

# Norfolk Island Act 1979

No. 25 of 1979

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**SCHEDULES**

# Norfolk Island Act 1979

No. 25 of 1979

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 entitled “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

- |                     |  |
|---------------------|--|
| Short title         | 1. This Act may be cited as the <i>Norfolk Island Act</i> 1979. <sup>1</sup>   |
| Commence-<br>ment   | 2. (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. <sup>1</sup><br><br>(2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation. |
| Repeals             | 3. The <i>Norfolk Island Act</i> 1957 and the <i>Norfolk Island Act</i> 1963 are repealed.   |
| Interpret-<br>ation | 4. (1) In this Act, unless the contrary intention appears—<br>“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;

“Deputy President” means the Deputy President 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;

“executive member” means a person holding office under section 13;

“executive office” means an office referred to in section 12;

“Judge” means a Judge of the Supreme Court;

“Legislative Assembly” means the Legislative Assembly of Norfolk Island;

“President” means the President of the Legislative Assembly;

“public moneys of the Territory” means revenues, loans and other moneys received by the Administration;

“senior Judge” means the senior Judge who is available for the discharge of duties under this Act;

“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.

(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.

## PART II—ADMINISTRATION

5. (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.

Administrator  
and  
Administra-  
tion

(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.

Appoint-  
ment of  
Adminis-  
trator

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

Exercise of  
Adminis-  
trator's  
powers, &c.

7. (1) The Administrator shall exercise all powers and perform all functions that belong to his office, or that are conferred on him by or under a law in force in the Territory, in accordance with the tenor of his Commission and—

- (a) in relation to a matter that, in his opinion, is a matter specified in Schedule 2—in accordance with such advice, if any, as is given to him by the Executive Council;
- (b) in relation to a matter that, in his 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 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 own discretion; and
- (e) in all other cases—in accordance with such instructions, if any, as are given to him by the Minister.

(2) Notwithstanding paragraph (1) (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 that paragraph applies and that advice is inconsistent with instructions given to the Administrator by the Minister in accordance with sub-section (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 sub-section (2), the Minister may give the Administrator instructions in respect of advice tendered to the Administrator for the purposes of paragraph (1) (b), and may give the Administrator instructions in respect of the referral to the Minister of any such advice.



8. (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, during any vacancy in the office of Administrator, or when the Administrator is absent from the Territory or unable by reason of illness or incapacity to perform his duties, and a person so appointed, while he is so administering the government of the Territory, has and may exercise and perform all the powers and functions of the Administrator.

Acting  
Administrator

(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 the Territory does not affect the exercise of any power or the performance of any function by the Administrator.

9. (1) There shall be a Deputy Administrator of the Territory, who shall be appointed by the Governor-General by Commission and shall hold office during the pleasure of the Governor-General.

Deputy  
Administrator

(2) Where—

(a) there is a vacancy in the office of Administrator or the Administrator is absent from the Territory or unable by reason of illness or incapacity to perform his duties; and

(b) an Acting Administrator has not entered on his duties,

the Deputy Administrator has and may exercise and perform all the powers and functions of the Administrator.

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

10. (1) The Administrator and an Acting Administrator shall, before entering on the duties of his office, make and subscribe an oath or affirmation in accordance with the form in Schedule 4.

Oath or  
affirmation  
of  
Administrator,  
&c.

(2) The Deputy Administrator shall, before exercising a power or performing a function by virtue of his office, make and subscribe an oath or affirmation in accordance with the form in Schedule 4.

(3) An oath or affirmation 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.

## PART III—THE EXECUTIVE COUNCIL

The  
Executive  
Council

11. (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 shall consist of the persons for the time being holding executive office.

(3) The Administrator is entitled to attend all meetings of the Executive Council and shall preside at all meetings at which he 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.

(8) A member of the Legislative Assembly who does not hold executive office is entitled to attend all meetings 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.

Executive  
offices

12. (1) There shall be such number of executive offices, having such respective designations, as the Legislative Assembly from time to time determines by resolution.

(2) The matters in respect of which the executive members have executive authority are the matters specified in Schedules 2 and 3.

Appointment  
of executive  
members

13. (1) Subject to this section, the Administrator may, on the advice of the Legislative Assembly—

(a) appoint a member of the Legislative Assembly to an executive office; or

(b) terminate such an appointment.

(2) The Administrator may at any time terminate an appointment made under sub-section (1) if, in his opinion, there are exceptional circumstances that justify his so doing.

(3) A person who is employed in the Public Service of the Territory or of the Commonwealth shall not be appointed to an executive office,

and a person holding executive office vacates his office if he becomes so employed.

(4) For the purposes of sub-section (3), a person employed under the law relating to the Public Service of the Territory or of the Commonwealth as a temporary employee or as an officer or employee to whom any provisions of that law do not apply shall be deemed to be employed in the Public Service of the Territory or of the Commonwealth, as the case may be.

**14.** The appointment of a person to an executive office takes effect on the day specified in the instrument of appointment and terminates when— Tenure of office

- (a) he ceases, by reason of his resignation or by reason of the provisions of section 39, to be a member of the Legislative Assembly;
- (b) his appointment is terminated by the Administrator under section 13;
- (c) he resigns his office by writing signed by him and delivered to the Administrator; or
- (d) the Legislative Assembly first meets after a general election of the Legislative Assembly that takes place after the appointment takes effect,

whichever first happens.

**15. (1)** A member of the Executive Council shall, before entering on the duties of his office, make and subscribe an oath or affirmation in accordance with the form in Schedule 5. Oath or affirmation of member of Executive Council and executive member

(2) A person who is appointed to an executive office shall, before entering on the duties of his office, make and subscribe an oath or affirmation in accordance with the form in Schedule 6.

(3) A person who does not hold executive office shall not attend a meeting of the Executive Council unless he 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.

## PART IV—LEGISLATION

### *Division 1—Laws*

**16. (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 Continuance of existing laws

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.

Amendment  
and repeal of  
existing laws

17. (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.

Application  
of Common-  
wealth Acts

18. (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*

Legislative  
power of  
Legislative  
Assembly

19. (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;
- (b) authorizing the raising or maintaining of any naval, military or air force; or
- (c) authorizing the coining of money.

(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.** The power of the Legislative Assembly in relation to the making of laws extends to the making of laws—

Powers,  
privileges  
and  
immunities  
of  
Legislative  
Assembly

- (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.** (1) Every proposed law passed by the Legislative Assembly shall be presented to the Administrator for assent.

Presentation  
of proposed  
laws

(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 assents to the proposed law; or
  - (ii) that he withholds assent to the proposed law; or
- (b) in any other case, that he 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 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 sub-section (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 sub-section (3) except in accordance with the advice of the Executive Council.

(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 sub-section (3) except in accordance with the instructions of the Minister.

**22.** (1) Where the Administrator reserves a proposed law for the Governor-General's pleasure, the Governor-General shall, subject to this section, declare—

Signification  
of pleasure  
on proposed  
law reserved

- (a) that he assents to the proposed law;

- (b) that he withholds assent to the proposed law; or
- (c) that he 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 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 sub-section 21 (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 sub-section (1), the Administrator shall cause to be published in the *Norfolk Island Government Gazette* a notice of the declaration.

(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*.

Disallowance  
of laws by  
Governor-  
General

23. (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 consideration of the law.

(3) Where, as a result of his 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 sub-section (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.** (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—

Reason for withholding assent, &c., to be tabled in Legislative Assembly

- (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 President or, if there is no President or the President is absent from the Territory, the Deputy President; or
- (b) if it is not practicable for paragraph (a) to be complied with by reason that there is no Deputy President or the Deputy President 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 President or the Deputy President under sub-section (1), the message shall be laid before the Legislative Assembly at its next meeting thereafter.

**25.** An enactment, vote, resolution or question, the object or effect of which is to dispose of or charge any public moneys 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.

Proposal of money votes

**26.** 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.

Governor-General may introduce proposed law

### *Division 3—Legislative Powers of the Governor-General*

**27.** (1) Where—

- (a) the Governor-General introduces a proposed law into the Legislative Assembly under section 26;
- (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; and
- (c) the Governor-General is satisfied that the proposed law as so introduced does not make provision for or in relation to a matter specified in Schedule 2 or 3,

Legislative powers of the Governor-General

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 moneys 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 sub-section (3) may empower the Administrator, subject to such instructions as are given to him by the 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 under this section; and
- (b) at any time, make an Ordinance repealing an Ordinance made by him 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.

Laying of  
certain  
Ordinances  
before the  
Parliament

**28. (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, shall be void and of no 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 shall thereupon cease 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.

(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) that House is dissolved or, being the House of Representatives, 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 sub-sections (3) and (4), be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

(6) Where an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, the disallowance has, subject to sub-section (7), the same effect as a repeal of the Ordinance or part of the Ordinance, as the case may be.

(7) If a provision of a disallowed Ordinance, or a provision of a disallowed part of an Ordinance, amended or repealed a law in force immediately before the date of commencement of the provision, the disallowance revives the previous law from the date of the disallowance as if the disallowed provision had not been made.

(8) If an Ordinance or part of an Ordinance is disallowed, or is deemed to have been disallowed, under this section, 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 is void and of no effect, unless—

- (a) in the case of an Ordinance, or 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 part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow that Ordinance or part was

given approves, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

#### *Division 4—Miscellaneous*

Inconsistency of laws

**29.** (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 sub-section 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.

Commencement of enactments

**30.** 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*

Legislative Assembly

**31.** (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.

Oath or affirmation

**32.** (1) A member of the Legislative Assembly shall, before taking his 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 sub-section (1) shall be made before the Administrator or a person authorized by the Administrator to administer such oaths or affirmations.

Writs for elections

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

Term of office of member

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

35. (1) A general election of members of the Legislative Assembly shall be held on a date determined by the Administrator. Dates of elections

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

37. 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. Filling of casual vacancy

38. 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— Qualifications for election

- (a) he is an Australian citizen or otherwise has the status of a British subject;
- (b) he has attained the age of 18 years;
- (c) he is entitled, or qualified to become entitled, to vote at elections of members of the Legislative Assembly; and
- (d) he 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 has been ordinarily resident within the Territory for a period of 5 years immediately preceding the date of nomination.

39. (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— Dis-qualifications for membership of Legislative Assembly

- (a) he is an undischarged bankrupt;
- (b) he 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 is a member of the Police Force of the Territory or of the Commonwealth; or
- (d) he 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 office if—

- (a) he becomes a person to whom any of the paragraphs of subsection (1) applies;

- (b) he ceases to be a person who is an Australian citizen or who otherwise has the status of a British subject;
- (c) he fails to attend the Legislative Assembly for 3 consecutive meetings of the Legislative Assembly without the permission of the Legislative Assembly;
- (d) he ceases to be entitled, or qualified to become entitled, to vote at elections of members of the Legislative Assembly; or
- (e) he 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.

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

#### *Division 2—Procedure of Legislative Assembly*

Meetings of  
Legislative  
Assembly

40. (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 opinion, it is necessary to do so for the purpose of ensuring compliance with sub-section (1).

(4) The Administrator shall convene a meeting under sub-section (2) or (3) by notice published in the *Norfolk Island Government Gazette*.

President  
and Deputy  
President of  
Legislative  
Assembly

41. (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 President, and another of their number to be Deputy President, of the Legislative Assembly.

(2) In the event of a vacancy occurring in the office of President or Deputy President, 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 President or Deputy President, as the case may be.

(3) A person who is elected to the office of President or Deputy President holds office until—

- (a) the Legislative Assembly first meets after a general election of the Legislative Assembly that takes place after his election under this section;
- (b) he resigns his office by writing signed by him and delivered to the Administrator;
- (c) he 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 removal from office,

whichever first happens.

(4) A person who ceases to hold office as President or Deputy President is eligible for re-election to that office.

**42.** (1) Subject to sub-section 39 (3) and to the standing rules and orders of the Legislative Assembly, the President shall preside at all meetings of the Legislative Assembly at which he is present. Procedure at meetings

(2) Subject to sub-section 39 (3) and to the standing rules and orders of the Legislative Assembly, if the President is absent from a meeting of the Legislative Assembly or is unable, by reason of the operation of sub-section 39 (3), to perform his functions, the Deputy President shall preside.

(3) If both the President and the Deputy President are absent from a meeting of the Legislative Assembly or are unable, by reason of the operation of sub-section 39 (3), to perform the functions of the President, 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.

**43.** 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— Validation of acts of Legislative Assembly

(a) was not a duly elected member by reason of his not having been qualified for election or of any other defect in his election; or

(b) had vacated his 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 office, as the case may be.

Minutes of  
proceedings

**44.** (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, on payment of such fee as is fixed by or under enactment, be supplied to him.

Standing  
rules and  
orders

**45.** 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

Interpret-  
ation

**46.** In this Part, “Territory authority” means a body corporate established for a public purpose by or under an enactment, being an authority that is empowered by enactment to borrow moneys.

Public  
Account of  
Norfolk  
Island

**47.** (1) All public moneys 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 moneys of the Territory shall be regulated by enactment.

(3) Where an enactment, other than an enactment to which sub-section (4) or (5) applies, provides for the raising of revenues, revenues raised by virtue of that enactment shall, subject to sub-section (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 all revenues raised by virtue of that enactment and any other enactment to which this sub-section applies, and, subject to sub-section 27 (3), moneys standing to the credit of that account (including income derived from the investment of those moneys) 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 sub-section (4)) specified in the enactment, a separate account shall be kept in the Public Account of all revenues to be used for that purpose by virtue of that enactment and any other enactment to which this sub-section applies, and, subject to sub-section 27 (3), moneys standing to the credit of that account (including income derived from the investment of those moneys) shall not be issued or expended (otherwise than by way of investment) except for that purpose.

**48.** (1) The moneys of the Public Account of Norfolk Island shall not be issued or expended except as authorized by enactment.

Withdrawals  
from Public  
Account of  
Norfolk  
Island

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

**49.** The Minister of State for Finance may, on behalf of the Commonwealth, out of moneys appropriated by the Parliament for the purpose, lend moneys to the Administration or to a Territory authority at such rates of interest and on such other terms and conditions as he determines.

Borrowing—  
from Com-  
monwealth

**50.** (1) The Administration or a Territory authority may borrow moneys (otherwise than from the Commonwealth) in such amounts, and on such terms and conditions, as the Treasurer approves.

Borrowing—  
otherwise  
than from  
Common-  
wealth

(2) Approvals for the purposes of sub-section (1) may be given in respect of particular borrowings or in respect of borrowings included within specified classes of borrowings.

(3) The Administration may give security for the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(4) Without limiting the generality of sub-sections (1) and (3), a borrowing by the Administration under sub-section (1) may be by the issue of securities of such kinds as are prescribed by or under enactment.

(5) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment by the Administration of amounts borrowed under this section and the payment of interest on amounts so borrowed.

(6) Where the Administration borrows moneys under this section by the issue of securities as provided by sub-section (4), the Treasurer may determine that the repayment by the Administration of amounts borrowed and the payment of interest on those amounts is, by force of this sub-section, guaranteed by the Commonwealth as if the Treasurer had, under sub-section (5), guaranteed the repayment of those amounts.

(7) Before giving a guarantee under sub-section (5) or making a determination under sub-section (6), the Treasurer may require the

Administration to indemnify the Commonwealth against any action, claim or demand brought or made by any person against the Commonwealth or the Treasurer in respect of the guarantee.

No  
borrowing  
except under  
this Part

**51.** The Administration or a Territory authority shall not borrow moneys except in accordance with this Part.

## PART VII—THE JUDICIAL SYSTEM

Constitution  
of Supreme  
Court

**52.** (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 Judge or Judges appointed in accordance with this Act.

Appointment  
of Judges

**53.** (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.

(2) Before tendering advice to the Governor-General for the purposes of sub-section (1), the Minister shall give the Executive Council the opportunity of furnishing comments to him and shall consider any comments so furnished.

Seniority of  
Judges

**54.** The Judges have seniority as Judges of the Supreme Court according to the dates of their Commissions.

Holding of  
other judicial  
offices

**55.** A person may be a Judge of the Supreme Court notwithstanding that he 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 appointment as a Judge of the Supreme Court.

Salaries and  
travelling  
expenses

**56.** (1) A Judge shall be remunerated with the salary and annual allowance that he receives as a Judge of the other court, or other courts of which he is a Judge.

(2) A Judge shall be paid such travelling expenses as the Governor-General approves.

Oath or  
affirmation  
of Judge

**57.** A Judge appointed after the commencement of this section shall, before proceeding to discharge the duties of his 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.** (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. Exercise of jurisdiction

(2) The senior Judge may make arrangements as to which Judge is to exercise the jurisdiction of the Supreme Court.

(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.** 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. Jurisdiction of Supreme Court

**60.** Courts and tribunals for the Territory may be established by or under enactment. Establishment of courts and tribunals

## PART VIII—MISCELLANEOUS

**61.** 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. Officers

**62.** The Minister may, in accordance with law, make grants or other dispositions of Crown land in the Territory. Grants of land

**63.** The accounts of the Territory shall, notwithstanding any enactment, be subject to inspection and audit by the Auditor-General for the Commonwealth. Audit

**64.** Duties of customs are not chargeable on goods imported into Australia from the Territory if the goods— Customs duty on certain 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.** (1) A person shall, in respect of his services in an office to which this section applies, be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration and allowances

(2) In respect of his services in an office to which this section applies, a person shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973.

(4) This section applies to an office of member of the Legislative Assembly, member of the Executive Council or executive member, or any other office in or in connection with the Assembly that can be held only by a member of the Assembly.

Grant of  
pardon,  
remission,  
&c.

**66.** (1) The Governor-General, acting with the advice of the Attorney-General, may, by warrant under his 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 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 sub-section (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 had 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 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.

Regulations

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

- (a) regulations repealing or altering an item in Schedule 2 shall not be made except after—

- (i) a copy of the proposed regulations has been laid before the Legislative Assembly; and
- (ii) the Legislative Assembly has passed a resolution approving the proposed regulations; and
- (b) regulations made by virtue of this sub-section reducing the scope of the matters specified in Schedule 3 do not have the effect of reducing the scope of the matters specified in Schedules 2 and 3.

(3) A reference in sub-section (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 sub-section.

## PART IX—TRANSITIONAL

**68.** In this Part, unless the contrary intention appears—

“commencing date” means the date fixed under sub-section 2 (2);

“previous Act” means the *Norfolk Island Act 1957*.

Interpretation

**69.** (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 sub-section 31 (3) and with respect to matters relating to the Legislative Assembly.

Election of  
Legislative  
Assembly

(2) An election for the purposes of sub-section 31 (3) shall not be held before 1 July 1979.

(3) The writ for an election for the purposes of sub-section 31 (3) to be held before the commencing date shall be issued by the Administrator.

(4) In sub-section (3), “Administrator” has the same meaning as in the previous Act.

**70.** (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 continues, subject to this Act, to hold office for the remainder of his term of office as if he had been appointed under the corresponding provision of this Act, and any instrument by which his appointment was made continues in force accordingly.

Admin-  
istrator, &c.,  
to continue  
in office

(2) Sections 10 and 57 do not apply for the purposes of the continuance in office of a person by virtue of sub-section (1) of this section.

**71.** 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

Proposed  
Ordinances  
and  
regulations

- (b) the proposed Ordinance, or the proposed Ordinance as amended, was not made under sub-section (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.

Laying of  
Ordinances  
before the  
Parliament

**72.** 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 sub-section (5) to the making of an Ordinance were a reference to the making of an enactment under this Act.

Validity of  
Ordinances  
and  
enactments

**73.** 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.

Contracts  
and  
agreements

**74.** (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 sub-section 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.

Public  
Account of  
Norfolk  
Island

**75.** 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. 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. Audit

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

(2) The power to make regulations by virtue of sub-section (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.

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## SCHEDULES

### SCHEDULE 1

Sub-section 4 (1)

#### THE TERRITORY OF NORFOLK ISLAND

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.

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### 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 (other than mining or fishing).
11. The slaughtering of livestock.
12. Domestic animals (including birds).
13. Public pounds.
14. Pests and noxious weeds.
15. Recreation areas.
16. Cemeteries.
17. Forestry and timber.
18. Fire prevention and control.
19. Quarrying.
20. Building control (including the repair or demolition of dangerous buildings).
21. Advertising hoardings.

## SCHEDULE 2—continued

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).
32. Trading hours.
33. Markets and street stalls.
34. Hawkers.
35. Radio and television.
36. Telephone and 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.
40. The registration of companies and business names.
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 executive members by or under laws in force in the Territory.

## SCHEDULE 3

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

1. Fishing.
2. Customs (other than the imposition of duties).
3. Immigration.
4. Education.

## 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

Sub-section 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

Sub-section 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 executive office: 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 executive office.

## SCHEDULE 7

Sub-section 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 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.

## SCHEDULE 8

Sub-section 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

Sub-section 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.

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**NOTE**

1. Act No. 25, 1979; assented to 30 May 1979.