

AAT Reviewable Decisions List Norfolk Island

Decisions Subject to Review*
(Jurisdiction as at 1 September 2019)

Part 3 of the *Administrative Appeals Tribunal Regulations 2015* (the Regulation) provides the Administrative Appeals Tribunal (AAT) with jurisdiction to review certain decisions made under Norfolk Island legislation. Regulation 9(3) provides the list of Norfolk Island enactments under which decisions may be made that are subject to review by the AAT.

This list had since been subject to amendments made under the [Norfolk Island Continued Laws Ordinance 2015](#) (the Ordinance), which amended and repealed certain Norfolk Island legislation mentioned in Part 3 of the Regulation. The Ordinance was last amended on 6 April 2019.

This document sets out a list of the enactments pursuant to which decisions may be made that are subject to review and provides a brief description of those decisions.

The list is arranged alphabetically by the short title of the enactment and provides the following information.

1. Box 1: The short title of the Act or legislative instrument, hyperlinked to the Federal Register of Legislation website.
2. Box 2: The legislative provisions in which a reviewable decision may be made at in the left column.
3. Box 3: A brief description of the reviewable decisions is provided in the centre or right column.

Where an Act, enactment or provision:

- has not yet commenced, it will be in *italics*. A note at the end of the entry indicates the commencement date.
- is to be repealed, it is underlined with an explanatory note.
- has been repealed, it will be underlined and *italicised*. The relevant enactment or provision will generally be removed from the jurisdiction list 3-4 months after the date of repeal.

Example

[Customs \(International Obligations\) Regulation 2015](#)

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Regulation 21(1) 2	The following decision of a Collector: 3 to refuse to give consent, under reg 21(1).
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The AAT's Legal and Policy Section maintains this list. Any queries in relation to the list should be sent to enquiries@aat.gov.au.

Disclaimer: This publication does not purport to be a determination of whether any matter falls within the AAT's jurisdiction. A conclusive determination as to whether the AAT is able to review a particular decision can only be made once the AAT has received an application for review. Therefore, if you are unsure about whether a decision falls within the AAT's jurisdiction, an application for review should be lodged with the AAT for a determination and/or independent legal advice sought.

Absentee Landowners Levy Act 1976

Section 10(2)	A decision of the Minister to disallow or allow, wholly or in part, an objection made under s 10(1).
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Animals (Importation) Act 1983

Section 8	The following decisions of the Administrator to: <ul style="list-style-type: none">- grant a permit either absolutely or subject to conditions under s 8(1)(a); or- refuse to grant a permit under s 8(1)(b).
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Apiaries Act 1935

Paragraph 3A(1)(c), 4(2) or 12(6)	The following decisions of the Chief Executive Officer: <ul style="list-style-type: none">- importation of a species of bees into Norfolk Island for reasons made pursuant to 3A(1)(c);- importation of bees of the species <i>Apis mellifera</i> (L.) from Australia, Canada, New Zealand or the United States of America for reasons made pursuant to s 3A(2)(a).- importation of bee-combs, hives, honey or appliances t under s 4(2);- to register or refuse to register any apiary under 12(6).
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Associations Incorporation Act 2005

Sections 11, 29(4), 37	The following decisions of the Registrar of Associations: <ul style="list-style-type: none">- to issue or refuse to issue to the association a certification of incorporation in the prescribed form under s 11;- to dissolve an incorporated association, pursuant to s 29(4);- to exempt the associate from requirement to have its accounts audited, pursuant to s 37(4).
Section 50	The following decision of the Minister: <ul style="list-style-type: none">- to consent to a disposal of, charge on or dealing with prescribed property after the disposal, charge or dealing, pursuant to s 50(7)

Birds Protection Act 1913

Sections 3, 4, 5	A decision of an executive member: <ul style="list-style-type: none">- to grant or refuse to grant a permit under s 3;- to cancel a permit under s 4;- to authorise a person or class of persons to take any protected bird or protected birds of a specified species or sub-species, for specified purposes under s 5;- to cancel an authorisation granted pursuant to s 5(1).
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Bookmakers and Betting Exchange Act 1998

Sections 8, 11(1), 11(2), 12(1), 12(2), 13(1), 13(2), 34, 44(1), 44(2)	The following decisions of the Norfolk Island Gaming Authority: <ul style="list-style-type: none">- to grant a licence as a bookmaker under s 8;- to vary a licence condition under s 11(1) or (2);- to approve the transfer of a licence to a person under s 12(1);- to vary the conditions of a licence on its transfer or impose conditions on the transferor of a licence under s 12(2);- to approve the surrender of licence under s 13(1);- to impose conditions on the approval of a surrender of a licence under s 13(2);- to make a written order under s 34(2);- to terminate the suspension of a licence under s 34(4);- to impose a fine under s 34(6)(a) or (b);- to take disciplinary action against a licensee under s 44(1);- on a question of law under s 44(2).
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Brands and Marks Act 1949

Sections 6, 7, 8	The following decisions of the Registrar of Brands and Marks: <ul style="list-style-type: none">- to register or not register a brand or mark under s 6;- to transfer registration of a brand or mark under s 7;- to cancel the registration of any brand or mark under s 8.
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[Building Act 2002](#)

Subsections 43(1), 43(2)(a), 43(2)(b)	<p>The following decisions of the Chief Executive Officer made upon building applications:</p> <ul style="list-style-type: none">- grant of a building approval;- decisions on conditions for a building approval; or- a refusal to grant a building approval; <p>The following decisions of the Chief Executive Officer:</p> <ul style="list-style-type: none">- on a building approval modification application under s 26;- a compliance order by an authorised officer under s 45
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[Business Names Act 1976](#)

Sections 7, 19	<p>The following decisions of the Registrar of Companies:</p> <ul style="list-style-type: none">- to register or refuse to register the business name under s 7(2) and s 7(6);- to cancel the registration of a business name under s 19.
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[Business Transactions \(Administration\) Act 2006](#)

Various sections	An objection decision made by the Officer appointed for the purposes of this Act.
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[Business Transactions \(Levy Imposition\) Act 2006](#)

Section 9(2)	A decision of the Officer appointed for the purposes of the <i>Business Transactions (Administration) Act 2006</i> to alter the amount of the levy payable under s 9(2).
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[Companies Act 1985](#)

Section 58(1)	A decision of the Authority to refuse a registration, or to suspend or cancel a registration under s 58(2) and s 58(3) respectively.
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Crown Lands Act 1996

Sections 14(1), 26(1), 28	The following decisions of the Administrator: <ul style="list-style-type: none">- to vary a provision of a lease under s 14(1);- to review a redetermination or variation of a decision made under s 26(1);- to determine the value of the improvements under s 28.
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Customs Act 1913

<u>Sections 2A(1), 4AA, 4ABA, 4AC, 4AAC, 4ACB, 4AD, 5CA, 8A, 8B, 8D, 8F</u>	<i>The following decisions of the Collector of Customs:</i> <ul style="list-style-type: none">• <u>to exempt goods from the payment of a duty under s 2A(1);</u>• <u>to pass the entry of goods for home consumption under s 4AA;</u>• <u>to pass the entry of goods as low duty cigarettes and tobacco under s 4ABA;</u>• <u>to revoke the entry of tobacco products for special warehousing and pass the entry of the goods for home consumption under s 4AC;</u>• <u>to revoke the entry as low duty cigarettes and tobacco and pass the entry for goods for home consumption under s 4AAC;</u>• <u>to revoke the entry of precious stones for processing under customs control and pass the entry of the goods for home consumption under s 4ACB;</u>• <u>to defer passing an entry until the duty is paid under s 4AD;</u>• <u>to issue the approval, or impose conditions on the approval,</u>• <u>to import a bus under s 5CA;</u>• <u>to grant, or refuse to grant, a warehouse licence under s 8A;</u>• <u>to impose, revoke or vary conditions on a warehouse licence under s 8B;</u>• <u>to suspend a warehouse licence under s 8D; to revoke a warehouse licence under s 8F.</u>
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[Notes:

1. This Act was repealed on 6 April 2019 under the Ordinance.]

Electricity (Licensing and Registration) Act 1985

Sections 13, 14	The following decisions of the Chief Executive Officer: <ul style="list-style-type: none">- to refuse to grant an electrical contractor's licence or a registration as an electrical mechanic pursuant to s 9(4), under s 13;- to cancel or suspend an electrical contractor's licence or registration as an electrical mechanic under s 14.
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Environment Act 1990

Section 91	The decision of the executive member to reject a person's compensation claim under s 91.
Section 128(1)	<p>The following decisions of the executive member:</p> <ul style="list-style-type: none">- to approve, refuse to approve, or impose conditions on the approval of, an application or a development application;- to omit a relevant building from the Register of Uses, or to include in the Register of Uses a statement of the purpose for which a building was predominantly used pursuant to s 44(8);- to issue, or include conditions in, a notice under Part 6, 7 or 8 of the Act;- to refuse to issue, cancel, or to include conditions in, a licence under Part 7. <p>The following decisions of an authorised officer:</p> <ul style="list-style-type: none">- to refuse to deal with, or further deal with, an application or development application under s 24(4);- to cancel, refuse to issue, or include conditions in, an itinerant food sellers permit under s 103;- to cancel, refuse to issue, or include conditions in a temporary liquor permit under s 109.

[Notes:

1. An "application" for the purpose of s 128 means an application under Division 2 to do a thing for which approval is required under this Act: s 19.
2. A "development application" for the purpose of s 128 means an application under Division 3 for development approval: s 19.
3. The following are not reviewable decisions for the purpose of "Part 9 – Review of Decisions":
 - a. a decision by the executive member under section 62 to specify an area or areas to be a Water Assurance Area; and
 - b. a decision to institute enforcement action under Part 10, or to institute a prosecution for an offence against this Act.

Financial Institutions Levy Act 1985

Sections 8, 14(2)	<p>The following decisions of the Minister:</p> <ul style="list-style-type: none">- to register or refuse to register an applicant under s 8;- to refund an overpayment of a levy under s 14(2).
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[Fuel Levy Act 1987](#)

Sections 6, 7	A decision of the Chief Executive Officer: <ul style="list-style-type: none">- to approve a storage facility under s 6(2);- to approve a storage facility subject to conditions under s 6(2);- to cancel the certificate of approval of the storage facility under s 6(4);- to issue an exemption certificate under s 7.
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[Goods and Services Tax Act 2007](#)

<u>Sections 7, 11</u>	<u>The following decisions of the Chief Revenue Officer:</u> <ul style="list-style-type: none">• <u>to issue an assessment on a person under s 7(1);</u>• <u>to allow, in whole or in part, dismiss or vary an appeal of an assessment under s 7(4);</u>• <u>to issue a registered person with an assessment of the amount of GST that he or she considers is the correct amount under s 11(1);</u>• <u>to allow, in whole or in part, dismiss or vary an appeal of an assessment under s 11(4);</u>• <u>to issue a revised assessment under s 11(8).</u>
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[Notes:

1. This Act was repealed on 6 April 2019 under the Ordinance.]

[Healthcare Levy Act 1990](#)

<u>Section 4(2)</u>	<u>The following decision of the Minister for Community Services:</u> <ul style="list-style-type: none">• <u>to form an opinion as to whether a person is a member of a couple under s 4(2).</u>
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[Notes:

1. This Act was repealed on 6 April 2019 under the Ordinance.]

[Land Administration Fees Act 1996](#)

Section 5	The decision of the Minister to exempt certain share transfers for the purpose of fee calculation under s 4.
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[Land Titles Act 1996](#)

Sections 138(1)(a), 138(1)(b), 138(1)(c), 146(2)(f)	<p>The following decisions of the Registrar of Titles:</p> <ul style="list-style-type: none">- to register title to the land in accordance with s 139, under s 138(1)(a);- to register qualified title to the land in accordance with s 140, under s 138(1)(b);- to reject an application under s 138(1)(c);- to register title to a parcel in accordance with s 139, under s 146(2)(f).
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[Land Valuation Act 2012](#)

Section 79(1)	<p>The decision of the valuer-general against an objection decision made under s 79(1), except an objection decision against a comparable valuation reduction of a valuation.</p>
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[Liquor Act 2005](#)

Section 96	<p>The following decisions made by the Chief Executive Officer::</p> <ul style="list-style-type: none">- decision relating to application for the grant, variation, relocation, transfer, renewal, surrender, suspension or cancellation of a licence or permit;- decisions relating to the application for the disqualification of a licensee or licensed premises;- decision relating to the application for the appointment of a nominee of a licensee.
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[Lotteries and Fundraising Act 1987](#)

Sections 7, 11, 18	<p>The following decisions of the Minister:</p> <ul style="list-style-type: none">- to grant or refuse to grant, registration of an association under s 7(1);- to suspend, for a period not exceeding six months, or revoke approval given under s 18 to conduct a prescribed scheme, pursuant to s 11;- to grant or refuse to grant approval to conduct a prescribed scheme under s 18.
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[Medical Practitioners Registration Act 1983](#)

<u>Section 7</u>	<u>A decision of the Minister to register or refuse to register a person as a medical practitioners under s 7</u>
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[Notes:

1. This Act was repealed on 6 April 2019 under the Ordinance.]

[Migratory Birds Act 1980](#)

Sections 4(3), 7(2), 9(3), 15(1), 15(2)(a)	The following decisions of the Minister: <ul style="list-style-type: none">- to grant a permit to take birds of a species or sub-species under s 4(3);- to grant a permit to sell birds of a species or sub-species under s 7(2);- to grant a permit to purchase birds of a species or sub-species under s 9(3);- to suspend a permit under s 15(1); or- to cancel a permit under s 15(2)(a).
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[Norfolk Island Broadcasting Act 2001](#)

Various sections	Any decision of the Minister made under this Act, other than a decision made under s 10(6). <ul style="list-style-type: none">- Section 10(6) relates to the issue of licence with the resolution approved by the Legislative Assembly
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[Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984](#)

Sections 2A, 3A	The following decisions of the Administrator of the Territory of Norfolk Island: <ul style="list-style-type: none">- to alter the boundaries and amend the description of the Norfolk Island National Park under s 2A;- to alter the boundaries and amend the description of the Norfolk Island Botanic Garden under s 3A.
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[Planning Act 2002](#)

Section 78(1)(a), 78(1)(b), 78(1)(c)	The following decisions: <ul style="list-style-type: none">- a decision made by the Minister in relation to development applications, other than in relation to development applications for declared significant developments or
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	<p>ancillary projects for declared significant developments;</p> <ul style="list-style-type: none"> - a decision made by the Minister under subsection 56(2) or 57(6) on a development approval modification application, other than on a development approval modification application for a declared significant development or an ancillary project for a declared significant development; - decisions by the authorise officer to give a compliance order under s 81.
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Public Health Act 1996

<u>Various sections</u>	<p><u>The following decisions of the Minister:</u></p> <ul style="list-style-type: none"> • <u>to issue, or include requirements in, a public health notice under Part 2;</u> • <u>to refuse to grant, refuse to issue, cancel, or include conditions on, a public health licence under Part 4.</u>
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[Notes:

1. This Act was repealed on 6 April 2019 under the Ordinance.]

Public Reserves Act 1997

Section 31	<p>The following decisions of the Conservator of Public Reserves:</p> <ul style="list-style-type: none"> - to grant a permit, so far as the decision relates to the duration of the permit; - a decision to grant a permit subject to conditions, so far as the decision relates to the imposition of conditions; - a decision to refuse to grant a permit; - a decision to cancel a permit, except where the cancellation is because of a conviction of an offence against this Act or the Regulations.
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Roads Act 2002

Section 15	A decision of the Chief Executive Officer to refuse to give a certificate under s 15.
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Social Services Act 1980

<u>Section 33</u>	<u>Any decision of the Minister for Community Services or an authorised officer made under this Act which has been reconsidered by the Administrator of the Territory of Norfolk Island under s 33.</u>
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[Notes:

1. This Act was repealed on 6 April 2019 under the Ordinance.]

Subdivision Act 2002

Section 11	A decision by the Chief Executive Officer to refuse to give written notice under s 11 in relation to a registration of a subdivision or amalgamation of land.
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Telecommunications Act 1992

<u>Section 13(1)</u>	<u>The decision of the Minister to refuse to give an authorisation under s 13(1).</u>
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[Notes:

1. Section 13 of the Telecommunications Act 1992 was repealed on 1 July 2016 under the Ordinance]

Tourist Accommodation Act 1984

Sections 7, 17	The following decisions of the Minister: <ul style="list-style-type: none">- to refuse to register, or register subject to conditions, in relation to tourist accommodation houses under s 7;- to cancel or suspend the registration of a tourist accommodation house under s 17.
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Tourist Accommodation (Ownership) Act 1989

<u>Section 4</u>	<u>The following decision of the Minister: to determine whether an application relates to a single owner who might have, or might have if an application is granted, more than a trigger market share under s 4.</u>
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[Notes:

1. This Act was repealed in October 2012 by the [Tourist Accommodation \(Amendment\) Act 2012 \(NI\)](#) and is no longer in force.

Trees Act 1997

Section 24

<p>Sections 9, 12, 17, 18</p>	<p>The following decisions of the Chief Executive Officer:</p> <ul style="list-style-type: none">- to refuse to grant a permit or to endorse conditions on a permit under s 9;- to refuse to register a plantation under s 12;- to refuse to grant a timber licence under s 17; or- to endorse conditions on a timber licence under s 18.
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