



New South Wales

Norfolk Island Administration Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to authorise the State of New South Wales to enter into arrangements with the Commonwealth for the provision of services and for the exercise of functions in Norfolk Island by New South Wales.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act, including *authority of New South Wales* which means a public or other authority established by or under a law of New South Wales and *employee of New South Wales* which means an officer or employee of the State of New South Wales or of an authority of New South Wales.

Clause 4 authorises arrangements with the Commonwealth for the provision of services and the exercise of functions by an authority or employee of New South Wales in connection with the administration of Norfolk Island.

Clause 5 allows an authority or employee of New South Wales to exercise any powers conferred on the authority or employee by or under an arrangement under the proposed Act or, if an arrangement authorises it, by or under the *Norfolk Island Act 1979* of the Commonwealth.

Clause 6 enables the Governor to make regulations for the purposes of the proposed Act, including regulations for or with respect to the application of the laws of New South Wales in

connection with the exercise of powers under the proposed Act by an authority or employee of New South Wales.



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New South Wales

Norfolk Island Administration Bill 2016

No. , 2016

A Bill for

An Act to authorise New South Wales to provide services and exercise functions in connection with the administration of Norfolk Island.

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| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Norfolk Island Administration Act 2016</i> . | 3 |
| 2 Commencement | 4 |
| This Act commences on the date of assent to this Act. | 5 |
| 3 Definitions | 6 |
| In this Act: | 7 |
| <i>authority of New South Wales</i> means a public or other authority established by or under a law of New South Wales. | 8 |
| <i>employee of New South Wales</i> means an officer or employee of the State of New South Wales or of an authority of New South Wales. | 9 |
| <i>Norfolk Island</i> means the Territory of Norfolk Island as described in Schedule 1 to the Norfolk Island Act. | 10 |
| <i>Norfolk Island Act</i> means the <i>Norfolk Island Act 1979</i> of the Commonwealth. | 11 |
| <i>power</i> includes a function or duty, and <i>exercise</i> a power includes perform a function or duty. | 12 |
| 4 Arrangements with Commonwealth | 13 |
| (1) New South Wales may enter into arrangements with the Commonwealth for the effective application and administration of the laws in force in Norfolk Island. | 14 |
| (2) Without limiting the generality of subsection (1), such an arrangement may provide for the exercise of powers by: | 15 |
| (a) an authority of New South Wales, or | 16 |
| (b) an employee of New South Wales, | 17 |
| in or in relation to Norfolk Island. | 18 |
| 5 Exercise of powers under arrangement with Commonwealth | 19 |
| (1) An authority or employee of New South Wales may exercise any power conferred on the authority or employee by or under an arrangement between New South Wales and the Commonwealth under this Act. | 20 |
| (2) A power vested in an authority or employee of New South Wales by or under the Norfolk Island Act may be exercised by the authority or employee if such an arrangement authorises the authority or employee to exercise that power. | 21 |
| 6 Regulations | 22 |
| (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. | 23 |
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- (2) The regulations may make provision for or with respect to the application (with or without modification) of the laws of New South Wales in connection with the exercise of powers under this Act by an authority or employee of New South Wales. 1
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