



**Australian Government**

**Minister's Norfolk Island (*Local Government Act 1993*  
(NSW) (NI) Direction and Delegation 2017 (No.2)**

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I, **DARREN CHESTER**, Minister for Infrastructure and Transport, make this Instrument under subsections 18B(3) and 18B(4) of the *Norfolk Island Act 1979*.

Dated 20/11/2017 2017

A handwritten signature in blue ink, appearing to read 'D. Chester'.

**DARREN CHESTER**  
Minister for Infrastructure and Transport  
Acting Minister for Regional Development  
Acting Minister for Local Government and Territories

1        **Name of Instrument**

This instrument is the *Norfolk Island (Local Government Act 1993 (NSW) (NI)) Direction and Delegation 2017 (No. 2)*.

2        **Commencement**

This instrument commences when it is signed.

3        **Definitions**

In this instrument:

*Administrator of Norfolk Island* means the Administrator of the Territory of Norfolk Island appointed under section 7 of the *Norfolk Island Administrator Ordinance 2016*.

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

*Commonwealth Act* means the *Norfolk Island Act 1979* (Cth).

*Department* means the Department of Infrastructure and Regional Development.

*Deputy Secretary* means a Deputy Secretary of the Department.

*General Manager* means the person appointed under section 344 of the LGA.

*LGA* means the *Local Government Act 1993* (NSW), in force in Norfolk Island under section 18A of the Commonwealth Act.

*LGR* means the *Local Government (General) Regulation 2005* (NSW), in force in Norfolk Island under section 18A of the Commonwealth Act.

*Power* includes function or duty, and, in that context, *conferred* means imposed.

*Regional Council* means the body declared to be the Norfolk Island Regional Council by the *Norfolk Island Regional Council Declaration Ordinance 2016*.

*Secretary* means the Secretary of the Department.

*SES 2* means an SES employee who is classified as a Senior Executive Service Band 2 employee under the Classification Rules.

*Note* Section 2B and subsection 46(1) (where applicable) of the *Acts Interpretation Act 1901* incorporates in this instrument the definition of SES employee from the *Public Service Act 1999*.

4        **Vesting of powers**

- (1) I direct, under paragraph 18B(3)(a) of the Commonwealth Act, that the power or powers that are specified in Column 1 of an item in Schedule 1 are also vested in:
- (a) the authority; or
  - (b) a person for the time being holding, occupying or performing the duties of the office or position; or
  - (c) a person acting in an office or position;
- specified in Column 2 of that item.

**5 Delegation of powers**

(1) I delegate, under paragraph 18B(3)(b) of the Commonwealth Act, the power or powers that are specified in Column 1 of an item in Schedule 2 to:

(a) the authority; or

(b) a person for the time being holding, occupying or performing the duties of the office or position; or

(c) a person acting in an office or position; specified in Column 2 of that item.

**6 Delegation of powers by General Manager**

In accordance with paragraph 18B(4) of the Commonwealth Act, the General Manager is empowered to delegate, in writing, to a specified person, any or all powers vested in him or her by clause 4 of this Instrument.

**7 Delegation of powers by the Regional Council**

In accordance with paragraph 18B(4) of the Commonwealth Act, the Regional Council is empowered to delegate, in writing, to a specified person, any power vested in it by clause 4 of this Instrument provided that the delegation complies with the requirements in section 377 and section 379 of the LGA.

**8 Delegation of powers by the Administrator of Norfolk Island**

In accordance with paragraph 18B(4) of the Commonwealth Act, the Administrator of Norfolk Island is empowered to delegate, in writing, to a specified person, any or all powers vested in him or her by clause 4 of this Instrument.

**9 References to business division, branch, office or centre**

Unless the contrary intention appears, a reference in the Schedule to a business division, branch, office or centre is a reference to such an organisational structure within the Department.

**10 Revocations**

Any previous instrument made under subsections 18B(3) and 18B(4) of the *Norfolk Island Act 1979* vesting or delegating the powers of the Minister under the *Local Government Act 1993* (NSW) and the *Local Government (General) Regulation 2005* (NSW), as in force in Norfolk Island under section 18A of the Commonwealth Act, is revoked.

# Schedule 1

# Vesting

(section 4)

## 1. LGA and subordinate legislation under that Act in force on Norfolk Island

|      | Column 1   | Column 2  |
|------|--|---|
| Item | Power(s) vested  | Persons vested  |
| 1.01 | All powers expressed to be powers of an Administrator (as appointed under section 66 of the LGA)       | Administrator appointed under s 66 of the LGA   |
| 1.02 | All powers expressed to be powers of an Administrator (as appointed under s 256 of the LGA)            | Administrator appointed under s 256 of the LGA  |
| 1.03 | All powers in Part 7 of the LGR expressed to be powers of an appropriate person                        | A person designated by the General Manager to receive or deal with tenders submitted, or if no one is designated, the General Manager |
| 1.04 | All powers expressed to be powers of an auditor  | Auditor appointed under s 422(2) of the LGA   |
| 1.05 | All powers expressed to be powers of persons appointed as an Authorised Officer under s 746 of the LGA | Authorised Officer appointed under s 746 of the LGA   |
| 1.06 | All powers expressed to be powers of a council or a local government                                   | The Regional Council  |
| 1.07 | All powers expressed to be powers of a committee of the council  | Any committee of the Regional Council established by the Regional Council in accordance with s 373 of the LGA                         |
| 1.08 | All powers expressed to be powers of a councillor  | A councillor of the Regional Council  |
| 1.09 | All powers expressed to be powers of a Department of New South Wales                                   | Secretary<br>Deputy Secretary<br>SES 2 in Local Government and Territories Division   |
| 1.10 | All powers expressed to be powers of a Departmental Chief Executive                                    | Secretary<br>Deputy Secretary<br>SES 2 in Local Government and Territories Division   |
| 1.11 | All powers expressed to be powers of the Director-General  | Secretary<br>Deputy Secretary<br>SES 2 in Local Government and Territories Division   |
| 1.12 | All powers expressed to be powers of the Deputy Mayor  | Deputy Mayor of the Regional Council  |

|      |   |  |
|------|---|--|
| 1.13 | All powers expressed to be powers of the Electoral Commissioner and the Electoral Commission except the power to receive penalties under s 314(3)(b) of the LGA | Administrator of Norfolk Island  |
| 1.14 | The power to receive penalties under s 314(3)(b) of the LGA   | The Regional Council   |
| 1.15 | All powers expressed to be powers of an electoral official  | An electoral official appointed under s 296B of the LGA  |
| 1.16 | All powers expressed to be powers of the General Manager  | General Manager of the Regional Council  |
| 1.17 | All powers expressed to be powers of the Interim Administrator  | Interim Administrator of the Regional Council  |
| 1.18 | All powers expressed to be powers of the Mayor  | Mayor of the Regional Council  |
| 1.19 | All powers expressed to be powers of the Ombudsman  | The Commonwealth Ombudsman, within the meaning of the <i>Ombudsman Act 1976 (Cth)</i>  |
| 1.20 | All powers expressed to be powers of the Public Officer   | Public Officer of the Regional Council   |
| 1.21 | All powers in Part 9 of the LGR expressed to be powers of a responsible accounting officer  | A member of staff of the Regional Council designated the responsible accounting officer by the General Manager, or if no one is designated, the General Manager. |
| 1.22 | All powers expressed to be powers of the Returning Officer (appointed under s 296A of the LGA)  | Returning Officer appointed under s 296A of the LGA  |
| 1.23 | All powers expressed to be powers of the Returning Officer (appointed under s 296B of the LGA)  | Returning Officer appointed under s 296B of the LGA  |
| 1.24 | All powers expressed to be powers of a Substitute Returning Officer (appointed under s 296A of the LGA)   | Substitute Returning Officer appointed under s 296A of the LGA   |
| 1.25 | All powers expressed to be powers of a Substitute Returning Officer (appointed under s 296B of the LGA)   | Substitute Returning Officer appointed under s 296B of the LGA   |
| 1.26 | All powers expressed to be powers of a temporary adviser  | A person appointed as a temporary adviser under s 438G of the LGA.   |

## Schedule 2

## Delegations

(section 5)

### 1. *Local Government Act 1993 (NSW) (NI)* and subordinate legislation under that Act in force on Norfolk Island

|      | Column 1   | Column 2   |
|------|--|--|
| Item | Power(s) delegated   | Delegate(s)  |
| 1.01 | All powers expressed to be powers of a Minister of New South Wales except those under Part 7 of Chapter 13 and Division 2 of Part 1 of Chapter 14 of the LGA | Secretary<br>Deputy Secretary<br>SES 2 in Local Government and Territories Division                                  |
| 1.02 | All powers expressed to be powers of the Auditor-General   | Administrator of Norfolk Island<br>Secretary<br>Deputy Secretary<br>SES 2, Local Government and Territories Division |