3) A quorum for a meeting of the Committee consists of 4 members.

- (4) The Chair will preside at a meeting of the Committee or, in the Chair's absence, a member chosen to preside by the members present.
- (5) Decisions are to be made by majority vote of the members present and, if the votes are equal, the person presiding may exercise a second or casting vote.
- (6) The validity of proceedings of the Committee is unaffected by a vacancy or vacancies in its membership.

### **Part 3 Meetings**

#### **7 Public access to meetings**

A meeting of a council must not be held in a particular place unless:

- (a) the public is allowed free access to the place for the purpose of attending the meeting; or
- (b) the only restrictions on public access are imposed under the Act.

*Example*

*If a permit is required to enter land, a meeting could not be held on that land.*

### **Part 4 Confidential information and business**

#### **8 Classes of confidential information**

The following information is classified as confidential:

- (a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual;
- (b) information about the personal circumstances of a resident or ratepayer;
- (c) information that would, if publicly disclosed, be likely to:
  - (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or
  - (ii) prejudice the maintenance or administration of the law; or

- (iii) prejudice the security of the council, its members or staff; or
- (iv) prejudice the interests of the council or some other person;
- (d) information subject to an obligation of confidentiality at law, or in equity;
- (e) information provided to the council on condition that it be kept confidential.

## 9 Closure of meetings for confidential business

For section 65(2) of the Act, business involving the discussion of confidential information is classified as confidential business.

## Part 5 Records

### 10 Council's records

- (1) The *primary records* of a council are:
  - (a) minutes of meetings of the council, local authorities, local boards and council committees; and
  - (b) minutes of meetings of electors; and
  - (c) the register of interests of members of the council, local authorities, local boards and council committees; and
  - (d) the council's by-laws; and
  - (e) the council's code of conduct; and
  - (f) the council's annual budgets and amendments to the council's annual budgets; and
  - (g) the council's annual financial statements; and
  - (h) the council's annual reports; and
  - (i) the registers kept under this Part; and
  - (j) any other documents necessary for an understanding of the council's policies and operations.
- (2) A council's *secondary records* consist of other documents generated or received in the course of the council's operations.

**11 Council to keep registers**

- (1) A council must keep a register containing copies of all documents executed under the council's common seal.
- (2) A council must keep a register of correspondence containing copies of all correspondence addressed to, or sent by, the council or its principal member.
- (3) A council must keep a register of the results of all elections and polls.
- (4) A register must be kept under this regulation by computer.

**12 Contents of register of interests**

The register of interests to be kept under section 74(2) of the Act must contain:

- (a) the name of the member making the disclosure; and
- (b) the nature of the interest that gives rise to the conflict of interest; and
- (c) the nature of the question on which the conflict of interest arises.

**13 Contents of minutes of meetings**

The minutes of a meeting of the council, a local authority, a local board or a council committee must, in addition to the information required by section 67(2) of the Act, include the following information:

- (a) the date, time and place of the meeting (including the time of opening and closing the meeting);
- (b) if the meeting is closed to the public, the time or times of the closure and the reasons for the closure;
- (c) the motions (including motions for amendments to motions) moved at the meeting and the names of the mover and seconder of each motion;
- (d) how the meeting deals with each motion;
- (e) if the meeting is adjourned – the date, time and place to which the meeting is adjourned.

**14 Custody of records**

- (1) The CEO is responsible for ensuring the proper custody of the council's records.
- (2) The CEO must ensure that the council's records are properly filed and indexed to facilitate access.

**15 Access to records**

- (1) Access is to be allowed to a council's records:
  - (a) as authorised or required by the Act or any other law in force in the Territory; or
  - (b) as required for the conduct of the council's business or the proper discharge by members of the council, local authorities, local boards and council committees of their duties as such.
- (2) A person must not allow access to a council's records except as provided in subregulation (1).

Fault element: Intention.

Maximum penalty: 50 penalty units.

**16 Disposal and destruction of records**

- (1) A council may, not less than 6 years after the date of the last entry in a primary record, lodge that record in Northern Territory Archives.
- (2) A council may destroy or dispose of a secondary record if:
  - (a) the record is no longer required for the conduct of the affairs of the council; and
  - (b) the record is not required for audit purposes.
- (3) A person must not destroy, damage, remove from the council's custody or conceal:
  - (a) a primary record of the council; or
  - (b) a secondary record of the council that is required for the conduct of the affairs of the council or for audit purposes.

Fault element: Intention.

Maximum penalty: 50 penalty units.



## **Part 6                    Urban farm land**

### **17                    Urban farm land**

- (1) For section 143(2)(b), a prescribed business or industry is the business or industry of:
  - (a) breeding, raising or keeping livestock; or
  - (b) the growing of fruit, vegetables or other crops.
- (2) In subregulation (1), *livestock* includes poultry, bees, fish, reptiles and crustaceans.

## **Part 7                    Construction and closing of roads**

### **18                    Establishment of new road**

- (1) Before a council establishes a new road in its area, it must give public notice of the proposal to do so.
- (2) The proposal (which must include a plan delineating the proposed new road with reasonable accuracy and detail):
  - (a) must be accessible on the council's website; and
  - (b) must be available for inspection by interested members of the public at the council's public office.
- (3) The notice must include an invitation to any person who may object to the proposal to lodge a written objection to the proposal within a reasonable period (at least 28 days) stated in the notice.
- (4) The council must consider any written objections lodged in accordance with the invitation.
- (5) If, after publishing a notice under this regulation, the council substantially modifies its proposal (either as a result of objections or for some other reason), the council must publish a fresh notice under this regulation of the modified proposal.
- (6) This regulation does not apply to the establishment of a road on a temporary basis.

### **19                    Permanent closure of road**

- (1) Before a council submits for the Minister's consent a proposal to close a road in its area on a permanent basis, it must give public notice of the proposal.

- (2) The proposal (which must include a plan delineating the road to be closed with reasonable accuracy and detail) must be accessible on the council's website.
- (3) The notice must include an invitation to any person who may object to the proposal to lodge a written objection to the proposal within a reasonable period (at least 28 days) stated in the notice.
- (4) The council must consider any objections lodged in accordance with the invitation.
- (5) If, after publishing a notice under this regulation, the council substantially modifies its proposal (either as a result of objections or for some other reason), the council must publish a fresh notice under this regulation of the modified proposal.
- (6) When the council submits a proposal for permanent road closure to the Minister for consent, the proposal must be accompanied by:
  - (a) a report setting out the steps taken by the council to comply with this regulation; and
  - (b) copies of written objections (if any) received by the council to its proposal.

## **20 Substantial temporary road closure**

- (1) If a council proposes to close a road temporarily but for a substantial period (at least 1 month), the council must, before proceeding with its proposal, consult with the Minister (or the Minister's nominee) and the MLA for the electoral division in which the road is situated.
- (2) The council:
  - (a) must carefully consider written submissions made by the Minister (or the Minister's nominee) and the MLA in the course of the consultation; and
  - (b) must not proceed with the closure unless satisfied that the reasons for the closure justify the disruption to traffic resulting from the closure.
- (3) However, this regulation does not apply if:
  - (a) the road to be temporarily closed is a laneway; or
  - (b) the road closure is urgently necessary in the interests of safety.

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## ENDNOTES

### 1 KEY

Key to abbreviations

<p>amd = amended          app = appendix          bl = by-law          ch = Chapter          cl = clause          div = Division          exp = expires/expired          f = forms  <i>Gaz</i> = <i>Gazette</i>          hdg = heading          ins = inserted          lt = long title          nc = not commenced</p>	<p>od = order          om = omitted          pt = Part          r = regulation/rule          rem = remainder          renum = renumbered          rep = repealed          s = section          sch = Schedule          sdiv = Subdivision          SL = Subordinate Legislation          sub = substituted</p>
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### 2 LIST OF LEGISLATION

***Local Government (Administration) Regulations (SL No. 25, 2008)***

Notified	29 August 2008
Commenced	29 August 2008

***Local Government Amendment Act 2013 (Act No. 28, 2013)***

Assent date	8 November 2013
Commenced	8 November 2013

### 3 LIST OF AMENDMENTS

r 10	amd Act No. 28, 2013, s 61
r 13	amd Act No. 28, 2013, s 61
r 15	amd Act No. 28, 2013, s 61