



Norfolk Island Administrator Ordinance 2016

Ordinance No. 2, 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 10 March 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Paul Fletcher
Minister for Major Projects, Territories and Local Government

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Part 1—Preliminary

1 Name

This is the *Norfolk Island Administrator Ordinance 2016*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	At the same time as Part 1 of Schedule 2 to the <i>Norfolk Island Legislation Amendment Act 2015</i> commences.	1 July 2016

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under section 19A of the *Norfolk Island Act 1979*.

4 Definitions

In this Ordinance:

Administrator means the Administrator of the Territory appointed under section 7.

5 The *Acts Interpretation Act 1901* does not apply

The *Acts Interpretation Act 1901* does not apply to this Ordinance.

Note: The *Interpretation Act 1979* (Norfolk Island) applies instead (because this Ordinance is an enactment for the purposes of that Act), and it is through section 8A of that Act that certain provisions of the *Acts Interpretation Act 1901* apply.

Part 2—Administrator

6 Establishment

There is to be an Administrator of the Territory.

7 Appointment

- (1) The Administrator is to be appointed by the Governor-General by written instrument.

Note: For reappointment, see section 33AA of the *Acts Interpretation Act 1901* (applying because of section 8A of the *Interpretation Act 1979* (Norfolk Island)).

- (2) The Administrator holds office on a full-time basis.
- (3) The Administrator holds office during the Governor-General's pleasure.

8 Functions and powers

- (1) The Administrator must exercise all powers, and perform all functions, that are conferred on him or her by or under a law in force in the Territory in accordance with such written directions (if any) as are given to him or her by the responsible Commonwealth Minister under this subsection.
- (2) A direction under subsection (1) may be of a general or specific nature.
- (3) The responsible Commonwealth Minister may, by written notice given to the Administrator, direct that, before the Administrator exercises a specified power or performs a specified function, the Administrator must:
 - (a) notify the responsible Commonwealth Minister of the Administrator's intention to exercise that power or perform that function; and
 - (b) do so at least the specified number of days before exercising that power or performing that function.

9 Outside employment

The Administrator must not engage in paid employment outside the duties of his or her office without the responsible Commonwealth Minister's approval.

10 Resignation

- (1) The Administrator may resign his or her appointment by giving the Governor-General a written resignation.
- (2) The resignation takes effect on the day it is received by the Governor-General or, if a later day is specified in the resignation, on that later day.

11 Other terms and conditions

The Administrator holds office on the terms and conditions (if any) in relation to matters not covered by an Act or this Ordinance that are determined by the responsible Commonwealth Minister.

12 Acting Administrator

- (1) The responsible Commonwealth Minister may, by written instrument, appoint a person to act as the Administrator:
 - (a) during a vacancy in the office of the Administrator (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Administrator:
 - (i) is absent from duty or from the Territory; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Note: Sections 33AB and 33A of the *Acts Interpretation Act 1901* (applying because of section 8A of the *Interpretation Act 1979* (Norfolk Island)) have rules that apply to acting appointments.

- (2) If a person is appointed to act as the Administrator, the exercise of the powers and the performance of the functions of the Administrator by the person during the absence of the Administrator from duty or from the Territory does not affect the exercise of any power or the performance of any function by the Administrator.