

SOCIAL SERVICES AMENDMENT BILL 2011

EXPLANATORY MEMORANDUM

This Bill has been made necessary because of a realisation that when on 27 June 2000 the *Social Services Amendment Regulations 2000* were made by the Administrator the Administrator had no power under section 49 of the Act to make the regulation, that being reserved to the Commonwealth Minister. The Regulations prescribed rates of benefit under the Act and provided that the rates could be amended in future by the executive member by notice in the Gazette. The provision in the *Social Services Act 1980* that Regulations be made by the “Minister” is unusual in the broad range of legislation in force in Norfolk Island which in accordance with the principle of self-government is usually reserved to the Administrator and the provisions of the *Norfolk Island Act 1979*.

In order to deal with the position the Bill contains two substantive provisions.

Clause 4 of the Bill substitutes the Administrator in place of the Minister as the maker of Regulations under subsection 49(1) of the principal Act.

Clause 5 of the Bill provides that the Regulations made by the Administrator on 27 June 2000 are deemed to have been validly made and are therefore in full force and effect thereby ensuring that all moneys raised in accordance with their terms has been properly and effectively raised.

23 June 2011