

# **Norfolk Island (Exercise of Powers) Regulations (Amendment) 1992 No. 164**

## **EXPLANATORY STATEMENT**

### **STATUTORY RULES 1992 No. 164**

ISSUED BY THE AUTHORITY OF THE MINISTER FOR THE ARTS AND TERRITORIES

#### NORFOLK ISLAND ACT 1979

#### NORFOLK ISLAND (EXERCISE OF POWERS) REGULATIONS (AMENDMENT)

Under the Norfolk Island Act 1979, (the Act), Norfolk Island gained a substantial degree of internal self-government with its own legislature and executive government responsible for a wide range of matters. These matters are specified in Schedules 2 and 3 to the Act.

Schedule 2 lists matters over which the Norfolk Island Government has both legislative and executive authority. The Administrator is required to act in accordance with the advice, if any, of the Norfolk Island Executive Council in relation to any matter which in his opinion is a matter specified in Schedule 2.

Schedule 3 lists matters in respect of which the Norfolk Island Government has executive authority, but legislative authority is subject to Commonwealth veto. The Administrator must act in accordance with instructions from the Minister responsible for the Act when deciding whether to assent to a law which deals with a Schedule 3 matter. Matters not listed in either Schedule 2 or 3 are matters for which the Commonwealth retains responsibility. Legislation in respect of such matters must be reserved for assent by the Governor-General.

The preamble to the Act states the Parliament's intention that Norfolk Island achieve, over a period of time, internal selfgovernment as a Territory under the authority of the Commonwealth.

Section 67 of the Act provides that the Governor-General may make regulations to repeal or alter any item in, or add any new item to, Schedule 2 or 3 to the Act.

These Statutory Rules amend the Norfolk Island (Exercise of Powers) Regulations to add to Schedule 2 of the Act 19 new matters in respect of which the Norfolk Island Government may exercise legislative and executive authority.

Details of the Statutory Rules are as follows:

**Regulation 1** cites the Regulations to be amended as the Norfolk Island (Exercise of Powers) Regulations.

**Regulation 2** is a machinery provision. It amends item 10 and repeals item 17 of Schedule 2 to the Act consequential on the addition of new items to Schedule 2.

**Regulation 3** is a further machinery provision consequential on the inclusion of "corporate affairs" as a new item in Schedule 2 to the Act.

**Regulation 4** amends Schedule 2 to the Act by adding, at the end of the Schedule, the following new items:

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.
89. Regulation of businesses and professions.
90. The legal profession.
91. Maintenance of law and order and the administration of justice.
92. Correctional services.
93. Private law.