

D19/2017



Australian Government

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

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

10/11/

2017

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 Deputy Secretary SES 2 in Local Government and Territories Division
1.10	All powers expressed to be powers of a Departmental Chief Executive	Secretary Deputy Secretary SES 2 in Local Government and Territories Division
1.11	All powers expressed to be powers of the Director-General	Secretary Deputy Secretary 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</i> (Cth)
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 Deputy Secretary SES 2 in Local Government and Territories Division
1.02	All powers expressed to be powers of the Auditor-General	Administrator of Norfolk Island Secretary Deputy Secretary SES 2, Local Government and Territories Division