



Australian Government

Minister's Norfolk Island Delegation Instrument 2019

I, **NOLA MARINO**, Assistant Minister for Regional Development and Territories, make the delegations shown in this instrument under subclause 10(1) of Schedule 1 to the *Interpretation Act 1979* (NI).

Dated **9th Dec** 2019

Nola Marino

NOLA MARINO MP
Assistant Minister for Regional Development and Territories

1 Name of Instrument

This instrument is the *Minister's Norfolk Island Delegation Instrument 2019*.

2 Commencement

This instrument commences when it is signed.

3 Definitions

In this instrument (including the Schedule to this instrument):

Classification Rules means the rules issued under section 23 of the *Public Service Act 1999*.

Commonwealth Minister's role means, in relation to an enactment, all the powers, functions and duties the Commonwealth Minister has under the enactment because of:

- (a) subclause 5(1) of Schedule 1 to the *Interpretation Act 1979* (NI); or
- (b) one or more amendments of the enactment made by the *Norfolk Island Continued Laws Ordinance 2015*.

Deputy Secretary, Territories means a Deputy Secretary in the Department who has responsibility for Norfolk Island.

EL 2, Territories means an APS employee in the Division of the Department which has responsibility for Norfolk Island who is classified as an Executive Level 2 employee under the Classification Rules.

Secretary means the Secretary of the Department.

SES 2, Territories means an SES employee who is classified as a Senior Executive Band 2 employee under the Classification Rules, and who has responsibility for Norfolk Island in the Department.

4 References to section

Unless a contrary intention appears, a reference to a section (or subordinate part of a section) in an item in the Schedule is a reference to the section (or subordinate part of a section) in the enactment referred to in column 1 of that item.

5 Delegations

- (1) Subject to sections 6 and 7, the powers, functions or duties specified in column 2 in the Schedule which arise under the enactments specified in column 1 of that item are delegated to the delegates specified in column 3 of that item.
- (2) The **delegates** in each item are the persons from time to time holding, occupying or performing the duties of the offices or position specified in column 3 of that item.

Note Delegates may be described in the Schedule by position description (e.g. "Deputy Secretary, Territories"). Section 34AA and subsection 46(1) (where applicable) of the *Acts Interpretation Act 1901* permit delegations as set out in this instrument to persons acting in positions (see also section 8A of the *Interpretation Act 1979* (NI)).

6 Power to make Regulations not delegated

- (1) The powers delegated by this instrument do not include the power to make Regulations under an enactment.
- (2) For the avoidance of doubt, subsection 6(1) does not affect the delegation of powers to make instruments other than Regulations.

7 Power to delegate not delegated

- (1) The powers delegated by this instrument do not include the power to further delegate a power, function or duty.

8 Revocations

- (1) This instrument revokes all previous delegations made under subclause 10(1) of Schedule 1 to the *Interpretation Act 1979* (NI).

Schedule Delegations

(section 5)

1. Norfolk Island legislation

Item	Column 1 Delegation source	Column 2 Power(s) or function(s) delegated	Column 3 Delegate(s)
1.01	<i>Absentee Landowners Levy Act 1976 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.02	<i>Administration Act 1936 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.03	<i>Administration and Probate Act 2006 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.04	<i>Administrative Review Tribunal Act 1996 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.05	<i>Animals (Importation) Act 1983 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.05a	<i>Animals (Importation) Act 1983 (NI)</i>	Power to grant a permit either absolutely or subject to conditions, and power to refuse to grant a permit, under section 8	EL 2, Territories
1.06	<i>Associations Incorporation Act 2005 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.07	<i>Auctioneers Act 1926 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.08	<i>Bankruptcy Act 2006 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.09	<i>Birds Protection Act 1913 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.10	<i>Bookmakers and Betting Exchange Act 1998 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.11	<i>Brands and Marks Act 1949</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.12	<i>Building Act 2002 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.13	<i>Business Names Act 1976 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.14	<i>Business Transactions (Administration) Act 2006</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories

	Column 1	Column 2	Column 3
1.15	<i>Cheques (Duty) Act 1983</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.16	<i>Child Welfare Act 2009</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.17	<i>Community Title Act</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.18	<i>Companies Act 1985</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.19	<i>Conveyancing Act 1913</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.20	<i>Coroners Act 1993</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.21	<i>Court of Petty Sessions Act 1960</i> (NI)	Commonwealth Minister's role, excluding power to appoint a chief magistrate under s 6(2) and power under s 6(5) to determine the period for and terms and conditions under which the Chief Magistrate shall hold office	Administrator Deputy Secretary, Territories SES 2, Territories
1.22	<i>Court Procedures Act 2007</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.23	<i>Criminal Code 2007</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.24	<i>Criminal Procedure Act 2007</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.25	<i>Crown Lands Act 1996</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.26	<i>Dangerous Drugs Act 1927</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.26a	<i>Dangerous Drugs Act 1927</i> (NI)	Power to grant a licence (including subject to conditions) to import dangerous drugs under s 7 and power to issue a certificate specifying the period within which dangerous drugs must be imported under s 8	EL 2, Territories
1.27	<i>Disaster and Emergency Management Act 2001</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.28	<i>Electricity Supply Act 1985</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.29	<i>Employment Act 1988</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories

	Column 1	Column 2	Column 3
1.30	<i>Enactments Reprinting Act 1980</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.31	<i>Endangered Species Act 1980</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.32	<i>Environment Act 1990</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.33	<i>Evidence Act 2004</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.34	<i>Fair Trading Act 1995</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.35	<i>Financial Institutions Levy Act 1985</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.36	<i>Fire Control Act 2000</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.37	<i>Firearms and Prohibited Weapons Act 1997</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.38	<i>Fuel Emergency Act 2005</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.39	<i>Gaming Act 1998</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.40	<i>Gaming Supervision Act 1998</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.41	<i>Health Act 1913</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.42	<i>Heritage Act 2002</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.43	<i>Interpretation Act 1979</i> (NI)	Commonwealth Minister's role, excluding the powers to delegate under cl 10 of Schedule 1, and the power to give directions under cl 11 of Schedule 1.	Administrator Deputy Secretary, Territories SES 2, Territories
1.44	<i>Juries Act 1960</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.45	<i>Justices of the Peace Act 1972</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.46	<i>Land Titles Act 1996</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.47	<i>Land Valuation Act 2012</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories

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	Column 1	Column 2	Column 3
1.48	<i>Law of Negligence and Limitation of Liability Act 2008 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.49	<i>Legal Aid Act 1995 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.50	<i>Legal Profession Act 1993 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.51	<i>Liquor Act 2005 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.51a	<i>Liquor Act 2005 (NI)</i>	Power to authorise liquor imports under section 75	EL 2, Territories
1.52	<i>Lotteries and Fundraising Act 1987 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.53	<i>Lunacy Act 1932 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.54	<i>Marine Safety Act 2013 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.55	<i>Mediation Act 2005 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.56	<i>Mental Health Act 1996 (NI)</i>	Commonwealth Minister's role excluding the power to enter into an agreement with a Minister of another State or Territory under s 42A(1)	Administrator Deputy Secretary, Territories SES 2, Territories
1.57	<i>Migratory Birds Act 1980 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.58	<i>Museum Trust Act 1987 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.59	<i>Norfolk Island Broadcasting Act 2001 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.60	<i>Norfolk Island Flag and Public Seal Act 1979 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.61	<i>Norfolk Island Health and Residential Aged Care Act 1985 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.62	<i>Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.63	<i>Norfolk Island Penny Savings Bank Act 1935 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.64	<i>Noxious Weeds Act 1916 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories

	Column 1	Column 2	Column 3
1.65	<i>Pharmacy Act 1956</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.66	<i>Planning Act 2002</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.67	<i>Plant and Fruit Diseases Act 1959</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.68	<i>Poisons and Dangerous Substances Act 1957</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.69	<i>Police Act 1931</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.70	<i>Public Reserves Act 1997</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.71	<i>Public Reserves (Animals) Act 1997</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.72	<i>Public Roads and Public Notices Act 1913</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.73	<i>Quarrying and Related Public Works Act 2004</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.74	<i>Registration of Births, Deaths and Marriages Act 1963</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.75	<i>Removal of Prisoners Act 2004</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.76	<i>Retail Price Index 1983</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.77	<i>Roads Act 2002</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.78	<i>Sale of Shares Act 1922</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.79	<i>Sale of Tobacco Act 2004</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.80	<i>Sentencing Act 2007</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.81	<i>Spear Guns Control Act 1971</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.82	<i>Stock Diseases Act 1936</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.83	<i>Subdivision Act 2002</i> (NI)	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories

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1.84	<i>Supreme Court Act 1960 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.85	<i>Surveys Act 1937 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.86	<i>Traffic Act 2010 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories
1.87	<i>Youth Advisory Council Act 2000 (NI)</i>	Commonwealth Minister's role	Administrator Deputy Secretary, Territories SES 2, Territories