

**Australian Capital Territory (Self-Government) Amendment (Disallowance and
Amendment Power of the Commonwealth) Bill 2010**

Questions on Notice from Senators Humphries and Barnett

to

Mr Yates,

**Department of Regional Australia,
Regional Development and Local Government**

21 March 2011

1. **Question: When was the last time that the ACT Self-Government Legislation was amended?**

Asked By: Senator Humphries

Answer: The latest compilation of the Act prepared on 6 July 2009 (page 51) indicates that the latest amendment was number 54 of 2009.

2. **Question: How many times has a request been made to the Minister on a Review of the ACT Self Government Act.**

Asked By: Senator Humphries

Answer: A review of the ACT Self-Government Act has been a longstanding concern of the ACT Government. The Chief Minister wrote to the then Australian Prime Minister, the Hon Kevin Rudd MP, on 12 May 2009 and 26 June 2009 regarding a review of the *Australian Capital Territory (Self-Government) Act 1988* (The Act). The Minister for Home Affairs, the Hon Brendan O'Connor MP, responded on behalf of the Prime Minister as follows.

- The Australian Government does not object to the ACT Government undertaking a review of the Act; however, a review should be driven by the ACT and its residents and that a joint review with the Commonwealth is not warranted.
- Should the ACT Government elect to undertake such a review the Australian Government would be interested in being informed of the outcomes.
- In September 2010 Chief Minister Stanhope wrote to the Prime Minister and Minister Crean indicating the ACT Government's continued commitment to a formal joint review of the Act.
- Minister Crean met with Chief Minister Stanhope on 24 November 2010 where the Australian Government's position was reiterated.
- Minister Crean and Chief Minister Stanhope agreed that the ACT Government would undertake a review of the Act and that the Australian Government would give serious consideration to the results of the review.

3. **Question: Does it happen from time to time that the Administrator does not provide assent [to a Schedule 2 matter under the Norfolk Island Act 1979]?**

Asked By: Senator Barnett

Answer: The Department is not aware of any instances where the Administrator has withheld assent to a Schedule 2 matter.

4. **Question: How many of those would there be [schedule 3 matters that the Administrator has had to take advice from the Minister responsible for territories prior to giving assent, and how many non-Schedule 2 or 3 matters have been referred to the Governor-General]?**

Asked By: Senator Barnett

Answer: The Norfolk Island Administration has provided the attached list of legislation reserved for the Governor-General and referred for Ministerial instructions (see [Attachment A](#)). However, the list is incomplete. When considering that list it is also important to bear in mind that the items listed in Schedules 2 and 3 of the *Norfolk Island Act 1979* (Cth) have been expanded over the years since self-government. For example, the addition of 61 items to Schedules 2 and 3 since 1985 has reduced the Bills referred for either Ministerial instructions or consideration by the Governor General. A list of the variations made to the Schedules is at [Attachment B](#).

In relation to proposed laws referred to the Governor-General, the Office of the Administrator has advised that 224 Bills were referred to the Governor-General since 1979. The bulk of those matters referred to the Governor General occurred during the formative years of the Norfolk Island Legislative Assembly. In more recent times, there has been greater emphasis on early consultation to ensure inappropriate legislation is not referred to the Administrator. Over the past ten years only some 25 non Schedule 2 or 3 matters have been referred to the Governor-General.

5. **Question: How often and when? [have you consulted with the Minister's Office on the issue of the labour Government's support for the Bill since the Bill was introduced]?**

Asked By: Senator Barnett

Answer: The Department is in continuous contact with the Minister's Office and it is not possible to enumerate how often this occurs. Consultation was ongoing over the week of 14 to 18 March 2011.

6. **Question: Did the Government give you advice to confirm its support for the original bill back in September [2010] when the ACT bill was first introduced by Senator Brown?**

Asked By: Senator Barnett

Answer: The Department is not aware of any changes in the Government's policy relating to the self-governing territories.

7. **Question: Let us know when you received that? [advice from the Government after the amendments were circulated on the first of March 2011, that their support would continue]**

Asked By: Senator Barnett

Answer: The Department is not aware of any changes in the Government's policy relating to the self-governing territories.

8. **Question: Well you have received legal advice, but you are saying it may or may not include constitutional advice? [Did the legal advice include constitutional advice?]**

Asked By: Senator Barnett

Answer: The Department is unable to disclose the content of legal advice.

9. **Question: When did you receive it? [the legal advice].**

Asked By: Senator Barnett

Answer: 11 March 2011.

10. **Question: I would like the committee to have a copy of that advice.**

Asked By: Senator Barnett

Answer: The Department is unable to release legal advice. A decision on the release of legal advice properly rests with the Minister.

11. **Question: How many times has the ACT Govt introduced, or publicly announced their intention to introduce legislation to support gay marriage in one form or another? (Please feel free to speak with AGD, and advise to the best of your ability.)**

Asked By: Senator Barnett

Answer: The Department is not in a position to advise on the precise number of occasions in which representatives of the Government of the Australian Capital Territory have publicly announced their intentions in relation to laws on same-sex marriages or civil unions. The Department is aware of the following in regard to the introduction and passage of legislation in the ACT relating to same-sex marriages, civil unions or civil partnerships:

- The ACT Government introduced the Civil Unions Bill 2006 into the ACT Legislative Assembly on 28 March 2006.
- On 11 May 2006 the ACT Government introduced 22 pages of amendments to the Civil Unions Bill, and the Bill was passed by the ACT Legislative Assembly.
- On 8 June 2006 the ACT Government introduced and passed the Civil Unions Amendment Bill 2006, to reduce the notification period for a civil union from one month to five days.
- On 13 June 2006 the Governor-General disallowed the ACT *Civil Unions Act 2006*.
- On 12 December 2006 the ACT Government introduced a new Bill (the Civil Partnerships Bill 2006) to replace the disallowed *Civil Unions Act 2006*.
- On 5 December 2007 the ACT Attorney-General indicated he wished to introduce an amended version of the Civil Partnerships Bill into the ACT Legislative Assembly.
- On 5 May 2008, following discussions with the Commonwealth Attorney-General, the ACT Government amended the Civil Partnerships Bill 2006 to remove provisions that related to a legally recognised ceremony for civil partnerships. The Civil Partnerships Bill was passed by the ACT Legislative Assembly on 9 May 2008, and commenced operation on 19 May 2008.
- On 26 August 2009 the ACT Greens introduced the Civil Partnerships Amendment Bill 2009 into the ACT Legislative Assembly. The Assembly passed the Bill on 11 November 2009 following the inclusion of a series of amendments put forward by the ACT Government. It commenced operation on 19 November 2009.
- On 8 December 2009 the ACT Government introduced the Civil Partnerships Amendment Bill 2009 (No 2) into the ACT Legislative Assembly. The Bill incorporated a requirement that all civil partnerships must be registered in order to have legal effect. The Bill was passed on 10 December 2009, and commenced operation on 18 December 2009.



EXTRACTS FROM THE EXECUTIVE COUNCIL REGISTER 1979 - 2011

ASSENTS; RESERVED FOR GOVERNOR-GENERAL; AND OTHER MATTERS

NB – incomplete information until records in archives are accessed

23 March 2011

Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
1979	Ordinances Revision Bill 1979			Recision 6/79	
1980	Enactments Reprinting Act 1980	41/80			
1981	Education Bill 1981			Sub 7/79 Recision: (Also see Motion of Legislative Assembly 2010)	
	Social Services (Amdt) Bill 1981	44/81			
	Interpretation (Penalty and Fee Units) Act 1981	36/81			
1982	Public Service (Amdt) Act 1982			Deferred 14/82	32/86
	Departure Fee (Amdt) Bill 1982			Withdrawn 19/82	
1983	Customs (Amdt No. 2) 1983	19/83			
	Dep. Fee (Amdt) Bill 1983	22/83			

ATTACHMENT A

Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	Public Works Levy (Amdt)	23/83			
	Absentee Landowners Levy Amdt Bill 1983	24/83			
	Public Reserves (Amdt) Act 1983	25/83			
	Ordinances Revision (Repeals) Act 1983	26/83			
	Criminal Law (Amdt) Bill 1983	27/83			
	Community Service Orders Act 1983	28/83			
	Public Works Levy (Amdt) (No. 2) Act 1983	31/83			
	Immigration Act 1980	33/83			
	Immigration (Consequential) Amdt Bill 1983	34/83			
	Medical Practitioners Registration. Act 1983	35/83			
	Cheques (Duty) Act 1983	38/83			
	Tourist Accommodation Act 1984				
	Customs (Amdt) Act 1983				
	Tourist Accommodation Levy (Temp Precisions) Act 1983				
	Animals (Importation) Act 1983	40/83			
1984	Retail Price Index Act 1983	6/84			
	Social Services (Amdt) Act 1983	7/84 55/84			
	Public Health Act 1983	8/84			

ATTACHMENT A

Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	Customs (Amdt) Act 1984	13/84			
	Land (Easements) Act 1984	14/84			
	Fish (Export Control) Act 1984	15/84			
	Norfolk Island National Park & NI Botanic Garden Act 1984	25/84			
	Dangerous Drugs (Amdt) Act 1984	31/84			
	Apiaries (Amdt) Act 1984	32/84			
	Statute Law Revision (Penalties & Fees) Act 1984	34/84			
	Postal Services Bill 1983	35/84			
	Legislative Assembly (Amdt) Bill 1984	40/84			
	Interpretation (Amdt) Act 1984	43/84			
	Public Works Levy (Amdt) Act 1984	44/84			
	Court of Petty Sessions (Amdt) Act 1984	48/84			
	Community Service Orders (Amdt) Act 1984	49/84			
	Social Services (Amdt) Act 1983	55/84			
1985	Absentee Landowners Levy (Amdt) Bill	1/85			
	Public Service (Amdt) Bill 1984	2/85			
	Public Works Levy (Amdt) Act 1985	7/85			
	Land (Sub-division) (Amdt) Act 1985	8/85			
	Provident Account (Amdt) Act 1985	11/85			
	Norfolk Island Hospital Act 1985	23/85			

ATTACHMENT A

Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	Public Health (Amdt) Act 1985	24/85			
	Financial Institutions Levy Act 1985	27/85			
	Public Health (Amdt) (No. 2) Act 1985	33/85			
	Health (Amdt) Act 1985	34/85			
	Criminal Law (Amdt) Act 1985	35/85			
	Enactments Reprinting (Amdt) Act 1985	38/85			
	Law Reform (Miscellaneous Provisions) (Amdt) Act 1985	39/85			
	Norfolk Island National Park & NI Botanic Garden (Amdt) Act 1985	40/85			
1986	FIL (Amdt) Act 1985	9/86			
	Statute Law (Miscell Provisions) (No. 3) Act 1986	22/86			
	Police Offences (Amdt) Act 1986	23/86			
	Departure Fee (Amdt) Act 1986	24/86			
	Social Services (Amdt) Act 1986	25/86			
	Public Services (Amdt) (No. 2) Act 1986				
	Sale of Goods (Vienna Convention) Act 1984	34/86			
	Wills (Amdt) Act 1986	39/86			
	Protection of Movable Cultural Heritage Act 1986	46/86			
	Statute Law Revision (Statutes) (No. 2) Act 1986	47/86			

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	Statute Law (Misled Provisions) (No. 2) Act 1986				
	Customs (Amdt) Act 1986				
	Statute Law Revision (Statutes) (No. 3) Act 1986	62/86			
1987	Referendum (Amdt) Act 1987	9/87 15/87			
	Absentee Landowners Levy Amdt Act 1987	10/87 16/87			
	Legislative Assembly Privileges Act 1987	13/87			
	Legislative Assembly Amdt Act 1987	14/87			
	Interpretation Amdt Act 1987	26/87		21.12.87	
	Suits by and against the Administration Act 1987	27/87		21.12.87 and 28.11.89 ??	
	Customs Amdt Act 1987	31/87			
	Criminal Law Amdt Act 1987	39/87			
	Court of Petty Sessions Amdt Act 1987	40/87		21.12.87	
	Community Service Orders Amdt Act 1987	41/87			
	Protection of Movable Cultural Heritage Amdt Act 1987	44/87			
	Probate and Administration Amdt Act 1987	46/87			
	Employment Act 1987	47/87			

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
1988	Limitation of Actions (Real Property) Act 1988	2/88			
	Building Amdt No. 2 Act 1988	13/88			
	Migratory Birds Amdt Act 1988	14/88			
	Land (Sub-division) Amdt Act 1988	28/88			
	Financial Institutions Levy Amdt Act 1988	29/88			
	Employment Amdt Act 1988	41/88			
	Court of Petty Sessions Amdt No. 2 Act 1988	45/88			
	Probate and Administration Amdt No. 2 Act 1988	56/88			
1989	Legislative Assembly Amdt Act 1989	12/89			
	Customs Amdt Act 1989	16/89			
	Financial Institution Levy Amdt Act 1989	17/89			
	Conveyancing Amdt Act 1989	18/89			
	Police Offences Amdt Act 1989	27/89			
	Immigration Amdt Act 1989		39/89		
	Suits by and against the Administration Amdt No. 2 Act 1989	45/89			
	Land (Sub-division) Amdt Act 1989	48/89			
	Healthcare Amdt Act 1989	49/89			
1990	Evidence Amdt Act 1990	16/90			
	Juries Amdt Act 1990	17/90			

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	Evidence Amdt Act 1991	41/90			
	Court of Petty Sessions Amdt Act 1991	42/90			
1991	Airport Act 1991	5/91			
	Legislative Assembly Amdt Act 1991	11/91			
	Referendum Amdt Act 1991	28/91			
	Legislative Assembly Amdt No. 2 Act 1991	29/91			
1992	Public Sector Remuneration Tribunal Act 1992	1/92			
	Statute Law Revision (Ministerial Powers) Act 1992	20/92			
1993					
NB – check all 1993 subs for any reservations					
1994	Commons and Public Reserves Amdt Act 1994	4/94	16.5.94 check 24.5.94		
1995	Statute Law (Miscellaneous Provisions) Act 1995	21/95			
	Dangerous Drugs Amdt Act 1995	28/95			
	Poisons and Dangerous Substances Amdt Act 1995	29/95			
1996	Territorial Waters Amdt Act 1996	5/96			

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent	
NB – check all these for partial comms	Land Titles Act 1996	22/96				
	Planning Act 1996	23/96				
	Crown Lands Act 1996	24/96				
	Subdivision Act 1996	25/96				
	Heritage Act 1996	26/96				
	Planning and Public Health (Consequential Provisions) Act 1996	27/96				
	Official Survey Amdt Act 1996	28/96				
	Roads Act 1996	29/96				
	1997	Public Reserves Act 1997	8/97			
		Public Reserves (Consequential Provisions) Act 1997	9/97			
	Land Titles Amdt Act 1997	38/97				
	Official Survey Amdt Act 1997	42/97				
	Subdivision Amdt Act 1997	43/97				
	Crown Lands Amdt Act 1997	44/97				
	Roads Amdt Act 1997	45/97				
	Dangerous Amdt Act 1997	50/97		Assent 18.2.98		
1998	Dangerous Drugs Regulations 1998		8/98 Fed Min's			

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			instructions		
	Dangerous Drugs Amdt Act 1998	13/98			
	Roads Amdt Act 1998	21/98	30.7.98		
1999	Gaming Act 1998 subs 1 and 2 of 1999				
	Bookmakers Act 1998 were these two referred prior to comm.??				
	Customs Amdt Act 1999		34/98 Fed Min's instructions		
2000	Public Sector Management Act 2000 Statutes Amdt (Public Sector Management) Act 1999		Subs 13 and 14 – letter received from Fed Min re instructions to assent t both		
	Subdivision (Moratorium) Act 200	30/2000			
	Immigration Amdt Act 2000	38/2000		Assent 8.12.00	
	Statutes Amdt (Miscellaneous Provisions) Act 2000	40/2000	Fed Min's instructions		
2001	South Pacific Games Act 2001	10/01		13.9.01	
	Subdivision (Moratorium) Amdt Bill 2001	19/01		13.9.01	
	Planning (Tourist Accommodation) Amdt Act 2001	21/01		20.12.01	
	Employment Amdt (No. 3) Act 2001	28/01	Fed Min's instructions NB see sub 10/2002 “for revocation to	1.2.02	

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
			be instructed by Fed. Minister"		
2002	Planning act 2002	21/02			
	Norfolk Island Planning and Environment Board Act 2002	22/02			
	Subdivision Act 2001	23/02			
	Heritage Act 2002	24/02			
	Roads Act 2002	25/02			
	Land Titles Act 2002	26/02			
2003	Subdivision (Moratorium) Act 2003	4/03		16.4.03	
	Legislative Assembly Amdt Act 2003				
	Customs Amdt (Fuel) Bill 2003 Customs Amdt Bill 2003		After Exco mtg of 21 May 2003 exec member sent Administrator letter requesting that he write to Fed Minister for instructions on these two matters		
	Waste Management Bill 2003; and Waste Management Regs 2003	34/03 and 35/03		Adjourned; Admr to seek advice on what he considered to be a possible Sched 3 matter as import fees could relate to Customs matter: later	

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
				dealt with in subs 4 and 5 of 2004	
2004	Telecommunications Amdt Bill 2004			Sub 16/04 Adjourned; Admr requested that this matter not proceed as he had received an opinion from Canberra Bill entirely a Sched 2 matter	
	Telecommunications Amdt Bill 2004 reintroduced			Sub 17/04; Admr deferred pending further legal advice on the sub being Sched 2, Sched 3 or non-Sched matter	
	Administrative Review Tribunal Amdt Bill 2004			Held over	
	Legislative Assembly (Amdt No. 1) Bill 2004	52/04			
	Legislative Assembly (Register of Members' Interests) Bill 2004	53/04			
	Planning (Amdt) Bill 2004	56/04			
2005	Norfolk Island Planning and Environment Board (Amdt) Act 2005	18/05		Assent 7.7.05	
	Planning (Amdt) Bill 2005	19/05			

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	Roads (Amdt) Bill 2005	55/05 Referred to Gov-Gen for assent			
2006	Land Titles (Amdt) Bill 2005	7/06			
	Legislative Assembly (Register of Members' Interests) Amdt Bill 2006	10/06		31.8.06	
	Legislative Assembly (Amdt) Bill 2006	19/06		30.11.06	
	Customs Amdt Bill 2006			Exco 28.11.2006: As the Leg Assembly on 26 Oct 2006 had resolved to repeal the resolution to pass the Customs (Amdt) Bill 2006 the Exec members now requested the Admr to write to Fed Min withdrawing previous request for instructions on this Bill	
2007	Social Services (Amendment) Bill 2006		Instructions from Minister 1.8.07	Assent withheld	
	Immigration (Amendment) Bill 2006		Instructions from Minister 27.7.07		
	Social Services (Amendment No 2) Bill				

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
	2006				
2008	Subdivision (Amdt) Bill 2008	4.3.2008			30.5.08
	Sub 14/2008 – 2 May 2008 Recommendation signed for the Arrangement between the Gov-Gen and the Administrator of Norfolk Island for conferral of non-judicial powers and functions.				
	Sub 27/08 26 June 2008 - Fuel Levy (Amdt) Bill 2008 – signed in accordance with Fed Minister's instructions			See sub 27/08	
	Sub 28/08 26 June 2008 – Customs (Amdt) Bill 2008 – signed in accordance with Fed Minister's instructions				
2009	Sub 24 of 2009 7 July 2009 Valuation of Land Bill 2009	24/2009 7.7.09 reserved for Gov-Gen;		NB – Gov-Gen's assent withheld 6 May 2010	
	Public Reserves (Amdt) Bill 2009	28/09 11.8 2009			
	Social Services (Amdt No. 2) Bill 2009		Sub 29/09 11.8.09 referred for Fed Minister's instructions		10.3.10
	Social Services (Amdt No. 3) Bill 2009		Sub 30/09 11.8.09 referred for Fed Min's instructions		10.3.10
2010	Immigration (Amdt) Regs 2010		Sub 3/10 23.2.10		Made on instructions

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Year	Enactment	Reserved for Governor-General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
			referred for Fed Min's instructions		- sub 15/10 - 1 .6.10
	Healthcare (Amdt) Bill 2010	Sub 5/10 10.3.10; Referred again with fresh certified Bill on 22.3.2011 – sub 7/11			
	Plant and Fruit Diseases (Amendment) Bill 2009		Instructions from Minister 9 3.10	Assent withheld	
	Social Services (Amdt No. 3) Bill 2010	Sub 8/10 Referred to Fed Min for instructions			
	Plant and Fruit Diseases (Amdt) Regs 2010	Instructions from Minister 24.5.10	Sub 14.10 15.3.10 Referred to Fed Min for instructions; no further action until fresh protocols are submitted	Regulations not made	
	Immigration (Amdt) Regs 2010 made in accordance with		Sub 15/2010 1.6.10 made in accordance with Fed Min's instructions		
2011	Healthcare (Amdt) Bill 2010	Sub 7/10 Reserved		Original 2010 referral invalid	

ATTACHMENT A

Year	Enactment	Reserved for Governor- General	Federal Minister's instructions	Other decision: (recision, deferred, assent withheld, etc etc)	Date of Assent
		for Gov- Gen		(not Bill as passed by the Legislative Assembly). Further referral March 2011	

NORFOLK ISLAND ACT 1979

Schedules 2 and 3

Schedules in 1979*Schedule 2*

1. The raising of revenues for the 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 slaughter 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.
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

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

Powers varied on 17 June 1981*Schedule 2*

Added to the end of Item 42 “but not including any matter that relates to social service benefits in so far as a duty, power, function or authority is expressly imposed or conferred on the Administration or the Minister in relation to that matter”.

Powers varied on 1 March 1984*Schedule 2*

Item 42 is altered by omitting all words after “force” and substituting: “in the Territory other than any matter-

- (a) that relates to immigration or the operation of the Immigration Act 1980 of the Territory; or
- (b) that relates to social service benefits in so far as a duty, power, function or authority is expressly imposed or conferred on the Administration or the Minister in relation to that matter.”

Powers added on 12 July 1985

*STATUTORY RULES 1985 NO 173 NORFOLK ISLAND (EXERCISE OF POWERS)
REGULATIONS (AMENDMENT) – 6 ITEMS*

Schedule 2 – new items added

43. Public Service of the Territory.
44. Public works.
45. Lotteries, betting and gaming.
46. Civil defence and emergencies.
47. Territory archives.
48. Matters incidental to or consequential on the execution of executive authority.

Powers added/varied on 28 September 1989

*STATUTORY RULES 1989 NO 268 NORFOLK ISLAND (EXERCISE OF POWERS)
REGULATIONS (AMENDMENT) – 36 ITEMS*

Schedule 2 – additions/alterations

36. “Telephone and postal” omitted and “Postal” substituted [ie “Postal services.”].
40. “and business names” omitted [ie “Registration of companies.”].
42. Amended by omitting all the words after “Territory” (first occurring) and substituting: “other than a matter that relates to immigration or the operation of the *Immigration Act 1980 of the Territory*”.

48. Omitted and replaced with “The provision of telecommunications services (within the meaning of the *Telecommunications Act 1989*) and the prescribing of rates of charge for those services.”
49. Branding and marking of live-stock.
50. Pasturage and enclosure of animals.
51. Registration of bulls.
52. Bees and apiaries.
53. Exportation of fish and fish products from the Territory.
54. Live-stock diseases (other than quarantine).
55. Plant and fruit diseases (other than quarantine).
56. Water resources.
57. Energy Planning and regulation.
58. Fences.
59. Business names.
60. Navigation, including boating.
61. Price and cost indexes.
62. Fund-raising from the public for non-commercial purposes, and associations registered for fund-raising of that type.
63. Administration of estates and trusts.
64. Census and statistics.
65. Inquiries and administrative reviews.
66. Registration of medical practitioners and dentists.
67. Public health (other than: dangerous drugs, within the meaning of the *Dangerous Drugs Ordinance 1927* of the Territory; psychotropic substances; quarantine).
68. Mercantile law (including sale or lease of goods; charges and liens on goods or crops; supply of services).
69. Law relating to the interpretation of enactments.
70. Civil legal proceedings by and against the Administration of the Territory.
71. Official flag and emblem, and public seal, of the Territory.
72. Fees or taxes imposed by the following enactments of the Territory: *Absentee Landowners Levy Ordinance 1976*; *Cheques (Duty) Act 1983*; *Departure Fee Act 1980*; *Financial Institutions Levy Act 1985*; *Fuel Levy Act 1987*; *Public Works Levy Ordinance 1976*.
73. Protection of birds.
74. Matters incidental to or consequential on the execution of executive authority.

Schedule 3 – additions/alterations

Item 2 was altered by omitting “other than” and substituting “including” [“Customs (other than the imposition of duties)” to “Customs (*including* the imposition of duties)”].

5. Human quarantine.
6. Animal quarantine.
7. Plant quarantine.
8. Labour and industrial relations, employees’ compensation and occupational health and safety.
9. Moveable cultural heritage objects.
10. Social Security.

Powers added/varied on 18 June 1992

*STATUTORY RULES 1992 NO 164 NORFOLK ISLAND (EXERCISE OF POWERS)
REGULATIONS (AMENDMENT) – 19 ITEMS*

Schedule 2 – additions/alterations

Item 10 was altered from “Primary production (other than mining or fishing)” by omitting the words in brackets.

Item 17 “Forestry and timber” was repealed.

Item 40 “The registration of companies and business names” was repealed.

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.