

# LOCAL GOVERNMENT ORDINANCE (No. 4) 1974

535

No. 94 of 1974

## An Ordinance to amend the *Local Government Ordinance 1954* as amended

[Reserved 15 October 1974]  
[Assented to 4 December 1974]\*

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Local Government Ordinance (No. 4) 1974*. Short title

2. The *Local Government Ordinance 1954* as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. Section 349 of the Principal Ordinance is amended— By-laws

(a) by omitting from paragraph (94) "100 dollars" and substituting "200 dollars"; and

(b) by omitting from that paragraph "10 dollars" and substituting "20 dollars".

4. Section 353 of the Principal Ordinance is repealed and the following section substituted:

"353.(1) Where an act or omission of a person within a municipality constitutes an offence against a by-law of the council of the municipality and also constitutes an offence against another Ordinance or regulation under another Ordinance, that person may, subject to sub-section (2), be prosecuted and convicted under either the by-law or that other Ordinance or those regulations. Offences under a by-law and another law of the Territory

"(2) Nothing in sub-section (1) renders a person liable to be punished more than once in respect of the same offence.

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\* Notified in the *Northern Territory Government Gazette* No. 50 of 12 December, 1974, page 561.

Fines, &c., to  
be paid to  
council

5. Section 399 of the Principal Ordinance is amended by adding the following sub-sections:

“(2) Where an act or omission by a person within a municipality constitutes an offence against a prescribed law and that person is convicted of the offence, any fine or other pecuniary penalty recovered on the conviction shall be paid to the council of the municipality.

“(3) In this section, ‘prescribed law’ means—

- (a) an Ordinance;
- (b) a regulation made under an Ordinance;
- (c) a provision of an Ordinance; or
- (d) a provision of regulations under an Ordinance, prescribed by the regulations to be a prescribed law for the purposes of this section, and includes such an Ordinance, or provision, or any such regulations, as amended from time to time.

“(4) The council of a municipality may, by resolution passed by not less than two-thirds of the members of the council present at the meeting, forward a request in writing to the Administrator in Council that a specified law, being an Ordinance, regulation or provision referred to in paragraph (a), (b), (c) or (d) of sub-section (3) that deals with a matter in respect of which there is power to make a by-law under this Ordinance, be prescribed by the regulations to be a prescribed law for the purposes of this section.

“(5) Without limiting the generality of section 422, where the Administrator in Council receives a request under sub-section (4), he shall make the regulations requested accordingly.

“(6) Where the Administrator in Council makes regulations in pursuance of a request from the council of a municipality or requests from councils of municipalities made under sub-section (4), sub-section (2) applies in relation to that prescribed law only within the municipality or municipalities making the request.”

6. After section 399 of the Principal Ordinance the following section is inserted:

Fines for  
offences within  
a municipality

“399A.(1) The Commonwealth may enter into an arrangement with the council of a municipality for the exercise or performance by the council on behalf of the Commonwealth within the municipality of a power or duty under a law of the Territory, not being a power or duty granted or imposed under this Ordinance or a by-law of the council and the council may exercise or perform that power or duty within that

municipality as if the power or duty were given or imposed by this Ordinance.

“(2) Where it is provided by a law of the Territory that a power or duty under that law may be exercised or performed by a council of a municipality, or the Commonwealth enters into an arrangement with the council of the municipality under sub-section (1) for the council to exercise or perform such a power or duty within the municipality, and any fees payable by a person under that law in respect of the exercise or performance of that power or duty and any fines or other pecuniary penalties recovered on prosecution for an offence related to the exercise of that power or duty are payable to the council and may be recovered by the council as a debt due to the council.”.

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