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## Schedule 2

Sections 4, 7, 12, 21, 27, 47 and 67

1. The raising of revenues for 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.
11. The slaughtering of livestock.
12. Domestic animals (including birds).
13. Public pounds.
14. Pests and noxious weeds.
15. Recreation areas.
16. Cemeteries.
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).

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32. Trading hours.
  33. Markets and street stalls.
  34. Hawkers.
  35. Radio and television.
  36. 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.
  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 other than a matter that relates to immigration or the operation of the *Immigration Act 1980* of the Territory.
  43. Public Service of the Territory.
  44. Public works.
  45. Lotteries, betting and gaming.
  46. Civil defence and emergency services.
  47. Territory archives.
  48. 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.
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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.
  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.

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- 88. Child, family and social welfare.
  - 89. Regulation of business and professions.
  - 90. The legal profession.
  - 91. Maintenance of law and order and the administration of justice.
  - 92. Correctional services.
  - 93. Private law.

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## **Schedule 3**

Sections 4, 7, 12, 21, 27 and 67

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

Table 1

Resident-Initiated Referenda since 1979		Yes	No	Informal	Non voters	On roll
21-May-1986	Would television as proposed by the Norfolk Island Government be good for Norfolk Island?	489	476	8		
6-Jul-1988	Is it appropriate that the Government risk industrial dispute by altering the conditions of service of public Servants?	462	391	27		
17-Oct-1996	Should the proposed new terminal for the Norfolk Island Airport be constructed in accordance with existing plans which have been displayed during September and October 1996 by the Norfolk Island Government	334	656	11	114	1115
August 2002	Do you support the installation of a Digital Mobile Phone System in Norfolk Island?	356	607	6	161	1130
<b>NI Government / Assembly-Initiated Referenda since 1979</b>						
10-Jul-1979	Should the method of election of members of the Legislative Assembly of Norfolk Island be by the system of Proportional Representation used in the legislative Assembly election of August 1979 instead of by the system used in the election of members of the ninth Norfolk Island Council?	339	463	3		

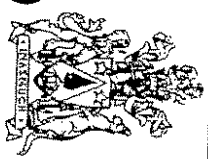
ATTACHMENT  
C(ii)  
Norfolk Island  
Referenda:  
Summary

1-Dec-1982	Are you in favour of a change from proportional representation type of system of voting to a new cumulative system of voting?	535	302	6		
17-Feb-1983	Do you want an election for a new Legislative Assembly to be called immediately?	562	306	3		
14-Feb-1990	Do you support the Healthcare Scheme?	697	263	34		
2-Jan-1991	With respect to matters discussed by the Legal Regimes Inquiry, including the question of Federal Representation, should the constitutional position of Norfolk Island be changed?	162	788	8	93	1051
21-Oct-1991	The Commonwealth proposes to pass a law to make Norfolk Island part of Canberra for Federal electoral purposes. Are you in favour of this proposal?	178	801	7		
15-Mar-1995	Are you in favour of a quarantine facility for alpacas being established in Norfolk Island, subject to conditions reflected in the resolution of the Legislative Assembly on 15 March 1995?	264	764	6		
14-May-1998	Do you wish the Kingston and Arthur's vale Historic Are of Norfolk Island to be nominated for World Heritage Listing?	276	626	72	137	1111

	<p>The Australian Government has recently indicated its intention to bring about changes to Norfolk Island's electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island?</p>	184	719	14	197	1114
12-May-1999	<p>Do you agree with the Australian Federal Government's proposal to alter the Norfolk Island Act so that -</p> <p>1) people who have been ordinarily resident in the island for 6 (Six) months will in future be entitled to enrol on the electoral roll for Legislative Assembly elections; and</p> <p>2) Australian citizenship will in future be required as a qualification to be elected to the Assembly, and as a qualification for people who in the future apply for enrolment on the electoral roll for Assembly elections.</p>					
24 October 2001	<p>Should a new election be held for the full membership of the Legislative Assembly at the earliest convenient date?</p>	555	379	11		



# TENTH NORFOLK ISLAND LEGISLATIVE ASSEMBLY



**DAVID E. RUFFETT** Speaker  
**CHLOE B. NICHOLAS** Deputy Speaker  
**Ivens F. Buffett** John T. Brown Graeme Donaldson Geoffrey R. Gardner Stephanie V. Jack George C. Smith Ronald C. Nobbs

## EXECUTIVE MEMBERS AND THEIR PORTFOLIOS

<p><i>Geoffrey Robert Gardner</i></p> <p><b>CHIEF MINISTER AND MINISTER FOR INTERGOVERNMENT RELATIONS</b></p> <p>Immigration Intergovernmental Business Self Government Strategic Planning Cyber centre Gaming KAVHA Sport and Recreation Legal Matters (Civil legal proceedings, by and against the Administration Courts, Legal Aid, Censorship Corporate Affairs and Business Names, Registration of Professions)</p> <p>17 July 2002</p>	<p><i>Graeme Donaldson</i></p> <p><b>MINISTER FOR FINANCE</b></p> <p>Public Monies (includes Administration assets Licensing, Economic Policy) Customs Government Business Enterprises (Electricity, Telecom, Liquor Bond Lighterage, Airport) Commerce and Industry Workers Compensation Scheme Employment Industrial Relations Retail Price Index Benefit Adjustment Factor</p>	<p><i>David Ernest Buffett</i></p> <p><b>MINISTER FOR COMMUNITY SERVICES AND TOURISM</b></p> <p>Tourism &amp; International Transport Health (includes Hospital Enterprise and HealthCare) Police Emergency Services (includes Firearms and explosives, Fire protection and control) Disaster Management Community and Culture Social Welfare Museums Civil Works Broadcasting and TV Education Public Service</p>	<p><i>Ivens Francois Buffett</i></p> <p><b>MINISTER FOR LAND AND THE ENVIRONMENT</b></p> <p>Environment (includes environmental health, Quarantine, Land Management) Land and Buildings (Regulatory Administration) Agriculture and Horticulture Fishing Quarry (including Cascade Cliff Management Board) Waste Management Parks and Forestry National Park and Botanic Gardens</p>
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# Norfolk Island Administration

## Chief Executive Officer

### Departments:

Secretary, Internal Audit, Legal Services, Human Resources, Project Officer/s, Strategic Planning, Intergovernment Relations

Executive Director

### Community Services and Tourism

- Health, Social Support and Employment — Health Care/Workers Compensation  
Social Welfare & Pensions  
Sports/Culture/Arts  
Library
- Law and Education — Police, NICS, Legal Aid, ART
- Tourism Support — Airport, Museums, Accommodation Licensing
- Emergency Services — Fire Services Coordinator

Executive Director

### Corporate Support and Business Development

- Strategic Information Systems and Finance — Finance, Information Technology
- Telecommunications — Telecom, Gaming and OFC, Broadcasting
- Retail Enterprises — Liquor Bond, Postal Services, Philatelic
- Regulatory Services — Customs, Immigration, Registry, Companies, Records

Executive Director

### Environment and Infrastructure

- Land Use and Natural Resources — Development Control, Plans of Management, Norfolk Island Plan, Forestry/Parks/Reserves, Fisheries & Marine, Agriculture & Horticulture
- Heritage — Kavha
- Infrastructure Services — Public Works, Electricity, Lighterage
- Public Health — Quarantine, Water Quality, Waste Management

# SUMMARY

## STATUTORY BOARDS/COMMITTEES

### EMPLOYMENT CONCILIATION BOARD

**Governing Legislation:** *Employment Act 1988*

**Membership:** Three Members

**Term of Membership:** Not less than 2 years but not more than 3 years but may be re-appointed.

#### **Qualifications for Membership:**

A person has relevant qualifications or experience for the purposes of appointment to the Employment Conciliation Board if the person –

- (a) has had substantial experience in industry, commerce, industrial relations or the service of a government or authority of a government;
- (b) has been a member of the Public Service Board
- (c) has been a Magistrate, or has held judicial office of a similar kind in a place other than Norfolk Island;
- (d) is or has been entitled to practise law in Norfolk Island, or in a State, Territory or New Zealand; or
- (e) has obtained a degree of a university or an educational qualification of a similar standard in the field of law, economics, industrial relations or some other field of study considered by the executive member to have substantial relevance to the functions of the Board.

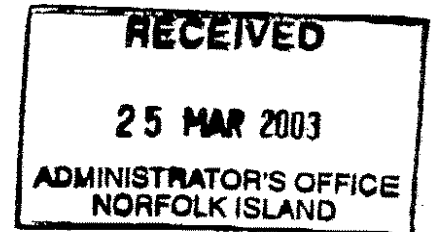
#### **Functions of the Board**

The functions of the Board are to inquire into and resolve matters in respect of which powers and functions are conferred on the Board by the Act.

In particular, the functions of the Board are to consider matters brought before it in relation to employment.

#### **Power of the Board**

The Board has the power to do all things that are necessary or convenient to be done for or in connection with or incidental to the exercise of its powers and the performance of its functions



## IMMIGRATION COMMITTEE

**Governing Legislation:** *Immigration Act 1980*

**Membership:** Not less than 3 but no more than 5 members, at least one but no more than 2 of whom shall be Members of the Legislative Assembly and all of whom shall be residents.

**Term of Membership:** Two years but can be re-appointed

### Functions of Committee

The Functions of the Committee are to furnish reports to the executive member

- (a) as provided by section 19 of the Act, with respect to applications for the grant of general entry permits;
- (b) as provided by section 32 of the Act, with respect to applications for persons to be declared to be residents of Norfolk Island; and
- (c) with respect to any other matter which the executive member refers to the Committee concerning his powers or functions under this Act or that otherwise relates to the operation of the Act.

The Committee may offer advice to the executive member with respect to any matter which, in its opinion, relates to –

- (a) the grant of permits;
- (b) immigration to Norfolk Island; or
- (c) the declaration of persons to be residents of Norfolk Island, or otherwise relates to the operation of the Act.

## LEGAL AID ADVISORY COMMITTEE

**Governing Legislation:** *Legal Aid Act 1995*

**Membership:** Three members

**Term of Membership:** Two years but may be re-appointed

### Functions of Committee

The functions of the Committee are to make recommendations to the executive member concerning –

- (a) whether in relation to an application for legal assistance referred to the Committee by the executive member, such assistance should be granted; and
- (b) the provision of legal assistance on Norfolk Island; and
- (c) measures to improve legal education and access to legal services on Norfolk Island; and

- (d) such other matters relating to legal assistance and legal education as are referred to the Committee by the executive member.

## **LIQUOR LICENSING BOARD**

**Governing Legislation:** *Liquor Act 1960*

**Membership:** Three Members

**Term of Membership:** Three years but can be re-appointed

### **Powers and functions of the Board:**

The Board may –

- (a) Grant a licence or conditional certificate;
- (b) Renew, transfer or remove a licence;
- (c) Suspend or cancel a licence or conditional certificate;
- (d) Disqualify a licensee or licensed premises; and
- (e) Exercise such other powers and perform such other functions as are prescribed.

## **MUSEUM TRUST**

**Governing Legislation:** Museum Trust Act 1987

**Membership:** Seven Members

**Term of Membership:** Two years but may be re-appointed

The Trust has the following functions;

1. to acquire possession of heritage objects for the purposes, in relation to objects so acquired, of –
  - (a) ensuring the safe custody of the objects;
  - (b) preventing physical damage to, or decay of, the objects;
  - (c) preparing a catalogue of the objects;
  - (d) obtaining and recording control information about the objects; and
  - (e) preparing the objects for display in a museum approved by the executive member.

The Trust has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its function and may;

- (a) acquire possession of heritage objects –
  - (i) by purchase or lease;
  - (ii) by gift, exchange or testamentary disposition;

on loan; or  
 (iii) as a trustee under a trust instrument; and

(b) provide for the security, storage and restoration of heritage objects in the possession of the Trust.

## **NORFOLK ISLAND BROADCASTING AUTHORITY**

**Government Legislation:** Norfolk Island Broadcasting Authority Act 2001

**Membership:** Executive Member with responsibility for Broadcasting,  
 Broadcasting Manager  
 Four other Members

**Term of Membership:** Three years but may be re-appointed

- (a) promote the availability to audiences in Norfolk Island of a diverse range of radio and television programming offering entertainment, education and information;
- (b) to provide a regulatory environment that will ensure appropriate limitations on the development of broadcasting services in Norfolk Island having regard to the specific and unique needs and requirements of the Norfolk Island community
- (c) to promote the provision of high quality and innovative programming by providers of broadcasting services;
- (d) to promote and encourage the role of broadcasting services operating in Norfolk Island in developing and reflecting a sense of Norfolk Island identity, character and culture;
- (e) to preserve and promote as far as practicable the use of the Norfolk Island language in broadcasting services;
- (f) to reflect community standards in the provisions of broadcasting services;
- (g) to ensure that providers of broadcasting services place a high priority on the protection of children from exposure to program material which may be harmful to them;
- (h) to encourage the provision of means for addressing complaints about broadcasting services; and
- (i) to ensure that the providers of commercial, community, or non-government broadcasting services are responsive to the need for a fair and accurate cover of matters of public interest and for appropriate coverage of matters of local significance.

## NORFOLK ISLAND CULTURAL HERITAGE COMMITTEE

**Governing Legislation:** *Protection of Movable Cultural Heritage Act 1987*

**Membership:** Four Members

**Term of Membership:** Four years but can be re-appointed

### Functions of the Committee:

The Functions of the Committee are to furnish advice to the executive member, either of its own motion or on request made to it by the executive member, in relation to --

- (a) the examination of proposed regulations so far as they relate to the Control List;
- (b) applications for certificates in relation to the export of Class A objects; and
- (c) applications for permits in relation to the export of Class B objects.

### Norfolk Island Cultural Heritage Control List

#### Class A

1. Objects recovered from the wreck in 1790 at Pitcairn Island of HM Armed Vessel Bounty
2. Objects land in Norfolk Island on 8 June 1856 and brought from Pitcairn Island on the vessel Morayshire

#### Class B

3. Objects recovered from or located in the Kingston – Arthur's Vale Historic Area and relating to convicts, free settlers, military or naval personnel associated with the penal settlement of Norfolk Island before 8 June 1856
4. Objects recovered from ships wrecked before 1 January 1938 in territorial waters within the meaning of the Territorial Waters Act 1926

## NORFOLK ISLAND GOVERNMENT TOURIST BUREAU

**Governing Legislation:** *Norfolk Island Government Tourist Bureau Act 1980*

**Membership:** Seven Members

**Term of Membership:** One year but can be re-appointed

### Functions of the Bureau

- (a) to encourage
  - (i) visits to; and
  - (ii) travel within, Norfolk Island by people from outside Norfolk Island; and

- (b) to seek and receive the views, comments, suggestions and complaints of persons and bodies concerning Norfolk Island tourism; and
- (c) to advise the executive member on Norfolk Island tourism including the means by which tourism in Norfolk Island might be extended or improved; and
- (d) to consider any matters relating to Norfolk Island that the executive member may refer to the Bureau; and
- (e) to carry out any directions given to the Bureau by the executive member under section 15.

### **Powers of the Bureau**

The Bureau has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power –

- (a) to enter into contracts; and
  - (b) to acquire, hold and lease real and personal property; and
  - (c) to engage in, or arrange for, publicity in relation to Norfolk Island, with particular reference to the Island's attractions and tourist facilities; and
  - (d) to induce and assist travel agents, transport operations and other appropriate bodies and persons to encourage people to visit Norfolk Island; and
  - (e) to produce, or cause to be produced, and to distribute without charge or to sell magazines, books, booklets, pamphlets and other publications concerning Norfolk Island; and
  - (f) to advertise Norfolk Island as a tourist resort, on television or by any other means of communication; and
  - (g) to collect and supply, with or without charge, information concerning Norfolk Island; and
  - (h) to provide assistance to travel agents, transport operators and other appropriate bodies or persons in arranging travel, accommodation or other services or facilities for people visiting Norfolk Island; and
  - (j) to carry on the business of travel agent or transport operator; and
  - (k) to arrange or conduct tours to or from Norfolk Island, with or without another place as an intermediate destination; and
  - (l) to carry on the business of providing accommodation, meals, refreshments, goods and other services and facilities for persons visiting Norfolk Island; and
  - (m) to operate tourist bureaux; and
  - (n) to accept gifts and contributions for the purposes of the Bureau; and
  - (o) to –
    - (a) carry out all or any of its functions; or
    - (b) to exercise all or any of its powers, either in Norfolk Island or elsewhere; and
  - (p) to do all things necessary or ancillary to its powers.
- (2) In the exercise of its functions the Bureau shall at all times operate in accordance with any directions given to it by the executive member
- (3) The powers and functions of the Bureau extend to the doing of acts and things jointly with other persons or bodies, either in Norfolk Island or elsewhere.



## **NORFOLK ISLAND HOSPITAL BOARD**

**Governing Legislation:** *Norfolk Island Hospital Act 1985*

**Membership:** Hospital Director  
Six other Members

**Term of Membership:** Three years but can be re-appointed

**Functions of the Board are:**

- (a) To control, administer and manage the Enterprise;
- (b) To give directions to the Director in relation to the day-to-day administration of the Enterprise;
- (c) To advise the Executive Member on issues relating to the future development of the Enterprise;
- (d) To advise the Executive Member on public health issues.

## **NORFOLK ISLAND PLANNING BOARD**

**Governing Legislation** *Planning Act 1996*

**Membership:** Five Members. One Member of the Legislative Assembly; one officer or employee of the Administration; and three other members

**Term of Membership:** Three years or lesser period but may be re-appointed.

### **Functions and Powers**

The functions of the Board are --

- (a) to consider planning applications referred under section 25 or 26 of the Act; and
- (b) to make recommendations accordingly.

The Board has power to do all things necessary or convenient to be done in relation to the performance of its functions.

## **PUBLIC SERVICE BOARD**

**Governing Legislation** *Public Sector Management Act 2000*

**Membership:** Three Members. One Member to be an employee elected in accordance with the Act.

**Term of Membership:** Two years or lesser period but may be re-appointed

### **Functions of the Board**

The Board's functions are to –

- (a) evaluate observance by public service management and employees of –
  - (i) the public sector general principles; and
  - (ii) the employment standards; and
- (b) advise the Legislative Assembly on the contents of any Determination under Division 3 of Part 3 of the Act referred to it for comment by the executive member; and
- (c) if required by the executive member, advise the Legislative Assembly on the appointment of the Chief Executive Officer and the terms and conditions of that appointment; and
- (d) consider and report to the executive member on any matter relating to the public service (including a matter referred to it by the executive member); and
- (e) undertake any other task related to the administration of this Act referred to it by the executive member; and
- (f) perform any other function assigned to it by or under the Act or the regulations.

## **NORFOLK ISLAND SOCIAL SERVICES BOARD**

**Governing Legislation:** *Social Services Act 1980*

**Membership:** Not less than 3 nor more than 5 members. One or two shall be members of the Legislative Assembly. Two or Three shall be persons appointed by the Administrator

**Term of Membership:** Three years but may be re-appointed.

### **Functions**

The functions of the Board are to consider and make recommendations to the executive member concerning claims and concerning the claims and concerning the exercise of any power by the executive member or by an authorised officer under this Act.

The Board has the further function of furnishing to the executive member reports or recommendations concerning

- (a) social welfare in Norfolk Island;
- (b) the likely cost of any extension of the benefits under the Act;
- (c) the priority that should be given to any extension of the benefits under this Act; and
- (d) the operation generally of the Act.