

LOCAL GOVERNMENT ORDINANCE 1978

No. 2 of 1978

An Ordinance to amend the *Local Government Ordinance* and for other purposes

[Assented to 16 March 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Local Government Ordinance* 1978. Short title
2. The *Local Government Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
- 3.(1) Subject to sub-section (2), this Ordinance shall come into operation on a date to be fixed by the Administrator, by notice in the *Gazette*. * Commencement
(2) Section 14 shall be deemed to have come into operation on the date on which the *Local Government Ordinance (No. 4) 1966* came into operation.
4. Section 3 of the Principal Ordinance is repealed. Repeal of section 3
5. Section 5 of the Principal Ordinance is amended by omitting the definition of "annual value". Definitions
6. The heading to Division 1 of Part III of the Principal Ordinance is amended by omitting "Minister" and substituting "Administrator in Council". Division 1 of Part III
7. Section 8 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections: Administrator in Council may constitute, &c., a municipality
“(3) The Administrator in Council may, in the notice constituting a municipality, limit the powers and functions of the council, the mayor or the clerk of that municipality by specifying—
 - (a) by reference to a provision of this Ordinance, the powers and functions of local government which the council, mayor or clerk, as the case may be, of the municipality may carry out; or

*The date fixed was 8 December 1978 (see *Northern Territory Government Gazette* No. 49 of 8 December 1978, page 7).

- (b) by reference to a provision of this Ordinance, the powers and functions of local government which the council, mayor or clerk, as the case may be, of the municipality may not carry out.

“(4) Where a council, a mayor or a clerk of a municipality has limited powers or functions of local government, the Administrator in Council may, from time to time, extend the powers or the functions of local government vested in the council, the mayor or the clerk.

“(5) Where a council, a mayor or a clerk of a municipality has limited powers or functions, the council, the mayor or the clerk shall only perform the powers and functions exercisable under this Ordinance to the extent to which those powers and functions are limited.”.

Duties of
returning officer
on polling day

8. Section 107(1) of the Principal Ordinance is amended—

- (a) by omitting from paragraph (c) “and”; and
- (b) by adding at the end thereof the following paragraphs:
- “(e) subject to sub-section (2), place the following in separate parcels for each ballot box—
- (i) the ballot papers which he has rejected as informal; and
- (ii) the ballot papers which he has not rejected as informal;
- (f) securely fasten and seal each parcel;
- (g) endorse on each parcel details of—
- (i) the ballot box from which the ballot papers were taken;
- (ii) the number of ballot papers in the parcel;
- (iii) the election to which those ballot papers relate; and
- (iv) the date;
- (h) sign the endorsement; and
- (i) request all scrutineers present to sign the endorsement.”.

9. After section 108 of the Principal Ordinance the following section is inserted:

Recounts

“108A.(1) At any time before the declaration of the result of an election under this Ordinance, the returning officer may, if he thinks fit, on the request of any candidate setting out the reasons for the request, or of his own motion, recount the ballot papers contained in any parcel.

“(2) When the returning officer recounts ballot papers under this section, he may, and at the request of a scrutineer shall, reserve any ballot paper for the decision of a stipendiary magistrate appointed under the *Magistrates Ordinance*.

“(3) Where the returning officer reserves ballot papers under sub-section (2), he shall, in the presence of the scrutineers, if any, in attendance—

- (a) place those ballot papers in a parcel or parcels;
- (b) securely fasten and seal the parcel or parcels;
- (c) endorse on each parcel details of—
 - (i) the ballot box from which the ballot papers were removed;
 - (ii) the number of ballot papers in the parcel;
 - (iii) the election to which those ballot papers relate; and
 - (iv) the date;
- (d) sign the endorsement; and
- (e) request all scrutineers present to sign the endorsement.

“(4) The returning officer shall—

- (a) secure the parcel, referred to in sub-section (3), in an outer cover;
- (b) seal the outer cover;
- (c) fully address the outer cover to a stipendiary magistrate appointed under the *Magistrates Ordinance*; and
- (d) personally deliver the parcel within 3 days to either—
 - (i) the stipendiary magistrate to whom the parcel is addressed; or
 - (ii) an office of Australia Post for transmission by registered post to that stipendiary magistrate.

“(5) Where a magistrate receives a parcel of ballot papers reserved under sub-section (2), he shall, in the presence of an employee in the Public Service of the Northern Territory and, subject to section 117—

- (a) open the parcel;
- (b) examine the ballot papers;
- (c) mark each formal ballot paper ‘Admitted’ and mark each informal ballot paper ‘Rejected’;
- (d) return the ballot papers to their original inner cover;
- (e) refasten and reseal the original inner cover—
- (f) endorse on the original inner cover—
 - (i) the number of ballot papers contained in the parcel;
 - (ii) a statement that he has considered each ballot paper; and
 - (iii) the date; and
- (g) sign the endorsement.

“(6) Where a magistrate has endorsed a parcel in accordance with sub-section (5)(f), he shall—

- (a) request the persons in whose presence he examined the ballot papers to sign the endorsement;
- (b) secure the parcel in a new outer cover;
- (c) seal the new outer cover; and
- (d) personally deliver the parcel forthwith to either—
 - (i) the returning officer; or
 - (ii) an office of Australia Post for transmission by registered post to the returning officer.

“(7) The decision of a magistrate in relation to a ballot paper reserved under sub-section (2) binds the returning officer.”.

Scrutineer may attend at voting and counting

10. Section 117(b) of the Principal Ordinance is amended by omitting “counted” and substituting “examined or counted”.

Loan moneys to be drawn on only for certain purposes

11. Section 250(1)(a) of the Principal Ordinance is amended by omitting “Minister’s” and substituting “Executive Member’s”.

Administrator in Council may authorize election

12. Section 345(1) of the Principal Ordinance is amended by omitting “Minister” and substituting “Administrator in Council”.

Soliciting votes, &c., on polling day

13. Section 370 of the Principal Ordinance is amended by omitting “20 feet” and substituting “6 metres”.

Amendments to sections 6 and 8 of the *Local Government Ordinance* (No. 4) 1966

14. Sections 6 and 8 of the *Local Government Ordinance* (No. 4) 1966, are amended by inserting after “Minister” the words “(wherever occurring)”
