



Norfolk Island Act 1979

Act No. 25 of 1979 as amended

This compilation was prepared on 15 December 2010
taking into account amendments up to Act No. 139 of 2010

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to provide for the government of Norfolk Island

WHEREAS by an Act of the Parliament of the United Kingdom, made and passed in the sixth and seventh years of the reign of Her Majesty Queen Victoria intituled “An Act to amend so much of an Act of the last Session, for the Government of New South Wales and Van Diemen’s Land, as relates to Norfolk Island,” it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to sever Norfolk Island from the Government of New South Wales and to annex it to the Government and Colony of Van Diemen’s Land:

AND WHEREAS Her Majesty Queen Victoria, in exercise of the powers vested in Her by the said Act, by a Commission under the Great Seal of the United Kingdom bearing date the twenty-fourth day of October, 1843, appointed that from and after the twenty-ninth day of September, 1844, Norfolk Island should be severed from the Government of New South Wales and annexed to the Government and Colony of Van Diemen’s Land:

AND WHEREAS by an Act of the Parliament of the United Kingdom, called the Australian Waste Lands Act 1855, it was, amongst other things, provided that it should be lawful for Her Majesty at any time, by Order in Council, to separate Norfolk Island from the Colony of Van Diemen’s Land and to make such provision for the Government of Norfolk Island as might seem expedient:

AND WHEREAS on 8 June 1856 persons who had previously inhabited Pitcairn Island settled on Norfolk Island:

AND WHEREAS by an Order in Council dated the twenty-fourth day of June, 1856, made by Her Majesty in pursuance of the last-mentioned Act, it was ordered and declared, amongst other things, that from and after the date of the proclamation of the Order in New South Wales Norfolk Island should be thereby separated from the said Colony of Van Diemen’s Land (now called Tasmania) and that from that date all power, authority, and jurisdiction of the Governor, Legislature, Courts of Justice, and Magistrates of Tasmania over Norfolk Island should cease and

determine, and that from the said date Norfolk Island should be a distinct and separate Settlement, the affairs of which should until further Order in that behalf by Her Majesty be administered by a Governor to be for that purpose appointed by Her Majesty with the advice and consent of Her Privy Council: and it was thereby further ordered that the Governor and Commander-in-Chief for the time being of the Colony of New South Wales should be, and he thereby was, constituted Governor of Norfolk Island, with the powers and authorities in the said Order mentioned:

AND WHEREAS the said Order in Council was proclaimed in New South Wales on 1 November 1856:

AND WHEREAS by an Order in Council dated the fifteenth day of January, 1897, made in pursuance of the said last-mentioned Act, Her Majesty, after reciting that it was expedient that other provision should be made for the government of Norfolk Island, and that, in prospect of the future annexation of Norfolk Island to the Colony of New South Wales or to any Federal body of which that Colony might thereafter form part, in the meantime the affairs of Norfolk Island should be administered by the Governor of New South Wales as therein provided, was pleased to revoke the said Order in Council of the twenty-fourth day of June, One thousand eight hundred and fifty-six, and to order that the affairs of Norfolk Island should thenceforth, and until further Order should be made in that behalf by Her Majesty, be administered by the Governor and Commander-in-Chief for the time being of the Colony of New South Wales and its Dependencies:

AND WHEREAS the said Order in Council was published in the New South Wales *Government Gazette* on 19 March 1897, and took effect at that date:

AND WHEREAS by an Order in Council dated the eighteenth day of October, One thousand nine hundred, made in pursuance of the said last mentioned Act, Her Majesty was pleased to revoke the said Order in Council of the fifteenth day of January, One thousand eight hundred and ninety-seven, and to order that the affairs of Norfolk Island should thenceforth, and until further Order should be made in that behalf by Her Majesty, be administered by the Governor for the time being of the State of New South Wales and its Dependencies:

AND WHEREAS the said Order in Council was published in the New South Wales *Government Gazette* on 1 January 1901, and took effect at that date:

AND WHEREAS by an Order in Council dated the 30th day of March, 1914, His Majesty King George V, by virtue and in exercise of the power in that behalf by the said last-mentioned Act or otherwise in His Majesty vested, after reciting that the Parliament had passed an Act No. 15 of 1913, entitled “An Act to provide for the acceptance of Norfolk Island as a territory under the authority of the Commonwealth, and for the government thereof” and that it was expedient that the said Order in Council of 18th of October, 1900, should be revoked and that Norfolk Island should be placed under the authority of the Commonwealth of Australia, was pleased to revoke the said Order in Council of 18th of October, 1900, and to order that Norfolk Island be placed under the authority of the Commonwealth of Australia:

AND WHEREAS the said Order in Council was published in the *Gazette* on 17 June 1914, and took effect from 1 July 1914, being the date of commencement of the *Norfolk Island Act 1913*:

AND WHEREAS Norfolk Island was, by the *Norfolk Island Act 1913*, declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth:

AND WHEREAS Norfolk Island has been governed by the Commonwealth initially under the provisions of the *Norfolk Island Act 1913*, and subsequently under the provisions of the *Norfolk Island Act 1957*:

AND WHEREAS the residents of Norfolk Island include descendants of the settlers from Pitcairn Island:

AND WHEREAS the Parliament recognises the special relationship of the said descendants with Norfolk Island and their desire to preserve their traditions and culture:

AND WHEREAS the Parliament considers it to be desirable and to be the wish of the people of Norfolk Island that Norfolk Island achieve, over a period of time, internal self-government as a Territory under the authority of the Commonwealth and, to that end, to provide, among other things, for the establishment of a

representative Legislative Assembly and of other separate political and administrative institutions on Norfolk Island:

AND WHEREAS the Parliament intends that within a period of 5 years after the coming into operation of this Act consideration will be given to extending the powers conferred by or under this Act on the Legislative Assembly and the other political and administrative institutions of Norfolk Island, and that provision be made in this Act to enable the results of such consideration to be implemented:

BE IT THEREFORE ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Norfolk Island Act 1979*.

2 Commencement [see Note 1]

- (1) Sections 1, 2, 4, 31, 38, 39, 67, 68 and 69 shall come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.

3 Repeals

The *Norfolk Island Act 1957* and the *Norfolk Island Act 1963* are repealed.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

Acting Administrator means a person appointed under section 8 to act in the office of Administrator.

Administration means the Administration or government of the Territory.

Administrator means the Administrator of the Territory appointed under this Act and includes a person acting as the Administrator under this Act.

Chief Executive Officer has the same meaning as in the *Public Sector Management Act 2000* of Norfolk Island.

Chief Justice means the Chief Justice of the Supreme Court.

Chief Minister means the Chief Minister appointed under section 13.

Section 4

Commonwealth Finance Minister means the Commonwealth Minister who administers the *Financial Management and Accountability Act 1997*.

Commonwealth Finance Minister's Orders means Orders made under section 48T.

Commonwealth Financial Officer for Norfolk Island means the Commonwealth Financial Officer for Norfolk Island appointed under regulations made for the purposes of section 51D.

Commonwealth Gazette means the *Commonwealth of Australia Gazette*.

Commonwealth Minister means a Minister of State of the Commonwealth.

Deputy Speaker means the Deputy Speaker of the Legislative Assembly.

enactment means:

- (a) a law (however described or entitled) passed by the Legislative Assembly and assented to under this Act;
- (b) an Ordinance made by the Governor-General under section 27 or in pursuance of section 69; or
- (c) an Ordinance continued in force by this Act.

Executive Council means the Executive Council of Norfolk Island.

Federal Court means the Federal Court of Australia.

financial management and accountability provisions means:

- (a) the provisions of Divisions 2, 3 and 4 of Part VI; or
- (b) regulations made for the purposes of a provision of Division 2 of Part VI; or
- (c) the Commonwealth Finance Minister's Orders.

Judge means a Judge of the Supreme Court (including the Chief Justice).

Legislative Assembly means the Legislative Assembly of Norfolk Island.

Minister means:

- (a) the Chief Minister; or
- (b) a Minister appointed under section 13.

Minister for Finance means the Minister who is responsible for the administration of the Public Account of Norfolk Island.

money of a Territory authority means:

- (a) money in the custody or under the control of a Territory authority; or
- (b) money in the custody or under the control of any person acting for or on behalf of a Territory authority in respect of the custody or control of the money;

and includes such money that is held on trust for, or otherwise for the benefit of, a person other than a Territory authority.

Norfolk Island Public Service Values means the rules prescribed by regulations made for the purposes of subsection 61A(1).

performance audit has the same meaning as in the *Auditor-General Act 1997*.

property of a Territory authority means:

- (a) property in the custody or under the control of a Territory authority; or
- (b) property in the custody or under the control of any person acting for or on behalf of a Territory authority in respect of the custody or control of the property;

including such property that is held on trust for, or otherwise for the benefit of, a person other than a Territory authority.

Public Account of Norfolk Island means the Public Account of Norfolk Island established by subsection 47(1).

public money of the Territory means:

- (a) money in the custody or under the control of the Administration; or
- (b) money in the custody or under the control of any person acting for or on behalf of the Administration in respect of the custody or control of the money;

and includes such money that is held on trust for, or otherwise for the benefit of, a person other than the Administration, but does not include money standing to the credit of the Norfolk Island

Section 4

Provident Account established under the *Provident Account Act 1958* of Norfolk Island.

public property of the Territory means:

- (a) property in the custody or under the control of the Administration; or
- (b) property in the custody or under the control of any person acting for or on behalf of the Administration in respect of the custody or control of the property;

including such property that is held on trust for, or otherwise for the benefit of, a person other than the Administration.

responsible Commonwealth Minister means the Commonwealth Minister who administers this Act.

responsible manager, in relation to a Territory authority, means an individual who is responsible for the finances of the Territory authority.

Speaker means the Speaker of the Legislative Assembly.

Supreme Court means the Supreme Court of Norfolk Island referred to in section 52.

Territory means Norfolk Island, that is to say, the Territory of Norfolk Island as described in Schedule 1.

Territory authority means:

- (a) a body corporate established for a public purpose by or under an enactment; or
- (b) a body, entity, organisation or group of persons specified in the regulations; or
- (c) a body corporate in which:
 - (i) the Administration; or
 - (ii) a body corporate referred to in paragraph (a); or
 - (iii) a body, entity, organisation or group of persons referred to in paragraph (b);has a controlling interest.

For the purposes of this definition, **entity** has the same meaning as in the *Income Tax Assessment Act 1997*, but does not include an individual.

Section 4A

- (2) The specification of a matter in an item in Schedule 2 or 3 shall not be taken to limit the generality of any matter specified in any other item in that Schedule.
- (3) A reference in this Act to a law, or to regulations, in force immediately before a particular date shall be read as including a reference to any provisions of the law, or of the regulations, that are not to come into operation until that date or a later date.

4A Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part II—Administration

5 Administrator and Administration

- (1) There shall be an Administrator of the Territory, who shall administer the government of the Territory as a Territory under the authority of the Commonwealth.
- (2) The Administration is a body politic with perpetual succession by the name of the Administration of Norfolk Island.
- (3) Subject to this Act, the Administration of Norfolk Island is capable by that name of:
 - (a) suing and being sued;
 - (b) making contracts;
 - (c) acquiring, holding and disposing of real and personal property; and
 - (d) doing and suffering all other matters and things a body corporate may do or suffer.

6 Appointment of Administrator

The Administrator shall be appointed by the Governor-General by Commission and shall hold office during the pleasure of the Governor-General.

7 Exercise of Administrator's powers etc.

- (1) The Administrator shall exercise all powers and perform all functions that belong to his or her office, or that are conferred on him or her by or under law in force in the Territory, in accordance with the tenor of his or her Commission and:
 - (a) in relation to a matter that, in his or her opinion, is a matter specified in Schedule 2—in accordance with such advice, if any, as is given to him or her by the Executive Council;
 - (b) in relation to a matter that, in his or her opinion, is a matter specified in Schedule 3—in accordance with the advice of the Executive Council;

- (c) where it is provided by this Act that he or she is to act on the advice of the Executive Council or the Legislative Assembly—in accordance with that advice;
 - (d) in forming an opinion as provided by this Act—at his or her own discretion; and
 - (e) in all other cases—in accordance with such instructions, if any, as are given to him or her by the responsible Commonwealth Minister.
- (2) Notwithstanding paragraphs (1)(a) and (b), where the Executive Council advises the Administrator to take, or to refrain from taking, any specified action in relation to a matter to which paragraph (1)(a) or (b) applies and that advice is inconsistent with instructions given to the Administrator by the responsible Commonwealth Minister in accordance with subsection (3), the Administrator shall not take that action, or shall not refrain from taking that action, as the case may be.
- (3) For the purposes of subsection (2), the responsible Commonwealth Minister may give the Administrator instructions in respect of advice tendered to the Administrator for the purposes of paragraph (1)(a) or (b), and may give the Administrator instructions in respect of the referral to the responsible Commonwealth Minister of any such advice.

8 Acting Administrator

- (1) The Governor-General may, by Commission, appoint a person to act in the office of Administrator, and to administer the government of the Territory:
- (a) during a vacancy in the office of the Administrator; or
 - (b) during any period, or during all periods, when the Administrator:
 - (i) is absent from duty, or from the Territory; or
 - (ii) is, for any reason, unable to perform the duties of the office.
- (1A) While a person so appointed is administering the government of the Territory, he or she has all the powers and functions of the Administrator.

Section 9

- (2) The exercise of the powers and the performance of the functions of the Administrator, by virtue of this section, by a person during the absence of the Administrator from duty or from the Territory does not affect the exercise of any power or the performance of any function by the Administrator.

9 Deputies of Administrator

- (1) The responsible Commonwealth Minister may appoint a person, or persons jointly or severally, to be the deputy or deputies of the Administrator in the Territory, and in that capacity to exercise during the pleasure of the responsible Commonwealth Minister such powers and functions of the Administrator as the responsible Commonwealth Minister assigns to the deputy or deputies.
- (2) The appointment of a deputy does not affect the exercise of a power or performance of a function by the Administrator.
- (3) A reference in a law of the Commonwealth to a **Deputy Administrator** of Norfolk Island is a reference to a deputy of the Administrator.

10 Oath or affirmation of Administrator etc.

- (1) The Administrator and an Acting Administrator shall, before entering on the duties of his or her office, make and subscribe an oath or affirmation in accordance with the form in Schedule 4.
- (2) A deputy of the Administrator shall, before exercising a power or performing a function by virtue of his or her office, make and subscribe an oath or affirmation in accordance with the form in Schedule 4.
- (3) An oath or affirmation made by a person under this section shall be made before the Governor-General, a Judge of the Supreme Court or of another court created by the Parliament, or a person authorized by the Governor-General for the purpose, and may be made before the day on which the person's appointment takes effect.

Part III—The Executive Council

11 The Executive Council

- (1) There shall be an Executive Council of Norfolk Island to advise the Administrator on all matters relating to the government of the Territory.
- (2) The Executive Council consists of:
 - (a) the Chief Minister; and
 - (b) such other Ministers as are appointed by the Administrator under section 13.
- (3) The Administrator is entitled to attend all meetings of the Executive Council and shall preside at all meetings at which he or she is present.
- (4) If the Administrator is not present at a meeting of the Executive Council, the members of the Executive Council present shall elect one of their number to preside.
- (5) The Administrator may introduce into the Executive Council any matter for discussion by the Executive Council.
- (6) Meetings of the Executive Council shall be convened by the Administrator and not otherwise.
- (7) The Administrator may convene a meeting of the Executive Council at any time, and shall convene a meeting whenever requested to do so by 3 or more members of the Executive Council.
- (9) Subject to the preceding provisions of this section and to any provision made by the regulations, the procedure of the Executive Council shall be as the Executive Council determines.

12 Ministers

- (1) There is to be:
 - (a) a Chief Minister of the Territory; and
 - (b) at least one, and not more than 3, other Ministers of the Territory.

Section 12A

- (2) The matters in respect of which the Ministers have executive authority are the matters specified in Schedules 2 and 3.
- (3) A person who is employed in the Public Service of the Territory or of the Commonwealth is not eligible to be a Minister, and a person holding office as a Minister vacates his or her office if he or she becomes so employed.
- (4) For the purposes of subsection (3), a person who:
 - (a) is an APS employee; or
 - (b) is employed under a law relating to the Public Service of the Territory as a temporary employee; or
 - (c) is employed under a law relating to the Public Service of a Territory or of the Commonwealth as an officer or employee to whom any provisions of that law do not apply;is taken to be employed in the Public Service of the Territory or of the Commonwealth, as the case requires.

12A Nomination of Chief Minister

- (1) At the first meeting of the Legislative Assembly after a general election, the members present must, after electing a Speaker and Deputy Speaker and before any other business, nominate one of their number to be the Chief Minister.
- (2) If there is a vacancy in the office of Chief Minister (otherwise than because of paragraph 14(1)(e) or (f)), then:
 - (a) if the vacancy happens at a meeting of the Legislative Assembly—the members present must nominate one of their number to be the Chief Minister; or
 - (b) if the vacancy happens at any other time—the Speaker must convene a meeting of the Legislative Assembly as soon as practicable and, at the meeting, the members present must nominate one of their number to be the Chief Minister.
- (3) If a resolution of no confidence in the Chief Minister is passed, the members present must nominate one of their number to be the Chief Minister.
- (4) The Speaker or Deputy Speaker is not eligible to be nominated as Chief Minister.

- (5) If a member of the Legislative Assembly is nominated to be the Chief Minister, the Legislative Assembly is taken to have advised the Administrator to appoint the member as the Chief Minister.

13 Appointment of Ministers

- (1) The Administrator may, on the advice of the Legislative Assembly, appoint a member of the Legislative Assembly as the Chief Minister.
- (2) The Administrator may, on the advice of the Chief Minister, appoint one or more other Ministers from among the members of the Legislative Assembly.

Note: The maximum number of other Ministers is 3—see subsection 12(1).

- (3) An appointment under subsection (1) or (2) takes effect at the time when it is made or, if a later time is specified in the instrument of appointment, at that later time.
- (4) The Speaker or Deputy Speaker is not eligible to be appointed under subsection (2) as a Minister.

14 Termination

Chief Minister

- (1) A person ceases to hold office as the Chief Minister when:
- (a) he or she ceases, by reason of his or her resignation or by reason of section 39 or 39AA, to be a member of the Legislative Assembly; or
 - (b) he or she is dismissed from office by the Administrator under section 14A; or
 - (c) he or she resigns his or her office by writing signed by him or her and delivered to the Administrator; or
 - (d) the Legislative Assembly passes a resolution of no confidence in him or her; or
 - (e) a notice about a general election is published under subsection 39AB(1); or
 - (f) the Legislative Assembly is dissolved under section 39AC; or
 - (g) the Legislative Assembly first meets after a general election of the Legislative Assembly that takes place after his or her

Section 14A

most recent appointment to the office of Chief Minister takes effect;
whichever first happens.

Other Ministers

- (2) A person ceases to hold office as a Minister (other than the Chief Minister) when:
- (a) he or she ceases, by reason of his or her resignation or by reason of section 39 or 39AA, to be a member of the Legislative Assembly; or
 - (b) he or she is dismissed from office by the Administrator under section 14A; or
 - (c) he or she resigns his or her office by writing signed by him or her and delivered to the Administrator; or
 - (d) a notice about a general election is published under subsection 39AB(1); or
 - (e) the Legislative Assembly is dissolved under section 39AC; or
 - (f) the Legislative Assembly first meets after a general election of the Legislative Assembly that takes place after his or her most recent appointment to an office of Minister takes effect;
- whichever first happens.

14A Dismissal of Ministers

- (1) The Administrator may dismiss the Chief Minister from office if, in the Administrator's opinion, there are exceptional circumstances that justify the Administrator so doing.
- (2) The Administrator may dismiss a Minister from office on the advice of the Chief Minister.

15 Oath or affirmation of member of Executive Council and Minister etc.

- (1) A member of the Executive Council shall, before entering on the duties of his or her office, make and subscribe an oath or affirmation in accordance with the form in Schedule 5.
- (2) A person who is appointed to an office of Minister must, before entering on the duties of his or her office, make and subscribe an oath or affirmation in accordance with the form in Schedule 6.

Section 15A

- (3) A person who is not a Minister shall not attend a meeting of the Executive Council unless he or she has, at any time after the last preceding general election of the Legislative Assembly, made and subscribed an oath or affirmation in accordance with the form in Schedule 7.
- (4) An oath or affirmation under this section shall be made before the Administrator or a person authorized by the Administrator to administer such oaths or affirmations.

15A Ministerial portfolios

- (1) The Chief Minister is to administer such matters relating to the powers of the Administration as are allocated to the Chief Minister from time to time by the Chief Minister.
- (2) A Minister (other than the Chief Minister) is to administer such matters relating to the powers of the Administration as are allocated to that Minister from time to time by the Chief Minister.
- (3) The Chief Minister may authorise a Minister or Ministers to act on behalf of the Chief Minister or any other Minister.
- (4) The Chief Minister must publish particulars of such arrangements in the *Norfolk Island Government Gazette*.

Part IV—Legislation

Division 1—Laws

16 Continuance of existing laws

- (1) Notwithstanding the repeal of the *Norfolk Island Act 1957* and the *Norfolk Island Act 1963*, but subject to this Act, all other laws in force immediately before the date of commencement of this section in or in relation to the Territory continue in force.
- (2) In this section, **laws** means Ordinances made under, and laws continued in force by, the *Norfolk Island Act 1957* and laws made under such an Ordinance or law.

17 Amendment and repeal of existing laws

- (1) Subject to this Act, a law continued in force by section 16 may be amended or repealed by an enactment or by a law made under an enactment.
- (2) A law continued in force by section 16, being an Ordinance, or being a Law made by the Governor of the State of New South Wales before the commencement of the *Norfolk Island Act 1913*, may not be amended or repealed by a law made under an enactment unless the contrary intention appears in that enactment.

18 Application of Commonwealth Acts

- (1) An Act or a provision of an Act (whether passed before or after the date of commencement of this section) is not, except as otherwise provided by that Act or by any other Act, in force as such in the Territory, unless expressed to extend to the Territory.
- (2) An enactment shall not be made so as to affect the application of its own force in, or in relation to, the Territory of an Act or a provision of an Act.

Division 2—Legislative power of Legislative Assembly

19 Legislative power of Legislative Assembly

- (1) Subject to this Act, the Legislative Assembly has power, with the assent of the Administrator or the Governor-General, as the case may be, to make laws for the peace, order and good government of the Territory.
- (2) The power of the Legislative Assembly in relation to the making of laws does not extend to the making of laws:
 - (a) authorizing the acquisition of property otherwise than on just terms; or
 - (b) authorizing the raising or maintaining of any naval, military or air force; or
 - (c) authorizing the coining of money; or
 - (d) which permit or have the effect of permitting (whether subject to conditions or not) the form of intentional killing of another called euthanasia (which includes mercy killing) or the assisting of a person to terminate his or her life.
- (2A) The Legislative Assembly does have power to make laws with respect to:
 - (a) the withdrawal or withholding of medical or surgical measures for prolonging the life of a patient but not so as to permit the intentional killing of the patient; and
 - (b) medical treatment in the provision of palliative care to a dying patient, but not so as to permit the intentional killing of the patient; and
 - (c) the appointment of an agent by a patient who is authorised to make decisions about the withdrawal or withholding of treatment; and
 - (d) the repealing of legal sanctions against attempted suicide.
- (3) Item 1 in Schedule 2 shall not be taken to limit the power of the Legislative Assembly in relation to the making of laws providing for the raising of revenues for purposes other than purposes of matters specified in that Schedule.

20 Powers, privileges and immunities of Legislative Assembly

The power of the Legislative Assembly in relation to the making of laws extends to the making of laws:

- (a) declaring the powers (other than legislative powers), privileges and immunities of the Legislative Assembly and of its members and committees, but so that the powers, privileges and immunities so declared do not exceed the powers, privileges and immunities for the time being of the House of Representatives, or of the members or committees of that House, respectively; and
- (b) providing for the manner in which powers, privileges and immunities so declared may be exercised or upheld.

21 Presentation of proposed laws

- (1) Every proposed law passed by the Legislative Assembly shall be presented to the Administrator for assent.
- (1A) If the proposed law was introduced into the Legislative Assembly by the Governor-General, the Administrator must reserve the proposed law for the Governor-General's pleasure.
- (2) Upon the presentation of a proposed law to the Administrator for assent, the Administrator shall, subject to this section, declare:
 - (a) in the case of a proposed law which, in the opinion of the Administrator, makes provision only for or in relation to matters specified in Schedule 2 or 3 or both:
 - (i) that he or she assents to the proposed law; or
 - (ii) that he or she withholds assent to the proposed law; or
 - (iii) that he or she reserves the proposed law for the Governor-General's pleasure; or
 - (b) in any other case, that he or she reserves the proposed law for the Governor-General's pleasure.
- (3) The Administrator may return the proposed law to the Legislative Assembly with amendments that he or she recommends.
- (4) The Legislative Assembly shall consider the amendments recommended by the Administrator and the proposed law, with or without amendments, may be again presented to the Administrator for assent, and subsection (2) applies accordingly.

- (5) In the case of a proposed law which, in the opinion of the Administrator, makes provision only for or in relation to matters specified in Schedule 2, the Administrator shall not act under paragraph (2)(a) or subsection (3) except in accordance with the advice of the Executive Council and the instructions (if any) of the responsible Commonwealth Minister. If there is an inconsistency between the advice of the Executive Council and the instructions of the responsible Commonwealth Minister, the instructions of the responsible Commonwealth Minister are to prevail to the extent of the inconsistency.
- (6) In the case of a proposed law which, in the opinion of the Administrator, makes provision only for or in relation to matters specified in Schedule 3 or matters specified in Schedules 2 and 3, the Administrator shall not act under paragraph (2)(a) or subsection (3) except in accordance with the instructions of the responsible Commonwealth Minister.

22 Signification of pleasure on proposed law reserved

- (1) Where the Administrator reserves a proposed law for the Governor-General's pleasure, the Governor-General shall, subject to this section, declare:
 - (a) that he or she assents to the proposed law;
 - (b) that he or she withholds assent to the proposed law; or
 - (c) that he or she withholds assent to part of the proposed law and assents to the remainder of the proposed law.
- (2) The Governor-General may return the proposed law to the Administrator with amendments that he or she recommends.
- (3) The Legislative Assembly shall consider the amendments recommended by the Governor-General and the proposed law, with or without amendments, shall be again presented to the Administrator for assent, and subsection 21(1A) or (2) applies accordingly.
- (4) As soon as practicable after the Governor-General has made a declaration in respect of a proposed law in accordance with subsection (1), the Administrator shall cause to be published in the *Norfolk Island Government Gazette* a notice of the declaration.

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- (5) The assent of the Governor-General to a proposed law or part of a proposed law is of no effect until notification of the Governor-General's declaration in respect of the proposed law is published in the *Norfolk Island Government Gazette*.

23 Disallowance of laws by Governor-General

- (1) Subject to this section, the Governor-General may, within 6 months after the Administrator's assent to a proposed law, disallow the law or part of the law.
- (2) The Governor-General may, within 6 months after the Administrator's assent to a proposed law, recommend to the Administrator any amendments of the laws of the Territory that the Governor-General considers to be desirable as a result of his or her consideration of the law.
- (3) Where, as a result of his or her consideration of a law, the Governor-General so recommends any amendments of the laws of the Territory, the time within which the Governor-General may disallow the law, or a part of the law, is extended until the expiration of 6 months after the date of the Governor-General's recommendation.
- (4) Upon publication of notice of the disallowance of a law, or part of a law, in the *Norfolk Island Government Gazette*, the disallowance has, subject to subsection (5), the same effect as a repeal of the law or part of the law, as the case may be.
- (5) If a provision of a disallowed law, or a provision of a disallowed part of a law, amended or repealed a law in force immediately before the date of commencement of that provision, the disallowance revives the previous law from the date of publication of the notice of disallowance as if the disallowed provision had not been made.

24 Reason for withholding assent etc. to be tabled in Legislative Assembly

- (1) Where the Administrator withholds assent to a proposed law, or the Governor-General withholds assent to a proposed law or part of a proposed law or disallows a law or part of a law, a message of the

Administrator stating the reasons for the withholding of assent, or for the disallowance, as the case may be:

- (a) shall, within 21 days after the date on which the assent was withheld or the date of the disallowance, as the case may be, be furnished to the Speaker or, if there is no Speaker or the Speaker is absent from the Territory, the Deputy Speaker; or
 - (b) if it is not practicable for paragraph (a) to be complied with by reason that there is no Deputy Speaker or the Deputy Speaker is absent from the Territory—shall be laid before the Legislative Assembly as soon as practicable after the relevant date referred to in paragraph (a).
- (2) Where a message is furnished to the Speaker or the Deputy Speaker under subsection (1), the message shall be laid before the Legislative Assembly at its next meeting thereafter.

25 Proposal of money Bills

An enactment for the appropriation of public money of the Territory, shall not be proposed in the Legislative Assembly unless it has, at any time after the last preceding general election of the Legislative Assembly, been recommended by message of the Administrator to the Legislative Assembly.

Note: See also section 48 (withdrawals from the Public Account of Norfolk Island).

26 Governor-General may introduce proposed law

The Governor-General may, by message of the Administrator, introduce into the Legislative Assembly a proposed law for the peace, order and good government of the Territory.

26A Responsible Commonwealth Minister may introduce proposed law

The responsible Commonwealth Minister may, by message of the Administrator, introduce into the Legislative Assembly a proposed law for the peace, order and good government of the Territory.

Division 3—Legislative powers of the Governor-General

27 Legislative powers of the Governor-General

- (1) Where:
 - (a) the Governor-General introduces a proposed law into the Legislative Assembly under section 26; and
 - (b) within 60 days thereafter, the Legislative Assembly has not passed the proposed law or has passed it with amendments that, in the opinion of the Governor-General, are unacceptable;the Governor-General may make an Ordinance in the same terms as those of the proposed law as so introduced.
- (2) Where it appears to the Governor-General that, on account of urgency or for any other special reason, a law for the peace, order and good government of the Territory, other than a law making provision for or in relation to a matter specified in Schedule 2 or 3, should be made without being introduced into the Legislative Assembly, the Governor-General may make an Ordinance accordingly.
- (3) Where it appears to the Governor-General that:
 - (a) no provision, or insufficient provision, has been made for the expenditure of money out of the Public Account of Norfolk Island for the purposes of the government of the Territory during a financial year of the Territory; and
 - (b) on account of urgency or for any other special reason, a law should be made, without being introduced into the Legislative Assembly, for the purpose of authorizing such expenditure;the Governor-General may make an Ordinance accordingly.
- (4) An Ordinance made under subsection (3) may empower the Administrator, subject to such instructions as are given to him or her by the responsible Commonwealth Minister, to do such things, and give such directions, as may be necessary or convenient for purposes of ensuring that expenditure authorized by the Ordinance is duly made.
- (5) The Governor-General may:

- (a) in accordance with the preceding provisions of this section, make an Ordinance amending an Ordinance made by him or her under this section; and
 - (b) at any time, make an Ordinance repealing an Ordinance made by him or her under this section.
- (6) Where the Governor-General makes an Ordinance under this section, a copy of the Ordinance shall be transmitted to the Legislative Assembly by message of the Administrator.
- (7) An Ordinance made under this section providing for the raising of revenues shall provide that revenues raised by virtue of the Ordinance are to be used for a purpose or purposes specified in the Ordinance.

28 Laying of certain Ordinances before the Parliament

- (1) This section applies to Ordinances made by the Governor-General under section 27.
- (2) An Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the making of that Ordinance, and, if it is not so laid before each House of the Parliament, ceases to have effect.
- (3) If either House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after an Ordinance has been laid before that House, passes a resolution disallowing the Ordinance or a part of the Ordinance, the Ordinance or part so disallowed thereupon ceases to have effect.
- (4) If, at the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament, being notice given within 15 sitting days after the Ordinance has been laid before that House:
 - (a) the notice has not been withdrawn and the motion has not been called on; or
 - (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;the Ordinance or part, as the case may be, specified in the motion shall thereupon be deemed to have been disallowed.

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- (5) If, before the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament:
- (a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
 - (b) at the time of the dissolution, expiry or prorogation, as the case may be:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
- the Ordinance shall, for the purposes of subsections (3) and (4), be deemed to have been laid before that first-mentioned House on the first sitting day of that first-mentioned House after the dissolution, expiry or prorogation, as the case may be.
- (6) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (2), the disallowance of the Ordinance or the operation of subsection (2) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.
- (7) Where:
- (a) an Ordinance (in this subsection referred to as the **relevant Ordinance**) is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (2); and
 - (b) the relevant Ordinance repealed, in whole or in part, another Ordinance or any other law that was in force immediately before the relevant Ordinance came into operation;
- the disallowance of the relevant Ordinance or the operation of subsection (2) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance or law, as the case may be, from and including the date of the disallowance or the date on which the relevant Ordinance ceased to have effect by virtue of that operation of subsection (2), as the case may be, as if the relevant Ordinance had not been made.
- (7A) A reference in subsection (6) or (7) to an Ordinance shall be read as including a reference to a part of an Ordinance, and a reference in subsection (7) to a law has a corresponding meaning.

28AA Ordinance not to be re-made while required to be tabled

- (1) Where an Ordinance (in this section called the *original Ordinance*) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.
- (2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:
 - (a) if the original Ordinance has been laid, in accordance with subsection 28(2), before both Houses of the Parliament on the same day—that day;
 - (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
 - (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 28(2) could have been complied with.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

28AB Ordinance not to be re-made while subject to disallowance

- (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (a) the notice has been withdrawn;
 - (b) the Ordinance is deemed to have been disallowed under subsection 28(4);
 - (c) the motion has been withdrawn or otherwise disposed of; or
 - (d) subsection 28(5) has applied in relation to the Ordinance.
- (2) Where:
 - (a) because of subsection 28(5), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and

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- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;
no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (c) the notice has been withdrawn;
 - (d) the Ordinance is deemed to have been disallowed under subsection 28(4);
 - (e) the motion has been withdrawn or otherwise disposed of; or
 - (f) subsection 28(5) has applied again in relation to the Ordinance.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.
- (4) This section does not limit the operation of section 28AA or 28AC.
- (5) In this section:

Ordinance includes a part of an Ordinance.

28AC Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 28, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

28AD Application of sections 28AA, 28AB and 28AC

Sections 28AA, 28AB and 28AC apply to Ordinances made by the Governor-General under section 27.

28A Laying of certain regulations before the Parliament

- (1) In this section, **regulations** means regulations made by the responsible Commonwealth Minister under an enactment and includes rules and by-laws so made.
- (2) All regulations shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, shall be void and of no effect.
- (3) Subsections 28(3) to (7), inclusive, and sections 28AA, 28AB and 28AC apply to and in relation to regulations laid before a House of the Parliament as if the references in those subsections to an Ordinance were references to regulations.

Division 4—Miscellaneous

29 Inconsistency of laws

- (1) Where an enactment made under Division 2 is inconsistent with an Ordinance made by the Governor-General under section 27, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid, but an enactment and an Ordinance shall not be taken for the purposes of this subsection to be inconsistent to the extent that they are capable of operating concurrently.
- (2) A reference in this section to an enactment or to an Ordinance shall be read as including a reference to a law made under an enactment or under an Ordinance, as the case may be.

30 Commencement of enactments

Notice of the making of every enactment made under this Part shall be published in the *Norfolk Island Government Gazette*, and an enactment shall, unless the contrary intention appears in the enactment, come into operation on the date of publication of the notice.

Part V—The Legislative Assembly

Division 1—Constitution and membership of Legislative Assembly

31 Legislative Assembly

- (1) There shall be a Legislative Assembly of the Territory.
- (2) Subject to the regulations, the Legislative Assembly shall consist of 9 members.
- (3) Subject to this Act, the members of the Legislative Assembly shall be elected as provided by enactment.

32 Oath or affirmation

- (1) A member of the Legislative Assembly shall, before taking his or her seat, make and subscribe an oath or affirmation of allegiance in accordance with the form in Schedule 8 and also an oath or affirmation of office in accordance with the form in Schedule 9.
- (2) An oath or affirmation under subsection (1) shall be made before the Administrator or a person authorized by the Administrator to administer such oaths or affirmations.

33 Writs for elections

Writs for the election of members of the Legislative Assembly shall be issued by the Administrator.

34 Term of office of member

Subject to this Act, the term of office of a member of the Legislative Assembly commences on the date of his or her election and ends immediately before the date of the next general election of members of the Legislative Assembly.

Section 35

35 Dates of elections

- (1) A general election of members of the Legislative Assembly shall be held on a date determined by the Administrator.
- (1A) Subsection (1) does not apply to a general election held in accordance with section 39AB or 39AC.
- (2) The period from the first meeting of the Legislative Assembly after a general election of members of that Assembly to the date of the next succeeding general election shall not be more than 3 years.

36 Resignation of members of Legislative Assembly

A member of the Legislative Assembly may resign his or her office by writing signed by him or her and delivered to the Speaker or, if there is no Speaker or the Speaker is absent from the Territory, to the Administrator.

37 Filling of casual vacancy

Where a casual vacancy occurs in the office of a member of the Legislative Assembly less than 2 years and 9 months after the first meeting of that Assembly following the last preceding general election, an election shall be held for the purpose of filling the vacant office for the remainder of the term of office of the member who last held that office.

38 Qualifications for election

Subject to section 39, a person is qualified to be a candidate for election as a member of the Legislative Assembly if, at the date of nomination:

- (b) he or she has attained the age of 18 years; and
- (ba) he or she is an Australian citizen; and
- (c) he or she is entitled, or qualified to become entitled, to vote at elections of members of the Legislative Assembly; and
- (d) he or she has such qualifications relating to residence as are prescribed by enactment for the purposes of this paragraph or, if no such enactment is in force, he or she has been ordinarily resident within the Territory for a period of 5 years immediately preceding the date of nomination.

39 Disqualifications for membership of Legislative Assembly

- (1) A person is not qualified to be a candidate for election as a member of the Legislative Assembly if, at the date of nomination:
 - (a) he or she is an undischarged bankrupt;
 - (b) he or she has been convicted and is under sentence of imprisonment for one year or longer for an offence against the law of the Commonwealth or of a State or Territory;
 - (c) he or she is a member of the Police Force of the Territory or of the Commonwealth; or
 - (d) he or she is the holder of an office or appointment under a law of the Commonwealth or of the Territory, being an office or appointment that is prescribed for the purposes of this paragraph.
- (2) A member of the Legislative Assembly vacates his or her office if:
 - (a) he or she becomes a person to whom any of the paragraphs of subsection (1) applies; or
 - (c) he or she fails to attend the Legislative Assembly for 3 consecutive meetings of the Legislative Assembly without the permission of the Legislative Assembly; or
 - (d) he or she ceases to be entitled, or qualified to become entitled, to vote at elections of members of the Legislative Assembly; or
 - (da) he or she ceases to be an Australian citizen; or
 - (e) he or she takes or agrees to take, directly or indirectly, any remuneration, allowance, honorarium or reward for services rendered in the Legislative Assembly, otherwise than in accordance with section 65.
- (3) A member of the Legislative Assembly who is a party to, or has a direct or indirect interest in, a contract made by or on behalf of the Commonwealth or the Administration under which goods or services are to be supplied to the Commonwealth or the Administration shall not take part in a discussion of a matter, or vote on a question, in the Legislative Assembly where the matter or question relates directly or indirectly to that contract.

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- (4) Any question concerning the application of subsection (3) shall be decided by the Legislative Assembly, and a contravention of that subsection does not affect the validity of anything done by the Legislative Assembly.

39AA Dismissal of members of the Legislative Assembly

The Administrator may dismiss a member of the Legislative Assembly from office if the member has engaged, or is engaging, in:

- (a) seriously unlawful conduct; or
- (b) grossly improper conduct.

39AB Resolution of no confidence in the Chief Minister

- (1) If:
- (a) on a particular day, the Legislative Assembly passes a resolution of no confidence in the Chief Minister; and
 - (b) the Legislative Assembly does not, within the period of 10 days after that day, nominate a member of the Legislative Assembly to be the Chief Minister; and
 - (c) the Governor-General does not, within that period of 10 days, dissolve the Legislative Assembly under section 39AC;
- a general election of members of the Legislative Assembly is to be held on a day specified by the responsible Commonwealth Minister by notice published in the *Commonwealth Gazette*.
- (2) The specified day must not be earlier than 36 days, or later than 90 days, after the end of that period of 10 days.
- (3) The specified day must not be the polling day for:
- (a) an election of the Senate; or
 - (b) a general election of the House of Representatives.
- (4) As soon as practicable after the publication of the notice under subsection (1), the responsible Commonwealth Minister must cause notice of the specified day to be published in the *Norfolk Island Government Gazette*.
- (5) During the period:
- (a) beginning when the notice is published under subsection (1); and

- (b) ending when the Legislative Assembly meets after the general election mentioned in subsection (1);
- the Administrator:
 - (c) is to exercise all the powers of the Administration, the Executive Council and Ministers in accordance with any directions given by the Governor-General; and
 - (d) if it is necessary to issue or spend public money of the Territory when not authorised to do so by or under enactment—may do so with the authority of the Governor-General.
- (6) The powers of the Governor-General under subsection (5) are to be exercised by Proclamation.
- (7) For the purposes of this Act, if a notice is published under subsection (1) on a particular day, the notice is taken to have been published at the last moment of that day.
- (8) A notice under subsection (1) or (4) is not a legislative instrument.
- (9) A Proclamation under subsection (5) is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the Proclamation.

39AC Dissolution of Legislative Assembly by the Governor-General

- (1) If, in the opinion of the Governor-General, the Legislative Assembly:
 - (a) is incapable of effectively performing its functions; or
 - (b) is conducting its affairs in a grossly improper manner;the Governor-General may dissolve the Legislative Assembly.
- (2) If the Legislative Assembly is dissolved, a general election of members of the Legislative Assembly is to be held on a day specified by the responsible Commonwealth Minister by notice published in the *Commonwealth Gazette*.
- (3) The specified day must not be earlier than 36 days, or later than 90 days, after the dissolution.
- (4) The specified day must not be the polling day for:
 - (a) an election of the Senate; or
 - (b) a general election of the House of Representatives.

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- (5) As soon as practicable after the publication of the notice under subsection (2), the responsible Commonwealth Minister must cause notice of the specified day to be published in the *Norfolk Island Government Gazette*.
- (6) During the period:
 - (a) beginning when the Legislative Assembly is dissolved; and
 - (b) ending when the Legislative Assembly meets after the first general election of the Legislative Assembly that takes place after the dissolution;the Administrator:
 - (c) is to exercise all the powers of the Administration, the Executive Council and Ministers in accordance with any directions given by the Governor-General; and
 - (d) if it is necessary to issue or spend public money of the Territory when not authorised to do so by or under enactment—may do so with the authority of the Governor-General.
- (7) The powers of the Governor-General under this section are to be exercised by Proclamation.
- (8) The responsible Commonwealth Minister must cause a statement of the reasons for the dissolution to be:
 - (a) published in the *Commonwealth Gazette* and the *Norfolk Island Government Gazette* as soon as practicable after the dissolution; and
 - (b) tabled in each House of the Parliament within 15 sitting days of that House after the dissolution.
- (9) A notice under subsection (2) or (5) is not a legislative instrument.
- (10) A Proclamation under this section is a legislative instrument, but section 42 (disallowance) of the *Legislative Instruments Act 2003* does not apply to the Proclamation.

Division 1A—Qualifications of electors

39A Entitlement to enrolment on the electoral roll

- (1) A person is entitled to enrolment if, at the time of applying for enrolment, the person:
 - (a) is at least 18; and
 - (b) is an Australian citizen; and
 - (c) has been ordinarily resident within the Territory for 6 months immediately before the application.
- (2) A person whose name has been removed from the electoral roll under paragraph 7(1)(b) or (c) of the *Legislative Assembly Act 1979* (Norfolk Island) is entitled to enrolment if, at the time of applying for enrolment, the person:
 - (a) is an Australian citizen; and
 - (b) has been present in the Territory for 150 days of the 240 days immediately before the application.
- (3) Section 7A of the *Legislative Assembly Act 1979* (Norfolk Island), as in force when this section commences, applies for the purposes of subsection (2) of this section in the same way as it applies for the purposes of section 7 of the *Legislative Assembly Act 1979* (Norfolk Island).
- (4) However, if:
 - (a) a person has been convicted of an offence against a law of the Commonwealth, a State or a Territory; and
 - (b) the person is under sentence of imprisonment for one year or longer;the person is not entitled to enrolment under this section during the period of imprisonment.
- (5) This section has effect despite subsections 6(1) and (2) of the *Legislative Assembly Act 1979* (Norfolk Island).

39B Entitlement to vote

A person whose name is on the electoral roll is entitled to vote at elections of members of the Legislative Assembly.

Section 39C

39C Alteration of the electoral roll

- (1) The Returning Officer must cause the name of a person who ceases to be an Australian citizen to be removed from the electoral roll.
- (2) Subsection (1) applies in addition to the requirements of section 7 of the *Legislative Assembly Act 1979* (Norfolk Island).

39D Definitions

In this Division:

electoral roll means the electoral roll referred to in section 5 of the *Legislative Assembly Act 1979* (Norfolk Island).

enrolment means enrolment on the electoral roll.

Returning Officer means a person appointed under section 11 of the *Legislative Assembly Act 1979* (Norfolk Island).

Division 2—Procedure of Legislative Assembly

40 Meetings of Legislative Assembly

- (1) The Legislative Assembly shall meet at least once every 2 months.
- (2) The Administrator shall convene the first meeting of the Legislative Assembly after a general election of that Assembly and thereafter shall convene a meeting of that Assembly whenever requested to do so by such number of members of that Assembly as is prescribed by enactment.
- (3) The Administrator may convene a meeting of the Legislative Assembly whenever, in his or her opinion, it is necessary to do so for the purpose of ensuring compliance with subsection (1).
- (4) The Administrator shall convene a meeting under subsection (2) or (3) by notice published in the *Norfolk Island Government Gazette*.

41 Speaker and Deputy Speaker of Legislative Assembly

- (1) At the first meeting of the Legislative Assembly held after a general election, the members present shall, before proceeding to the despatch of any other business, elect one of their number to be Speaker, and another of their number to be Deputy Speaker, of the Legislative Assembly.
- (2) In the event of a vacancy occurring in the office of Speaker or Deputy Speaker, the members present at the next meeting of the Legislative Assembly after the vacancy occurs shall, before proceeding to the despatch of any other business, elect one of their number to be Speaker or Deputy Speaker, as the case may be.
- (3) A person who is elected to the office of Speaker or Deputy Speaker holds office until:
 - (a) the Legislative Assembly first meets after a general election of the Legislative Assembly that takes place after his or her election under this section;
 - (b) he or she resigns his or her office by writing signed by him or her and delivered to the Administrator;

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- (c) he or she ceases to be a member of the Legislative Assembly otherwise than by reason of the dissolution of the Legislative Assembly; or
 - (d) not less than 5 members of the Legislative Assembly vote in favour of his or her removal from office;
- whichever first happens.
- (4) A person who ceases to hold office as Speaker or Deputy Speaker is eligible for re-election to that office.

42 Procedure at meetings

- (1) Subject to subsection 39(3) and to the standing rules and orders of the Legislative Assembly, the Speaker shall preside at all meetings of the Legislative Assembly at which he or she is present.
- (2) Subject to subsection 39(3) and to the standing rules and orders of the Legislative Assembly, if the Speaker is absent from a meeting of the Legislative Assembly or is unable, by reason of the operation of subsection 39(3), to perform his or her functions, the Deputy Speaker shall preside.
- (3) If both the Speaker and the Deputy Speaker are absent from a meeting of the Legislative Assembly or are unable, by reason of the operation of subsection 39(3), to perform the functions of the Speaker, the members present shall elect one of their number to preside.
- (4) At a meeting of the Legislative Assembly, unless otherwise provided by enactment, 5 members constitute a quorum.
- (5) Questions arising at a meeting of the Legislative Assembly shall be decided by a majority of the votes of the members present and voting.
- (6) The member presiding at a meeting of the Legislative Assembly has a deliberative vote only, and, in the event of an equality of votes on a question, the question shall pass in the negative.
- (7) If a motion of no confidence in the Chief Minister is before the Legislative Assembly, the Legislative Assembly must deal with that motion before proceeding to the despatch of any other business.

42A Resolution of no confidence in the Chief Minister

- (1) A resolution of no confidence in the Chief Minister passed by the Legislative Assembly has no effect unless:
 - (a) it affirms a motion that is expressed to be a motion of no confidence in the Chief Minister; and
 - (b) at least 14 days notice of the motion has been given in accordance with the standing rules and orders; and
 - (c) the resolution is passed by at least the number of members necessary to be a quorum; and
 - (d) the resolution is passed by a majority of the number of members present and voting at the meeting of the Assembly.
- (2) If a motion for a resolution of no confidence in the Chief Minister is being voted on by the Legislative Assembly, each member present at the meeting of the Assembly must cast a vote on the motion.

43 Validation of acts of Legislative Assembly

Where a person who has purported to sit or vote as a member of the Legislative Assembly at a meeting of the Legislative Assembly or of a Committee of the Legislative Assembly:

- (a) was not a duly elected member by reason of his or her not having been qualified for election or of any other defect in his or her election; or
- (b) had vacated his or her office as a member;

all things done or purporting to have been done by the Legislative Assembly or that Committee shall be deemed to be as validly done as if that person had, when so sitting or voting, been a duly elected member of the Legislative Assembly, or had not vacated his or her office, as the case may be.

44 Minutes of proceedings

- (1) The Legislative Assembly shall cause minutes of its proceedings to be kept.
- (2) A copy of any minutes so kept shall, on request made by any person, be made available for inspection by him or her or, on payment of such fee as is fixed by or under enactment, be supplied to him or her.

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45 Standing rules and orders

The Legislative Assembly may make standing rules and orders, not inconsistent with a law of the Territory, with respect to the order and conduct of its business and proceedings.

Part VI—Finance

Division 1—Public Account of Norfolk Island

47 Public Account of Norfolk Island

- (1) All public money of the Territory shall form a fund to be called the Public Account of Norfolk Island and shall, subject to this Part, be available for the purposes of the government of the Territory.
- (2) The receipt, expenditure and control of public money of the Territory shall be regulated by enactment.
- (3) Where an enactment, other than an enactment to which subsection (4) or (5) applies, provides for the raising of revenues, revenues raised by virtue of that enactment shall, subject to subsection (2) and section 48, be available for the purposes of the government of the Territory.
- (4) Where an enactment providing for the raising of revenues provides that the revenues raised by virtue of the enactment are to be used for the general purpose of matters specified in Schedule 2, a separate account shall be kept in the Public Account of Norfolk Island of all revenues raised by virtue of that enactment and any other enactment to which this subsection applies, and, subject to subsection 27(3), money standing to the credit of that account (including income derived from the investment of that money) shall not be issued or expended (otherwise than by way of investment) for any purposes other than purposes of any matter or matters specified in Schedule 2.
- (5) Where an enactment providing for the raising of revenues provides that revenues raised by virtue of the enactment are to be used for a purpose (other than the general purpose referred to in subsection (4)) specified in the enactment, a separate account shall be kept in the Public Account of Norfolk Island of all revenues to be used for that purpose by virtue of that enactment and any other enactment to which this subsection applies, and, subject to subsection 27(3), money standing to the credit of that account (including income derived from the investment of that money)

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shall not be issued or expended (otherwise than by way of investment) except for that purpose.

48 Withdrawals from Public Account of Norfolk Island

- (1) The money of the Public Account of Norfolk Island shall not be issued or expended except as authorized by an appropriation made by enactment.

Note: See also section 25 (proposal of money Bills).

- (2) The money of the Public Account of Norfolk Island may be invested in such manner as is provided by enactment.

Division 2—Financial management and accountability

48A Preparation of annual budgets by the Minister for Finance

- (1) The Minister for Finance must prepare annual budgets in relation to:
 - (a) the Administration; and
 - (b) each Territory authority.
- (2) Annual budgets must be prepared in accordance with:
 - (a) the regulations; and
 - (b) the Commonwealth Finance Minister's Orders.
- (3) Annual budgets must be prepared within the period ascertained in accordance with:
 - (a) the regulations; or
 - (b) if no regulations are in force for the purposes of paragraph (a)—the Commonwealth Finance Minister's Orders.
- (4) The Minister for Finance must cause a copy of each annual budget to be tabled in the Legislative Assembly as soon as practicable after it is prepared.
- (5) The Minister for Finance must give a copy of each annual budget to the Administrator as soon as practicable after it is prepared.
- (6) As soon as practicable after receiving a copy of an annual budget, the Administrator must send a copy of the annual budget to the responsible Commonwealth Minister.

48B Preparation of annual financial statements by the Minister for Finance

- (1) As soon as practicable after the end of each financial year, the Minister for Finance must prepare annual financial statements in relation to:
 - (a) the Administration; and
 - (b) each Territory authority.
- (2) The statements must be prepared in accordance with:

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- (a) the regulations; and
 - (b) the Commonwealth Finance Minister's Orders.
- (3) The Minister for Finance must give the statements to the Auditor-General as soon as practicable after they are prepared.
- (4) If the Minister for Finance has not given the statements to the Auditor-General within 5 months after the end of the financial year, the Minister for Finance must cause to be tabled in the Legislative Assembly a statement of the reasons why the statements were not given to the Auditor-General within that period.

48C Audit of annual financial statements

- (1) As soon as practicable after receiving financial statements under section 48B, the Auditor-General must examine the statements and prepare an audit report.
- (2) Instead of preparing a single report, the Auditor-General may prepare an initial report and one or more supplementary reports.
- (3) The Auditor-General must give a copy of each report to:
 - (a) the Minister for Finance; and
 - (b) the responsible Commonwealth Minister; and
 - (c) the Administrator.
- (4) The Minister for Finance must cause a copy of each report to be tabled in the Legislative Assembly as soon as practicable after receiving the copy of the report. Except in the case of a supplementary report, the copy that is tabled must be accompanied by a copy of the annual financial statements.
- (5) As soon as practicable after receiving a copy of a report, the responsible Commonwealth Minister must cause:
 - (a) a copy of the report; and
 - (b) a copy of the annual financial statements to which the report relates;to be tabled in each House of the Parliament.

48D Audit fees for statement audits

- (1) If financial statements relating to the Administration are audited as mentioned in section 48C, the Administration is liable to pay audit fees for the audit, based on a scale of fees determined by the Auditor-General.
- (2) If financial statements relating to a Territory authority are audited as mentioned in section 48C, the authority is liable to pay audit fees for the audit, based on a scale of fees determined by the Auditor-General.
- (3) Fees are payable within 30 days after issue of a payment claim. Payment claims for instalments may be issued before the audit is completed.
- (4) The Auditor-General, on behalf of the Commonwealth, may recover unpaid fees as a debt in a court of competent jurisdiction.
- (5) In the annual report under section 28 of the *Auditor-General Act 1997*, the Auditor-General must include details of the basis on which the Auditor-General determined the audit fees that applied during the financial year concerned.
- (6) This section does not authorise the imposition of taxation within the meaning of section 55 of the Constitution.

48E Performance audits

- (1) The Auditor-General may at any time conduct a performance audit of:
 - (a) the Administration; or
 - (b) a Territory authority.
- (2) As soon as practicable after completing the report of an audit under this section, the Auditor-General must:
 - (a) cause a copy of the report to be tabled in each House of the Parliament; and
 - (b) give a copy of the report to:
 - (i) the Minister for Finance; and
 - (ii) the responsible Commonwealth Minister; and
 - (iii) the Administrator; and

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- (c) if the report relates to the Administration—give a copy of the report to the Chief Executive Officer; and
 - (d) if the report relates to a Territory authority—give a copy of the report to the responsible manager or managers of the authority.
- (3) The Auditor-General may give a copy of, or an extract from, the report to any person (including a Norfolk Island Minister or a Commonwealth Minister) who, or any body that, in the Auditor-General's opinion, has a special interest in the report or the content of the extract.
- (4) As soon as practicable after receiving a copy of the report, the Minister for Finance must cause a copy of the report to be tabled in the Legislative Assembly.

48F Comments on proposed performance audit report

- (1) After preparing a proposed report on an audit of the Administration under section 48E, the Auditor-General must give a copy of the proposed report to the Chief Executive Officer.
- (2) After preparing a proposed report on an audit of a Territory authority under section 48E, the Auditor-General must give a copy of the proposed report to the responsible manager or managers of the authority.
- (3) After preparing a proposed report on an audit under section 48E, the Auditor-General may give a copy of, or an extract from, the proposed report to any person (including a Norfolk Island Minister or a Commonwealth Minister) who, or any body that, in the Auditor-General's opinion, has a special interest in the report or the content of the extract.
- (4) If the recipient of the proposed report, or the extract from the proposed report, gives written comments to the Auditor-General within 28 days after receiving the proposed report, or the extract from the proposed report, the Auditor-General must consider those comments before preparing a final report.
- (5) The Auditor-General must, in the final report, include all written comments received under subsection (4).

48G Audits—application of the *Auditor-General Act 1997*

- (1) The *Auditor-General Act 1997* extends to Norfolk Island.
- (2) The *Auditor-General Act 1997* has effect as if:
 - (a) a reference in section 24 or 26 of that Act to Division 1 of Part 4 of that Act included a reference to section 48C of this Act; and
 - (b) a reference in section 23A or 24 of that Act to Division 2 of Part 4 of that Act included a reference to section 48E of this Act; and
 - (c) a reference in section 30 of that Act to laws of the Commonwealth included a reference to an enactment; and
 - (d) a reference in section 30 of that Act to a House of the Parliament included a reference to the Legislative Assembly; and
 - (e) a reference in section 33 of that Act to the Commonwealth included a reference to the Administration; and
 - (f) a reference in section 33 of that Act to a Commonwealth authority included a reference to a Territory authority.
- (3) Section 37 of the *Auditor-General Act 1997* has effect, in relation to a report that relates to:
 - (a) the Administration; or
 - (b) a Territory authority;as if:
 - (c) a reference in that section to the Attorney-General were a reference to the Minister who is responsible, or principally responsible, for the administration of the *Interpretation Act 1979* of Norfolk Island; and
 - (d) a reference in that section to the Cabinet included a reference to a body that:
 - (i) consists of Ministers of Norfolk Island; and
 - (ii) corresponds to the Cabinet; and
 - (e) a reference in paragraph (2)(c) or (d) of that section to the Commonwealth included a reference to Norfolk Island; and
 - (f) a reference in that section to the Crown in right of the Commonwealth included a reference to the Administration; and

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- (g) a reference in that section to a House of the Parliament included a reference to the Legislative Assembly; and
- (h) a reference in that section to the Prime Minister were a reference to the Chief Minister; and
- (i) a reference in that section to the Finance Minister were a reference to the Minister for Finance; and
- (j) a reference in that section to a responsible Minister were a reference to both:
 - (i) a Minister of Norfolk Island; and
 - (ii) the responsible Commonwealth Minister.

48H Preparation of periodic financial statements by the Minister for Finance

- (1) The Minister for Finance must prepare periodic financial statements in relation to:
 - (a) the Administration; and
 - (b) each Territory authority.
- (2) The statements must be prepared in accordance with:
 - (a) the regulations; and
 - (b) the Commonwealth Finance Minister's Orders.
- (3) The statements must be prepared within the period ascertained in accordance with:
 - (a) the regulations; or
 - (b) if no regulations are in force for the purposes of paragraph (a)—the Commonwealth Finance Minister's Orders.
- (4) The Minister for Finance must cause a copy of the statements to be tabled in the Legislative Assembly as soon as practicable after the statements are prepared.
- (5) The Minister for Finance must give a copy of the statements to the Administrator as soon as practicable after they are prepared.
- (6) As soon as practicable after receiving a copy of the statements, the Administrator must send a copy of the statements to the responsible Commonwealth Minister.

48J Preparation of annual report by Chief Executive Officer

- (1) The Chief Executive Officer must, as soon as practicable after the end of each financial year, prepare and give to the Chief Minister a report on the operations of:
 - (a) the Administration; and
 - (b) Territory authorities;during that year.
- (2) The report must be prepared in accordance with:
 - (a) the regulations; and
 - (b) the Commonwealth Finance Minister's Orders.
- (3) The Chief Minister must cause a copy of the report to be tabled in the Legislative Assembly as soon as practicable after receiving the report.
- (4) As soon as practicable after receiving the report, the Chief Minister must give a copy to the Administrator.
- (5) As soon as practicable after receiving a copy of the report, the Administrator must send a copy of the report to the responsible Commonwealth Minister.

48K Minister for Finance may obtain information from the responsible manager or managers of a Territory authority

Scope

- (1) This section applies to a Territory authority if the Minister for Finance believes on reasonable grounds that the authority has information that is relevant to the performance of a function, or the exercise of a power, conferred on the Minister for Finance by:
 - (a) section 48A; or
 - (b) section 48B; or
 - (c) section 48H; or
 - (d) regulations made for the purposes of this Part; or
 - (e) the Commonwealth Finance Minister's Orders.

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Requirement

- (2) The Minister for Finance may, by written notice given to the responsible manager or managers of the Territory authority, require the responsible manager or managers to give to the Minister for Finance, within the period and in the manner and form specified in the notice, any such information.
- (3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Compliance

- (4) The responsible manager or managers must comply with a requirement under subsection (2) to the extent that the responsible manager is, or the managers are, capable of doing so.

48L Chief Executive Officer may obtain information from the responsible manager or managers of a Territory authority

Scope

- (1) This section applies to a Territory authority if the Chief Executive Officer believes on reasonable grounds that the authority has information that is relevant to the performance of a function, or the exercise of a power, conferred on the Chief Executive Officer by:
 - (a) this Part; or
 - (b) regulations made for the purposes of this Part; or
 - (c) the Commonwealth Finance Minister's Orders.

Requirement

- (2) The Chief Executive Officer may, by written notice given to the responsible manager or managers of the Territory authority, require the responsible manager or managers to give to the Chief Executive Officer, within the period and in the manner and form specified in the notice, any such information.
- (3) A period specified under subsection (2) must not be shorter than 14 days after the notice is given.

Compliance

- (4) The responsible manager or managers must comply with a requirement under subsection (2) to the extent that the responsible manager is, or the managers are, capable of doing so.

48M Promoting efficient, effective and ethical use etc. of Administration resources

- (1) The Chief Executive Officer must manage the affairs of the Administration in a way that promotes proper use of the Administration resources for which the Chief Executive Officer is responsible.
- (2) In doing so, the Chief Executive Officer must comply with this Act, the regulations, the Commonwealth Finance Minister's Orders and any other law.
- (3) In this section:

proper use means efficient, effective and ethical use that is not inconsistent with the policies of the Administration.

48N Promoting efficient, effective and ethical use etc. of the resources of Territory authorities

- (1) The responsible manager or managers of a Territory authority must manage the affairs of the authority in a way that promotes the proper use of the resources of the authority for which the responsible manager or managers is or are responsible.
- (2) In doing so, the responsible manager or managers must comply with this Act, the regulations, the Commonwealth Finance Minister's Orders and any other law.
- (3) In this section:

proper use means efficient, effective and ethical use that is not inconsistent with the policies of the Administration.

48P Accounts and records of the Administration

- (1) The Minister for Finance must ensure that there are prepared and kept accounts and records that properly record and explain the transactions and financial position of the Administration.
- (2) The accounts and records must be prepared and kept in accordance with:
 - (a) the regulations; and
 - (b) the Commonwealth Finance Minister's Orders.
- (3) The Minister for Finance must ensure that the accounts and records are retained for the period ascertained in accordance with:
 - (a) the regulations; or
 - (b) if no regulations are in force for the purposes of paragraph (a)—the Commonwealth Finance Minister's Orders.

48Q Accounts and records of Territory authorities

- (1) The responsible manager or managers of a Territory authority must ensure that there are prepared and kept accounts and records that properly record and explain the transactions and financial position of the authority.
- (2) The accounts and records must be prepared and kept in accordance with:
 - (a) the regulations; and
 - (b) the Commonwealth Finance Minister's Orders.
- (3) The responsible manager or managers of a Territory authority must ensure that the accounts and records are retained for the period ascertained in accordance with:
 - (a) the regulations; or
 - (b) if no regulations are in force for the purposes of paragraph (a)—the Commonwealth Finance Minister's Orders.

**48R Regulations about financial management and accountability—
Administration**

- (1) The regulations may make provision in relation to the following matters:
 - (a) public money of the Territory;
 - (b) public property of the Territory;
 - (c) other resources of the Administration.
 - (2) Regulations made for the purposes of subsection (1) may make provision in relation to the following matters:
 - (a) the control and management of public money of the Territory;
 - (b) financial and accounting systems in relation to:
 - (i) public money of the Territory; or
 - (ii) public property of the Territory; or
 - (iii) other resources of the Administration;
 - (c) the control and management of grants of public money of the Territory;
 - (d) the control and management of public property of the Territory;
 - (e) the procurement of property and services by the Administration;
 - (f) the disposal of public property of the Territory;
 - (g) the audit of the annual financial statements prepared under section 48B in relation to the Administration.
 - (3) Regulations made for the purposes of subsection (1) may make provision for ensuring or promoting the following:
 - (a) the proper use and management of:
 - (i) public money of the Territory; or
 - (ii) public property of the Territory; or
 - (iii) other resources of the Administration;
 - (b) proper accountability for the use and management of:
 - (i) public money of the Territory; or
 - (ii) public property of the Territory; or
 - (iii) other resources of the Administration.
 - (4) Regulations made for the purposes of subsection (1) may confer functions or powers on:
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- (a) the Auditor-General; or
 - (b) the Minister for Finance; or
 - (c) the Chief Executive Officer; or
 - (d) the responsible manager or managers of a Territory authority.
- (5) Subsections (2), (3) and (4) do not limit subsection (1).
- (6) If an enactment is inconsistent with regulations made for the purposes of subsection (1), the enactment has no effect to the extent of the inconsistency.

**48S Regulations about financial management and accountability—
Territory authorities**

- (1) The regulations may make provision in relation to the following matters:
- (a) money of a Territory authority;
 - (b) property of a Territory authority;
 - (c) other resources of a Territory authority.
- (2) Regulations made for the purposes of subsection (1) may make provision in relation to the following matters:
- (a) the control and management of money of a Territory authority;
 - (b) financial and accounting systems in relation to:
 - (i) money of a Territory authority; or
 - (ii) property of a Territory authority; or
 - (iii) other resources of a Territory authority;
 - (c) the control and management of grants of money of a Territory authority;
 - (d) the control and management of property of a Territory authority;
 - (e) the procurement of property and services by a Territory authority;
 - (f) the disposal of property of a Territory authority;
 - (g) the audit of the annual financial statements prepared under section 48B in relation to a Territory authority.
- (3) Regulations made for the purposes of subsection (1) may make provision for ensuring or promoting the following:

- (a) the proper use and management of:
 - (i) money of a Territory authority; or
 - (ii) property of a Territory authority; or
 - (iii) other resources of a Territory authority;
 - (b) proper accountability for the use and management of:
 - (i) money of a Territory authority; or
 - (ii) property of a Territory authority; or
 - (iii) other resources of a Territory authority.
- (4) Regulations made for the purposes of subsection (1) may confer functions or powers on:
 - (a) the Auditor-General; or
 - (b) the Minister for Finance; or
 - (c) the Chief Executive Officer; or
 - (d) the responsible manager or managers of a Territory authority.
- (5) Subsections (2), (3) and (4) do not limit subsection (1).
- (6) If an enactment is inconsistent with regulations made for the purposes of subsection (1), the enactment has no effect to the extent of the inconsistency.

48T Commonwealth Finance Minister's Orders

- (1) The Commonwealth Finance Minister may, by legislative instrument, make Orders:
 - (a) on any matter on which this Act requires or permits Commonwealth Finance Minister's Orders to be made; and
 - (b) on any matter on which regulations may be made for the purposes of:
 - (i) subsection 48R(1); or
 - (ii) subsection 48S(1).
- (2) An Order cannot create offences or impose penalties.
- (3) If an enactment is inconsistent with an Order, the enactment has no effect to the extent of the inconsistency.

Division 3—Borrowing etc.

49 Borrowing from Commonwealth

The Commonwealth Finance Minister may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Administration or to a Territory authority on such terms and conditions as the Commonwealth Finance Minister, in writing, determines.

50 Borrowings otherwise than from Commonwealth

- (1) The Administration or a Territory authority may, with the approval of the Commonwealth Finance Minister:
 - (a) borrow money otherwise than from the Commonwealth; or
 - (b) raise money otherwise than by borrowing;on terms and conditions that are specified in, or consistent with, the approval.
- (2) Without limiting the generality of subsection (1), the Administration or a Territory authority may, under that subsection, borrow money, or raise money otherwise than by borrowing, by dealing with securities.
- (3) A borrowing of money, or a raising of money otherwise than by borrowing, under subsection (1) may be made, in whole or in part, in a currency other than Australian currency.
- (4) An approval may be given under subsection (1) in relation to a particular transaction or in relation to transactions included in a class of transactions.
- (5) An approval under subsection (1) shall be given in writing.
- (6) In this section, **securities** includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents.
- (7) A reference in this section to dealing with securities includes a reference to:

- (a) creating, executing, entering into, drawing, making, accepting, endorsing, issuing, discounting, selling, purchasing or re-selling securities;
 - (b) creating, selling, purchasing or re-selling rights or options in respect of securities; and
 - (c) entering into agreements or other arrangements relating to securities.
- (8) For the purposes of this section:
- (a) the issue by the Administration or a Territory authority of an instrument acknowledging a debt in consideration of:
 - (i) the payment or deposit of money; or
 - (ii) the provision of credit;otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Administration or the Territory authority shall be deemed to be a raising by the Administration or the Territory authority, otherwise than by borrowing, of an amount of money equal to the amount of the money paid or deposited or the value of the credit provided, as the case may be; and
 - (b) the obtaining of credit by the Administration or a Territory authority otherwise than in relation to a transaction that is in the ordinary course of the day-to-day operations of the Administration or the Territory authority shall be deemed to be a raising by the Administration or the Territory authority, otherwise than by borrowing, of an amount of money equal to the value of the credit so obtained.

50A Guarantee of borrowings

- (1) The Commonwealth Finance Minister may, on behalf of the Commonwealth, enter into a contract:
- (a) guaranteeing the repayment by the Administration of money borrowed under paragraph 50(1)(a) and the payment by the Administration of interest (including any interest on that interest) on money so borrowed; or
 - (b) guaranteeing the payment by the Administration of such amounts (which may be interest) that the Administration is liable to pay with respect to money raised under paragraph 50(1)(b) as are specified in the contract.

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- (2) The Commonwealth Finance Minister may, in writing, determine:
- (a) that the repayment by the Administration of money borrowed under paragraph 50(1)(a), and the payment by the Administration of interest (including any interest on that interest) on money so borrowed, are guaranteed by the Commonwealth; or
 - (b) that the payment by the Administration of such money (which may be interest) that the Administration is liable to pay with respect to money raised under paragraph 50(1)(b) as is specified in the determination is guaranteed by the Commonwealth;
- and, where the Commonwealth Finance Minister makes such a determination, the repayment of that money and the payment of that interest are, or the payment of that money is, by force of this subsection, guaranteed by the Commonwealth.
- (3) A contract may be entered into under subsection (1), and a determination may be made under subsection (2), in relation to a particular transaction or in relation to transactions included in a class of transactions.
- (4) A contract entered into under subsection (1) may include either or both of the following provisions:
- (a) a provision agreeing, on behalf of the Commonwealth, that proceedings under the contract may be taken in the courts, or a specified court, of a country other than Australia;
 - (b) a provision waiving, on behalf of the Commonwealth, the immunity of the Commonwealth from suit in the courts, or a specified court, of a country other than Australia in relation to any proceedings that may be taken under the contract.

50B Administration may give security

The Administration may give security for:

- (a) the repayment by the Administration of money borrowed by the Administration under section 49 or paragraph 50(1)(a) and the payment by the Administration of interest (including any interest on that interest) on money so borrowed;
- (b) the payment by the Administration of amounts (including any interest) that the Administration is liable to pay with respect to money raised by the Administration under paragraph 50(1)(b); or

- (c) the payment to the Commonwealth of amounts equal to any amounts that the Commonwealth may become liable to pay under a contract entered into under subsection 50A(1) or a determination made under subsection 50A(2).

50C Borrowings not otherwise permitted

The Administration or a Territory authority shall not borrow money, or raise money otherwise than by borrowing, except in accordance with sections 49 and 50.

50D Delegation by Commonwealth Finance Minister

- (1) The Commonwealth Finance Minister may, by written instrument, delegate any of the Commonwealth Finance Minister's powers or functions under section 50 or 50A to an official (within the meaning of the *Financial Management and Accountability Act 1997*).
- (2) In exercising powers or functions under a delegation, the official must comply with any directions of the Commonwealth Finance Minister.

Division 4—Commonwealth Ministers to be kept informed

51 Minister for Finance must keep responsible Commonwealth Minister informed

- (1) The Minister for Finance must give the responsible Commonwealth Minister such reports, documents and information in relation to the operations of the Administration as the responsible Commonwealth Minister requires.
- (2) A report, document or information required under subsection (1) must be relevant to:
 - (a) this Part; or
 - (b) regulations made for the purposes of this Part; or
 - (c) the Commonwealth Finance Minister's Orders.
- (3) The Minister for Finance must comply with requirements under subsection (1) within the time limits set by the responsible Commonwealth Minister.

51A Minister for Finance must keep Commonwealth Finance Minister informed

- (1) The Minister for Finance must give the Commonwealth Finance Minister such reports, documents and information in relation to the operations of the Administration as the Commonwealth Finance Minister requires.
- (2) A report, document or information required under subsection (1) must be relevant to:
 - (a) this Part; or
 - (b) regulations made for the purposes of this Part; or
 - (c) the Commonwealth Finance Minister's Orders.
- (3) The Minister for Finance must comply with requirements under subsection (1) within the time limits set by the Commonwealth Finance Minister.

51B Responsible manager or managers of Territory authority must keep responsible Commonwealth Minister informed

- (1) The responsible manager or managers of a Territory authority must give the responsible Commonwealth Minister such reports, documents and information in relation to the operations of the authority as the responsible Commonwealth Minister requires.
- (2) A report, document or information required under subsection (1) must be relevant to:
 - (a) this Part; or
 - (b) regulations made for the purposes of this Part; or
 - (c) the Commonwealth Finance Minister's Orders.
- (3) The responsible manager or managers must comply with requirements under subsection (1) within the time limits set by the responsible Commonwealth Minister.

51C Responsible manager or managers of Territory authority must keep Commonwealth Finance Minister informed

- (1) The responsible manager or managers of a Territory authority must give the Commonwealth Finance Minister such reports, documents and information in relation to the operations of the authority as the Commonwealth Finance Minister requires.
- (2) A report, document or information required under subsection (1) must be relevant to:
 - (a) this Part; or
 - (b) regulations made for the purposes of this Part; or
 - (c) the Commonwealth Finance Minister's Orders.
- (3) The responsible manager or managers must comply with requirements under subsection (1) within the time limits set by the Commonwealth Finance Minister.

Division 5—Commonwealth Financial Officer for Norfolk Island

51D Commonwealth Financial Officer for Norfolk Island

- (1) The regulations may provide that there is to be a Commonwealth Financial Officer for Norfolk Island.
- (2) If the regulations do so, the regulations must provide that the Commonwealth Financial Officer for Norfolk Island is to:
 - (a) be appointed by the Governor-General; and
 - (b) hold office during the pleasure of the Governor-General.
- (3) The regulations may:
 - (a) provide that the Commonwealth Financial Officer for Norfolk Island is entitled at all reasonable times to full and free access to all accounts, records, documents and papers relating directly or indirectly to:
 - (i) the receipt or payment of money by the Administration or a Territory authority; or
 - (ii) the acquisition, receipt, custody or disposal of assets by the Administration or a Territory authority; and
 - (b) provide that the Commonwealth Financial Officer for Norfolk Island is entitled to make copies of, or take extracts from, any such accounts, records, documents or papers.
- (4) If an enactment is inconsistent with regulations made for the purposes of subsection (3), the enactment has no effect to the extent of the inconsistency.
- (5) Regulations made for the purposes of subsection 48R(1) or 48S(1) may confer functions and powers on the Commonwealth Financial Officer for Norfolk Island.

Division 6—Injunctions

51E Injunctions—enforcement of financial management and accountability provisions

Restraining injunctions

- (1) If a person has engaged, is engaging or is proposing to engage, in any conduct in contravention of any of the financial management and accountability provisions, the Federal Court may, on the application of the responsible Commonwealth Minister, grant an injunction:
- (a) restraining the person from engaging in the conduct; and
 - (b) if, in the Court's opinion, it is desirable to do so—requiring the person to do something.

Performance injunctions

- (2) If:
- (a) a person has refused or failed, or is refusing or failing, or is proposing to refuse or fail, to do an act or thing; and
 - (b) the refusal or failure was, is or would be a contravention of any of the financial management and accountability provisions;
- the Federal Court may, on the application of the responsible Commonwealth Minister, grant an injunction requiring the person to do that act or thing.

Grant of interim injunction

- (3) If an application is made to the Federal Court for an injunction under subsection (1), the Court may, before considering the application, grant an interim injunction restraining a person from engaging in conduct of a kind referred to in that subsection.

No undertakings as to damages

- (4) The Federal Court is not to require an applicant for an injunction under subsection (1), as a condition of granting an interim injunction, to give any undertakings as to damages.

Section 51E

Discharge or variation of injunctions

- (5) The Federal Court may discharge or vary an injunction granted under this section.

Certain limits on granting injunctions not to apply

- (6) The power of the Federal Court under this section to grant an injunction restraining a person from engaging in conduct of a particular kind may be exercised:
- (a) if the Court is satisfied that the person has engaged in conduct of that kind—whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind; or
 - (b) if it appears to the Court that, if an injunction is not granted, it is likely that the person will engage in conduct of that kind—whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the person engages in conduct of that kind.
- (7) The power of the Federal Court under this section to grant an injunction requiring a person to do an act or thing may be exercised:
- (a) if the Court is satisfied that the person has refused or failed to do that act or thing—whether or not it appears to the Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; or
 - (b) if it appears to the Court that, if an injunction is not granted, it is likely that the person will refuse or fail to do that act or thing—whether or not the person has previously refused or failed to do that act or thing and whether or not there is an imminent danger of substantial damage to any person if the person refuses or fails to do that act or thing.

Other powers of the Federal Court unaffected

- (8) The powers conferred on the Federal Court under this section are in addition to, and not instead of, any other powers of the Court, whether conferred by this Act or otherwise.

Part VII—The Judicial System

52 Constitution of Supreme Court

- (1) The Supreme Court of Norfolk Island established by the *Norfolk Island Act 1957* continues in existence, notwithstanding the repeal of that Act, as the Superior Court of Record of the Territory.
- (2) The Supreme Court shall consist of a Chief Justice and such other Judge as is, or such other Judges as are, appointed in accordance with this Act.

53 Appointment of Judges

- (1) The Governor-General may, by Commission, appoint a person who, or persons each of whom, is a Judge of another court created by the Parliament to be a Judge or Judges of the Supreme Court.
- (1A) The Governor-General may, by Commission, appoint a person who is a Judge of another court created by the Parliament to be the Chief Justice of the Supreme Court.
- (2) Before tendering advice to the Governor-General for the purposes of subsection (1) or (1A), the responsible Commonwealth Minister shall give the Executive Council the opportunity of furnishing comments to him or her and shall consider any comments so furnished.
- (3) A person shall not be appointed:
 - (a) as a Judge under subsection (1); or
 - (b) as the Chief Justice under subsection (1A), whether or not he or she already holds office as a Judge;if he or she has attained the age of 70 years.
- (4) A Judge ceases to hold office as a Judge upon his or her attaining the age of 70 years.
- (5) A Judge ceases to hold office as a Judge if he or she no longer holds office as a Judge of another court created by the Parliament.

Section 53A

- (6) A Judge may resign his or her office by writing under his or her hand delivered to the Governor-General.

53A Acting Chief Justice

Whenever:

- (a) the Chief Justice is absent from both Australia and Norfolk Island or is absent from duty; or
 - (b) there is a vacancy in the office of Chief Justice;
- the next senior Judge who is in Australia or Norfolk Island and is able and willing to do so shall perform the duties, and may exercise the powers, of the Chief Justice.

54 Seniority of Judges

The Chief Justice is the senior Judge of the Supreme Court and the other Judges have seniority according to the dates on which their Commissions took effect or, where the Commissions of 2 or more of them took effect on the same date, according to the precedence assigned to them by their Commissions.

55 Holding of other judicial offices

A person may be a Judge of the Supreme Court notwithstanding that he or she is also a Judge of another court created by the Parliament, or is also the holder of a judicial office in relation to a Territory other than Norfolk Island, by virtue of an appointment made either before or after his or her appointment as a Judge of the Supreme Court.

56 Salaries and travelling allowances

- (1) A Judge shall be remunerated with the salary and annual allowance that he or she receives as a Judge of the other court, or other courts of which he or she is a Judge.
- (2) A Judge shall be paid such travelling allowances as the Governor-General approves.

57 Oath or affirmation of Judge

A Judge appointed after the commencement of this section shall, before proceeding to discharge the duties of his or her office, take before the Governor-General, a Judge of the Supreme Court or of another court created by the Parliament, or a person authorized by the Governor-General for the purpose, an oath or affirmation in accordance with the form in Schedule 4.

58 Exercise of jurisdiction

- (1) The jurisdiction of the Supreme Court is exercisable by one Judge, sitting in Court or, to the extent and in the cases provided by or under enactment, sitting in Chambers.
- (2) The Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Supreme Court and accordingly may, subject to this Act and to such consultation with the Judges as is appropriate and practicable, make arrangements as to the Judge or Judges who is or are to constitute the Supreme Court in particular matters or classes of matters.
- (3) The Supreme Court constituted by one Judge may sit and exercise the jurisdiction of the Court notwithstanding that the Court constituted by another Judge is at the same time sitting and exercising the jurisdiction of the Court.
- (4) The exercise of the jurisdiction of the Supreme Court by a Judge is not invalidated and shall not be called in question on the ground that it is not in accordance with arrangements made in pursuance of this section.

59 Jurisdiction of Supreme Court

Subject to regulations referred to in paragraph 67(1)(a), the jurisdiction, practice and procedure of the Supreme Court shall be as provided by or under enactment.

60 Establishment of courts and tribunals

Courts and tribunals for the Territory may be established by or under enactment.

Part VIII—Miscellaneous

61 Officers

Provision may be made by enactment for and in relation to the appointment and employment of such persons as are necessary for the purposes of this Act and for the proper government of the Territory.

61A Norfolk Island Public Service Values

- (1) The regulations may prescribe rules, to be known as the Norfolk Island Public Service Values.
- (2) A person appointed or employed under an enactment mentioned in section 61 must at all times behave in a way that upholds the Norfolk Island Public Service Values.

62 Grants of land

The responsible Commonwealth Minister may, in accordance with law, make grants or other dispositions of Crown land in the Territory.

64 Customs duty on certain goods

Duties of customs are not chargeable on goods imported into Australia from the Territory if the goods:

- (a) are the produce or manufacture of the Territory;
- (b) have been shipped in the Territory for export to Australia; and
- (c) are not goods which, if manufactured or produced in Australia, would be subject to a duty of excise.

65 Remuneration and allowances

- (1) A person is to be paid, in respect of the person's services in an office to which this section applies, such remuneration and allowances (if any) as are provided for under an enactment.

- (2) If the remuneration or an allowance in respect of the office is not so provided for, the person is to be paid such remuneration or allowance (if any) as is specified:
 - (a) in any determination of that remuneration or allowance by the Remuneration Tribunal that was in force immediately before the commencement of this subsection; or
 - (b) if no such determination was then in force—in the regulations;until the remuneration or allowance (if any) is so provided for.
- (4) This section applies to an office of member of the Legislative Assembly, member of the Executive Council or Minister, or any other office in or in connection with the Assembly that can be held only by a member of the Assembly.

66 Grant of pardon, remission etc.

- (1) The Governor-General, acting with the advice of the Attorney-General, may, by warrant under his or her hand, grant to a person convicted by a court of the Territory exercising criminal jurisdiction a pardon, either free or conditional, or a remission or commutation of sentence, or a respite, for such period as he or she thinks fit, of the execution of sentence, and may remit any fines, penalties and forfeitures imposed or incurred under a law in force in the Territory.
- (2) Without limiting the powers of the Governor-General under subsection (1), provision may be made by enactment for the remission, for good conduct, of part of the sentence of a person serving a sentence of imprisonment in the Territory.
- (3) Where an offence has been committed in the Territory, or where an offence has been committed outside the Territory for which the offender may be tried in the Territory, the Governor-General, acting with the advice of the Attorney-General, may, by warrant under his or her hand, grant a pardon to an accomplice who gives evidence that leads to the conviction of the principal offender, or of any of the principal offenders.

67 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to

Section 67

be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular:

- (a) making provision for and in relation to sittings of the Supreme Court in a State or in a Territory other than Norfolk Island for the purpose of hearing and determining a matter, otherwise than in the exercise of its criminal jurisdiction, if a Judge is satisfied that the hearing of the matter outside the Territory is not contrary to the interests of justice; and
 - (b) prescribing penalties, not exceeding a fine of \$500 or imprisonment for 3 months, for offences against the regulations.
- (2) The regulations may repeal or alter any item in, or add any new item to, Schedule 2 or 3, but regulations repealing or altering an item in Schedule 2 or 3 must not be made unless:
- (a) a copy of the proposed regulations has been tabled in the Legislative Assembly on a sitting day of the Legislative Assembly; and
 - (b) at least one sitting day of the Legislative Assembly has occurred since the sitting day mentioned in paragraph (a).
- (3) A reference in subsection (2) to a Schedule shall be read as including a reference to that Schedule as varied from time to time by regulations made by virtue of that subsection.

Part IX—Transitional

68 Interpretation

In this Part, unless the contrary intention appears:

commencing date means the date fixed under subsection 2(2).

previous Act means the *Norfolk Island Act 1957*.

69 Election of Legislative Assembly

- (1) The powers of the Governor-General under the previous Act to make Ordinances extend to the making of an Ordinance before the commencing date for the purposes of subsection 31(3) and with respect to matters relating to the Legislative Assembly.
- (2) An election for the purposes of subsection 31(3) shall not be held before 1 July 1979.
- (3) The writ for an election for the purposes of subsection 31(3) to be held before the commencing date shall be issued by the Administrator.
- (4) In subsection (3), ***Administrator*** has the same meaning as in the previous Act.

70 Administrator etc. to continue in office

- (1) Where, immediately before the commencing date, a person holds office by virtue of a provision of the previous Act as the Administrator, an Acting Administrator, the Deputy Administrator, or a Judge, he or she continues, subject to this Act, to hold office for the remainder of his or her term of office as if he or she had been appointed under the corresponding provision of this Act, and any instrument by which his or her appointment was made continues in force accordingly.
- (2) Sections 10 and 57 do not apply for the purposes of the continuance in office of a person by virtue of subsection (1) of this section.

Section 71

71 Proposed Ordinances and regulations

Where, before the commencing date:

- (a) a proposed Ordinance was, under section 16 of the previous Act, furnished to the Norfolk Island Council for its consideration; and
- (b) the proposed Ordinance, or the proposed Ordinance as amended, was not made under subsection (3) or (4) of that section;

then, whether or not representations were made by the Council in relation to the proposed Ordinance under that section, a copy of the proposed Ordinance shall, as soon as practicable after the commencing date, be laid before the Legislative Assembly at a meeting of the Assembly, and, upon its being so laid before the Assembly, this Act has effect in relation to the proposed Ordinance as if it were a law introduced into the Legislative Assembly under section 26 of this Act.

72 Laying of Ordinances before the Parliament

In relation to an Ordinance made under the previous Act, section 17 of that Act continues to apply, by force of this section, on and after the commencing date as if that section had not been repealed and as if the reference in subsection (5) to the making of an Ordinance were a reference to the making of an enactment under this Act.

73 Validity of Ordinances and enactments

An Ordinance made under the previous Act and an enactment made in pursuance of section 71 of this Act is as valid and effectual as if it had been made, or wholly made, as the case may be, under Part IV of this Act.

74 Contracts and agreements

- (1) This section applies to:
 - (a) rights and liabilities of the Commonwealth subsisting immediately before the commencing date by virtue of a contract or agreement entered into on behalf of the Commonwealth by the Administrator of Norfolk Island or the Administration of Norfolk Island (however described);

- (b) rights and liabilities of the corporation referred to in subsection 17(3) of the *Public Moneys Ordinance* 1964 of Norfolk Island, being rights and liabilities subsisting immediately before the commencing date arising out of the investment of any moneys in pursuance of section 17 of that Ordinance; and
 - (c) rights and liabilities (other than rights and liabilities referred to in paragraph (a) or (b)) of the Commonwealth, the Administrator of Norfolk Island or the Administration of Norfolk Island subsisting immediately before the commencing date by virtue of any contract or agreement entered into or purporting to be entered into by the Administrator of Norfolk Island or the Administration of Norfolk Island (however described).
- (2) All rights and liabilities to which this section applies become, on the commencing date, rights and liabilities of the Administration of Norfolk Island.

75 Public Account of Norfolk Island

All moneys that were, immediately before the commencing date, standing to the credit of the Public Account of Norfolk Island kept in accordance with section 6 of the *Public Moneys Ordinance* 1964 of Norfolk Island become, on that date, moneys standing to the credit of the Public Account of Norfolk Island established by this Act.

76 Audit

The reference in section 63 to the accounts of the Territory shall be read as including a reference to accounts prepared before the commencing date and to accounts prepared on or after the commencing date in respect of any period before the commencing date.

77 Regulations

- (1) The regulations may make provision (including provision by way of modifications and adaptations of any Act) for and in relation to any matter arising from, consequential upon or otherwise

Section 77

connected with the establishment of the Administration of Norfolk Island as a body politic.

- (2) The power to make regulations by virtue of subsection (1) extends to the making of regulations expressed to take effect on and from a date earlier than the date of the making of the regulations, not being a date earlier than the commencing date.
- (3) Regulations shall not be made by virtue of this section after 30 June 1980.

Schedules

Schedule 1—The Territory of Norfolk Island

Subsection 4(1)

Norfolk Island and all the other islands and rocks lying within the area bounded by the parallels 28 degrees 59 minutes and 29 degrees 9 minutes south latitude and the meridians 167 degrees 54 minutes and 168 degrees east longitude.

Schedule 2

Sections 4, 7, 12, 21, 27, 47 and 67

1. The raising of revenues for purposes of matters specified in this Schedule.
2. Public moneys of the Territory (other than the raising of revenues).
3. Surface transport (including road safety, traffic control, carriers, vehicle registration and the licensing of drivers).
4. Roads, footpaths and bridges.
5. Street lighting.
6. Water supply.
7. Electricity supply.
8. Drainage and sewerage.
9. Garbage and trade waste.
10. Primary production.
11. The slaughtering of livestock.
12. Domestic animals (including birds).
13. Public pounds.
14. Pests and noxious weeds.
15. Recreation areas.
16. Cemeteries.
18. Fire prevention and control.
19. Quarrying.
20. Building control (including the repair or demolition of dangerous buildings).
21. Advertising hoardings.
22. The prevention and suppression of nuisances.
23. Noxious trades.
24. Gases and hydrocarbon fuels.
25. Firearms.
26. Explosives and dangerous substances.
27. Tourism.
28. Places of public entertainment.
29. Boarding houses and hotels.
30. Museums, memorials and libraries.
31. Foodstuffs and beverages (including alcoholic liquor).

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32. Trading hours.
 33. Markets and street stalls.
 34. Hawkers.
 35. Radio and television.
 36. Postal services.
 37. Coastlines, foreshores, wharves and jetties.
 38. The transporting of passengers or goods to and from ships.
 39. The maintenance of rolls of residents of the Territory.
 41. The registration of births, deaths and marriages.
 42. Matters in respect of which duties, powers, functions or authorities are expressly imposed or conferred on Ministers by or under laws in force in the Territory other than a matter that relates to immigration or the operation of the *Immigration Act 1980* of the Territory.
 43. Public Service of the Territory.
 44. Public works.
 45. Lotteries, betting and gaming.
 46. Civil defence and emergency services.
 47. Territory archives.
 48. The provision of telecommunications services (within the meaning of the *Telecommunications Act 1989*) and the prescribing of rates of charge for those services.
 49. Branding and marking of live-stock.
 50. Pasturage and enclosure of animals.
 51. Registration of bulls.
 52. Bees and apiaries.
 53. Exportation of fish and fish products from the Territory.
 54. Live-stock diseases (other than quarantine).
 55. Plant and fruit diseases (other than quarantine).
 56. Water resources.
 57. Energy planning and regulation.
 58. Fences.
 59. Business names.
 60. Navigation, including boating.
 61. Price and cost indexes.
 62. Fund-raising from the public for non-commercial purposes, and associations registered for fund-raising of that type.
 63. Administration of estates and trusts.
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Schedule 2

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64. Census and statistics.
 65. Inquiries and administrative reviews.
 66. Registration of medical practitioners and dentists.
 67. Public health (other than: dangerous drugs, within the meaning of the *Dangerous Drugs Ordinance* 1927 of the Territory; psychotropic substances; quarantine).
 68. Mercantile law (including sale or lease of goods; charges and liens on goods or crops; supply of services).
 69. Law relating to the interpretation of enactments.
 70. Civil legal proceedings by and against the Administration of the Territory.
 71. Official flag and emblem, and public seal, of the Territory.
 72. Fees or taxes imposed by the following enactments of the Territory: *Absentee Landowners Levy Ordinance* 1976; *Cheques (Duty) Act* 1983; *Departure Fee Act* 1980; *Financial Institutions Levy Act* 1985; *Fuel Levy Act* 1987; *Public Works Levy Ordinance* 1976.
 73. Protection of birds.
 74. Matters incidental to or consequential on the execution of executive authority.
 75. Remuneration, allowances and other entitlements in respect of services of members of the Legislative Assembly, members of the Executive Council and other offices in or in connection with the Legislative Assembly that can be held only by members of the Assembly.
 76. Prices and rent control.
 77. Printing and publishing.
 78. Public utilities.
 79. Housing.
 80. Community and cultural affairs.
 81. Industry (including forestry and timber, pastoral, agricultural, building and manufacturing).
 82. Mining and minerals, (excluding uranium or other prescribed substances within the meaning of the *Atomic Energy Act* 1953 and regulations under that Act as in force from time to time), within all the land of the Territory above the low-water mark.
 83. Provision of rural, industrial and home finance credit and assistance.
 84. Scientific research.
 85. Legal aid.
 86. Corporate affairs.
 87. Censorship.
 88. Child, family and social welfare.
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- 89. Regulation of business and professions.
 - 90. The legal profession.
 - 91. Maintenance of law and order and the administration of justice.
 - 92. Correctional services.
 - 93. Private law.

Schedule 3

Sections 4, 7, 12, 21, 27 and 67

1. Fishing.
2. Customs (including the imposition of duties).
3. Immigration.
4. Education.
5. Human quarantine.
6. Animal quarantine.
7. Plant quarantine.
8. Labour and industrial relations, employees' compensation and occupational health and safety.
9. Moveable cultural heritage objects.
10. Social Security.

Schedule 4

Sections 10 and 57

OATH

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law, that I will well and truly serve Her in the office of _____ and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will: So help me God!

AFFIRMATION

I, *A.B.*, do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law, that I will well and truly serve Her in the office of _____ and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

Schedule 5

Subsection 15(1)

OATH

I, *A.B.*, do swear that, except as authorized by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Executive Council of Norfolk Island: So help me God!

AFFIRMATION

I, *A.B.*, do solemnly and sincerely promise and declare that, except as authorized by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my membership of the Executive Council of Norfolk Island.

Schedule 6

Subsection 15(2)

OATH

I, *A.B.*, do swear that, except in the course of my duties or as authorized by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my holding office as a Minister: So help me God!

AFFIRMATION

I, *A.B.*, do solemnly and sincerely promise and declare that, except in the course of my duties or as authorized by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my holding office as a Minister.

Schedule 7

Subsection 15(3)

OATH

I, *A.B.*, do swear that, except as authorized by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my having attended any meeting of the Executive Council of Norfolk Island: So help me God!

AFFIRMATION

I, *A.B.*, do solemnly and sincerely promise and declare that, except as authorised by law, I will not divulge any information (including the contents of any document) of which I have become aware by reason of my having attended any meeting of the Executive Council of Norfolk Island.

Schedule 8

Subsection 32(1)

OATH

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law: So help me God!

AFFIRMATION

I, *A.B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law.

Schedule 9

Subsection 32(1)

OATH

I, *A.B.*, do swear that I will render true and faithful service as a member of the Legislative Assembly of Norfolk Island: So help me God!

AFFIRMATION

I, *A.B.*, do solemnly and sincerely promise and declare that I will render true and faithful service as a member of the Legislative Assembly of Norfolk Island.

Table of Acts**Notes to the *Norfolk Island Act 1979*****Note 1**

The *Norfolk Island Act 1979* as shown in this compilation comprises Act No. 25, 1979 amended as indicated in the Tables below.

The *Norfolk Island Act 1979* was amended by the Norfolk Island (Exercise of Powers) Regulations (Statutory Rules 1981 No. 153 as amended). The amendments are incorporated in this compilation.

For application, saving or transitional provisions made by the *Corporations (Repeals, Consequential and Transitional) Act 2001*, see Act No. 55, 2001.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information see Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Norfolk Island Act 1979</i>	25, 1979	30 May 1979	Ss. 3, 5–30, 32–37, 40–66 and 70–77: 7 Aug 1979 (see <i>Gazette</i> 1979, No. S159) Remainder: Royal Assent	
<i>Norfolk Island Amendment Act 1981</i>	120, 1981	9 Sept 1981	7 Oct 1981	Ss. 3(2) and 4(2), (3)
<i>Statute Law (Miscellaneous Amendments) Act (No. 1) 1982</i>	26, 1982	7 May 1982	Part XXVIII (ss. 164, 165): 4 June 1982 (a)	—
as amended by <i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part LXXI (ss. 262, 263): (b)	—
<i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i>	80, 1982	22 Sept 1982	Part XLIX (ss. 188, 189): (c)	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i>	39, 1983	20 June 1983	S. 3: 18 July 1983 (d)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 152 (1): 20 July 1984 (see <i>Gazette</i> 1984, No. S276) (e)	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (f)	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1985</i>	193, 1985	16 Dec 1985	S. 3: Royal Assent (g)	S. 16
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1986</i>	76, 1986	24 June 1986	S. 3: Royal Assent (h)	S. 9
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1986</i>	168, 1986	18 Dec 1986	S. 3: Royal Assent (i)	—
<i>Norfolk Island Amendment Act 1988</i>	27, 1988	11 May 1988	8 June 1988	S. 4(2)
<i>Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988</i>	99, 1988	2 Dec 1988	2 Dec 1988	—
<i>Arts, Territories and Environment Legislation Amendment Act 1989</i>	60, 1989	19 June 1989	Ss. 11 and 13: 7 Dec 1988 Part 5 (ss. 14, 15): 11 May 1989 (see s. 2(3) and <i>Gazette</i> 1989, No. S164) Remainder: Royal Assent	S. 27(2)
<i>Arts, Sport, Environment and Territories Legislation Amendment Act 1992</i>	21, 1992	10 Apr 1992	8 May 1992	—
<i>Territories Law Reform Act 1992</i>	104, 1992	30 June 1992	S. 25: Royal Assent (j)	—
<i>Norfolk Island (Electoral and Judicial) Amendment Act 1992</i>	121, 1992	17 Oct 1992	17 Oct 1992	Ss. 24 and 25
<i>Environment, Sport and Territories Legislation Amendment Act 1995</i>	25, 1995	6 Apr 1995	6 Apr 1995	—
<i>Euthanasia Laws Act 1997</i>	17, 1997	27 Mar 1997	27 Mar 1997	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (item 1069): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (k)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (item 692): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (l)	—
<i>Corporations (Repeals, Consequential and Transitionals) Act 2001</i>	55, 2001	28 June 2001	Ss. 4–14 and Schedule 3 (item 399): 15 July 2001 (see <i>Gazette</i> 2001, No. S285) (m)	Ss. 4–14 [see Note 1]
<i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001</i>	143, 2001	1 Oct 2001	2 Oct 2001	S. 4 [see Table A]
<i>Norfolk Island Amendment Act 2004</i>	6, 2004	10 Mar 2004	11 Mar 2004	Sch. 1 (items 4, 6) [see Table A]
<i>Financial Framework Legislation Amendment Act 2005</i>	8, 2005	22 Feb 2005	Schedule 2 (items 136–141, 174): Royal Assent	Sch. 2 (item 174) [see Table A]
<i>Territories Law Reform Act 2010</i>	139, 2010	10 Dec 2010	Schedule 1 (items 1–60, 85–125): 11 Dec 2010 Schedule 1 (items 78–84): [see Note 2 and Table A] Schedule 1 (item 240): [see Note 2]	Sch. 1 (items 56–60, 84, 120–125) [see Table A]

Act Notes

- (a) The *Norfolk Island Act 1979* was amended by Part XXVIII (sections 164 and 165) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (b) The *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* was amended by Part LXXI (sections 262 and 263) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:
- (11) Parts XLIX and LXXI shall be deemed to have come into operation on 4 June 1982.
- (c) The *Norfolk Island Act 1979* was amended by Part XLIX (sections 188 and 189) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:
- (11) Parts XLIX and LXXI shall be deemed to have come into operation on 4 June 1982.
- (d) The *Norfolk Island Act 1979* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (e) The *Norfolk Island Act 1979* was amended by subsection 152(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (f) The *Norfolk Island Act 1979* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (g) The *Norfolk Island Act 1979* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (h) The *Norfolk Island Act 1979* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (i) The *Norfolk Island Act 1979* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (j) The *Norfolk Island Act 1979* was amended by section 25 only of the *Territories Law Reform Act 1992*, subsection 2(1) of which provides as follows:
- (1) Sections 1, 2, 25 and 26 commence on the day on which this Act receives the Royal Assent.
- (k) The *Norfolk Island Act 1979* was amended by Schedule 2 (item 1069) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (l) The *Norfolk Island Act 1979* was amended by Schedule 1 (item 692) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
-

Act Notes

- (m) The *Norfolk Island Act 1979* was amended by Schedule 3 (item 399) only of the *Corporations (Repeals, Consequential and Transitional) Act 2001*, subsection 2(3) of which provides as follows:
- (3) Subject to subsections (4) to (10), Schedule 3 commences, or is taken to have commenced, at the same time as the *Corporations Act 2001*.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part I	
S. 4	am. No. 120, 1981; No. 27, 1988; No. 60, 1989; No. 25, 1995; No. 8, 2005; No. 139, 2010
S. 4A	ad. No. 143, 2001
Part II	
S. 7	am. No. 6, 2004; No. 139, 2010
S. 8	am. No. 21, 1992
S. 9	am. No. 193, 1985; No. 21, 1992 rs. No. 139, 2010
S. 10	am. No. 193, 1985; No. 6, 2004; No. 139, 2010
Part III	
S. 11	am. No. 6, 2004; No. 139, 2010
S. 12	rs. No. 139, 2010
S. 12A	ad. No. 139, 2010
S. 13	am. No. 63, 1984; No. 146, 1999; No. 6, 2004 rs. No. 139, 2010
S. 14	am. No. 6, 2004 rs. No. 139, 2010
S. 14A	ad. No. 139, 2010
Heading to s. 15	am. No. 139, 2010
S. 15	am. No. 6, 2004; No. 139, 2010
S. 15A	ad. No. 139, 2010
Part IV	
Division 2	
S. 19	am. No. 17, 1997; No. 6, 2004
Ss. 21, 22	am. No. 6, 2004; No. 139, 2010
S. 23	am. No. 6, 2004
S. 24	am. No. 25, 1995
Heading to s. 25	am. No. 139, 2010
S. 25	am. No. 139, 2010
Note to s. 25	ad. No. 139, 2010
S. 26A	ad. No. 139, 2010
Division 3	
S. 27	am. No. 6, 2004; No. 139, 2010
S. 28	am. No. 26, 1982 (as am. by No. 80, 1982); No. 168, 1986; No. 99, 1988
Ss. 28AA–28AD	ad. No. 99, 1988
S. 28A	ad. No. 39, 1983 am. No. 99, 1988; No. 139, 2010

Table of Amendments

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Provision affected	How affected
Part V	
Division 1	
S. 32	am. No. 6, 2004
S. 34	am. No. 6, 2004
S. 35	am. No. 139, 2010
S. 36	am. No. 25, 1995; No. 6, 2004
Ss. 38, 39	am. No. 65, 1985; No. 6, 2004
Ss. 39AA–39AC	ad. No. 139, 2010
Division 1A	
Div. 1A of Part V	ad. No. 6, 2004
Ss. 39A–39D	ad. No. 6, 2004
Division 2	
S. 40	am. No. 6, 2004
S. 41	am. No. 25, 1995; No. 6, 2004
S. 42	am. No. 25, 1995; No. 6, 2004; No. 139, 2010
S. 42A	ad. No. 139, 2010
Ss. 43, 44	am. No. 6, 2004
Part VI	
Division 1	
Heading to Div. 1 of Part VI	ad. No. 139, 2010
S. 46	rep. No. 139, 2010
Ss. 47, 48	am. No. 139, 2010
Note to s. 48(1)	ad. No. 139, 2010
Division 2	
Div. 2 of Part VI	ad. No. 139, 2010
Ss. 48A–48H	ad. No. 139, 2010
Ss. 48J–48N	ad. No. 139, 2010
Ss. 48P–48T	ad. No. 139, 2010
Division 3	
Heading to Div. 3 of Part VI	ad. No. 139, 2010
Ss. 49, 50	rs. No. 76, 1986 am. No. 8, 2005; No. 139, 2010
S. 50A	ad. No. 76, 1986 am. No. 8, 2005; No. 139, 2010
Ss. 50B, 50C	ad. No. 76, 1986
Heading to s. 50D	am. No. 139, 2010
S. 50D	ad. No. 76, 1986 rs. No. 8, 2005 am. No. 139, 2010

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Division 4	
Div. 4 of Part VI	ad. No. 139, 2010
S. 51	rep. No. 76, 1986 ad. No. 27, 1988 rs. No. 139, 2010
S. 51A	ad. No. 27, 1988 am. No. 55, 2001 rs. No. 139, 2010
S. 51B	ad. No. 27, 1988 rs. No. 139, 2010
S. 51C	ad. No. 27, 1988 am. No. 25, 1995 rs. No. 139, 2010
Division 5	
Div. 5 of Part VI	ad. No. 139, 2010
S. 51D	ad. No. 27, 1988 am. No. 25, 1995 rs. No. 139, 2010
Division 6	
Div. 6 of Part VI	ad. No. 139, 2010
S. 51E	ad. No. 27, 1988 am. No. 143, 2001 rs. No. 139, 2010
S. 51F	ad. No. 27, 1988 rep. No. 139, 2010
S. 51G	ad. No. 27, 1988 am. No. 152, 1997 rep. No. 139, 2010
Part VII	
S. 52	am. No. 120, 1981; No. 60, 1989
S. 53	am. No. 120, 1981; No. 60, 1989; No. 6, 2004; No. 139, 2010
S. 53A	ad. No. 120, 1981 am. No. 60, 1989
S. 54	rs. No. 120, 1981 am. No. 60, 1989
S. 55	am. No. 6, 2004
S. 56	am. No. 121, 1992; No. 6, 2004
S. 57	am. No. 6, 2004
S. 58	am. No. 120, 1981; No. 60, 1989
Part VIII	
S. 61A	ad. No. 139, 2010
S. 62	am. No. 139, 2010
S. 63	rep. No. 27, 1988
S. 65	am. No. 104, 1992; No. 139, 2010
S. 66	am. No. 6, 2004
S. 67	am. No. 139, 2010

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part IX	
S. 70	am. No. 6, 2004
Schedule 2	
Schedule 2	am. Statutory Rules 1981 No. 153 (as am. by 1984 No. 33; 1985 No. 173; 1989 No. 268; 1992 No. 164); No. 139, 2010
Schedule 3	
Schedule 3	am. Statutory Rules 1981 No.153 (as am. by 1989 No. 268)
Schedule 6	
Schedule 6	am. No. 139, 2010

Note 2**Note 2**

Territories Law Reform Act 2010 (No. 139, 2010)

The following amendments commence on the start of the first meeting of the Legislative Assembly of Norfolk Island held after the first general election of the Legislative Assembly that occurs after the day this Act receives the Royal Assent:

Schedule 1**78 Subsection 35(2)**

Omit “shall not be more than 3 years”, substitute “must not be less than 3 years and must not be more than 4 years”.

79 At the end of section 35

Add:

- (3) However, if the next succeeding general election is required because of section 39AB or 39AC, that election may be held less than 3 years after the first meeting mentioned in subsection (2) of this section.

80 Subsection 31(3)

After “this Act”, insert “and regulations made for the purposes of subsection (4) or (5)”.

81 At the end of section 31

Add:

- (4) The regulations may make provision for or in relation to the following matters:
 - (a) the method of balloting;
 - (b) the manner in which voters are to indicate their votes;
 - (c) the manner in which voters’ votes are to be used to obtain a result for an election;
 - (d) matters incidental or ancillary to the above matters.
- (5) The regulations may make provision for or in relation to the following matters:

Note 2

- (a) the filling of casual vacancies in the offices of members of the Legislative Assembly;
- (b) matters incidental or ancillary to the above matter.

82 Section 37

Repeal the section.

83 Before section 38

Insert:

37A Arrangements with the Australian Electoral Commission

The Chief Minister may, on behalf of the Administration, enter into an arrangement under section 7A of the *Commonwealth Electoral Act 1918* in relation to:

- (a) general elections of members of the Legislative Assembly;
and
- (b) the filling of casual vacancies in the offices of members of the Legislative Assembly.

The following amendment commences on 10 June 2011 unless proclaimed earlier:

Schedule 1

240 After section 66

Insert:

66A Reports by Ombudsman

Scope

- (1) This section applies if an enactment:
 - (a) requires that the Commonwealth Ombudsman must give a report to a Minister; and
 - (b) requires that the Minister must cause the report to be tabled in the Legislative Assembly.

Note 2

Requirement

- (2) The Minister must give a copy of the report to the responsible Commonwealth Minister.
- (3) The responsible Commonwealth Minister must cause a copy of the report to be tabled in each House of the Parliament within 15 sitting days of that House after the responsible Commonwealth Minister receives the report.

Note: See also section 4 of the *Ombudsman Act 1976*.

As at 15 December 2010 the amendments are not incorporated in this compilation.

Table A

Table A

Application, saving or transitional provisions

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 (No. 143, 2001)

4 Application of Amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.

Norfolk Island Amendment Act 2004 (No. 6, 2004)

Schedule 1

4 Application of item 3

The amendment made by item 3 applies to a person who is elected as a member of the Legislative Assembly on or after the commencement of this Schedule.

6 Application of item 5

The amendment made by item 5 applies in relation to a person who makes an application for enrolment on the electoral roll on or after the commencement of this Schedule.

Table A*Financial Framework Legislation Amendment Act 2005* (No. 8, 2005)**Schedule 2****174 Saving provision—provisions that formerly referred to the Treasurer**

- (1) Any thing that:
- (a) was done by the Treasurer, or by a delegate of the Treasurer, before the commencing time under an affected provision; and
 - (b) was in effect immediately before the commencing time;
- continues to have effect after the commencing time as if it had been done by the Finance Minister under the affected provision.
- (2) In this item:
- affected provision*** means a provision that is amended by an item in this Schedule so as to replace references to the Treasurer with references to the Finance Minister.
- commencing time*** means the day this Act receives the Royal Assent.
- Finance Minister*** means the Minister who administers the *Financial Management and Accountability Act 1997*.

Territories Law Reform Act 2010 (No. 139, 2010)**Schedule 1****56 Transitional—Chief Minister**

- (1) This item applies to a person if:
- (a) immediately before the commencement of this item, the person held an executive office under section 13 of the *Norfolk Island Act 1979*; and
 - (b) the person was designated as the Chief Minister.
- (2) The *Norfolk Island Act 1979* as amended by this Division has effect as if, immediately after the commencement of this item, the Administrator had, on the advice of the Legislative Assembly, appointed the person as the Chief Minister under subsection 13(1) of that Act.

Table A

- (3) The *Norfolk Island Act 1979* as amended by this Division has effect as if the person had complied with section 15 of that Act in relation to the appointment covered by subitem (2).

57 Transitional—other Ministers

- (1) This item applies to a person if:
- (a) immediately before the commencement of this item, the person held an executive office under section 13 of the *Norfolk Island Act 1979*; and
 - (b) the person was not designated as the Chief Minister.
- (2) The *Norfolk Island Act 1979* as amended by this Division has effect as if the Administrator had, immediately after the commencement of this item, on the advice of the Chief Minister, appointed the person as a Minister under subsection 13(2) of that Act.
- (3) The *Norfolk Island Act 1979* as amended by this Division has effect as if the person had complied with section 15 of that Act in relation to the appointment covered by subitem (2).

58 Transitional—maximum number of Ministers

- (1) This item applies if, immediately before the commencement of this item, the number (the **transitional number**) of persons holding executive office under section 13 of the *Norfolk Island Act 1979* (other than the person who was designated as the Chief Minister) exceeded 3.
- (2) During the period:
- (a) beginning at the commencement of this item; and
 - (b) ending at the start of the first meeting of the Legislative Assembly of Norfolk Island held after the first general election of the Legislative Assembly that occurs after the commencement of this item;
- the following provisions of the *Norfolk Island Act 1979* as amended by this Division:
- (c) paragraph 12(1)(b);
 - (d) the note at the end of subsection 13(2);
- have effect as if each reference in those provisions to 3 were a reference to the transitional number.

Table A**59 Application of amendments—nomination of Chief Minister**

Subsection 12A(1) of the *Norfolk Island Act 1979* as amended by this Division applies in relation to the first meeting of the Legislative Assembly of Norfolk Island after a general election that occurs after the commencement of this item.

60 Application of amendments—presentation of proposed laws

The amendments of sections 21 and 22 of the *Norfolk Island Act 1979* made by this Division apply in relation to a proposed law presented to the Administrator under subsection 21(1) of that Act after the commencement of this item.

120 Application—annual budgets

Section 48A of the *Norfolk Island Act 1979* as amended by this Part applies in relation to annual budgets for:

- (a) the financial year beginning on 1 July 2011; or
- (b) a later financial year.

121 Application—annual financial statements

Section 48B of the *Norfolk Island Act 1979* as amended by this Part applies in relation to financial statements for:

- (a) the financial year beginning on 1 July 2011; or
- (b) a later financial year.

122 Application—periodic financial statements

Section 48H of the *Norfolk Island Act 1979* as amended by this Part applies in relation to financial statements for periods that begin on or after 1 July 2011.

123 Application—annual reports

Section 48J of the *Norfolk Island Act 1979* as amended by this Part applies in relation to annual reports for:

- (a) the financial year beginning on 1 July 2011; or
- (b) a later financial year.

Table A

124 Transitional—audit

Despite the following repeals effected by this Part:

- (a) the repeal of the definition of ***accounts of the Territory*** in subsection 4(1);
- (b) the repeal of the definition of ***Auditor*** in subsection 4(1);
- (c) the repeal of sections 51, 51A, 51B, 51C, 51D, 51E, 51F and 51G;

the *Norfolk Island Act 1979* continues to apply, after the commencement of this item, in relation to:

- (d) an inspection and audit under section 51C of the *Norfolk Island Act 1979* that relates to:
 - (i) the financial year that began on 1 July 2010; or
 - (ii) an earlier financial year; and
- (e) a report on the inspection and audit;

as if those repeals had not been effected.

125 Transitional—pre-commencement appropriation

If any issue or expenditure of money was authorised by an enactment that commenced before the commencement of this item, subsection 48(1) of the *Norfolk Island Act 1979* as amended by this Part has effect as if the issue or expenditure had been authorised by an appropriation made by an enactment.

The following provision commences on the start of the first meeting of the Legislative Assembly of Norfolk Island held after the first general election of the Legislative Assembly that occurs after the day this Act receives the Royal Assent:

Schedule 1

84 Application of amendments

- (1) The amendments made by this Division, in so far as they relate to a general election of members of the Legislative Assembly, apply to a general election, where writs for the general election are issued after the commencement of this item.

Table A

- (2) The amendments made by this Division, in so far as they relate to a casual vacancy in the office of a member of the Legislative Assembly, apply in relation to a casual vacancy that occurs after the commencement of this item.