

## **Unvalidated References:**

*Public Finances (Management) Act 1995*  
*Public Finances (Management) Act 1995*  
*Public Finances (Management) Act 1995*  
*Animals Act 1952*  
*Apprenticeship and Trade Testing Act 1986*  
*Central Banking Act 2000*  
*Civil Aviation Act 2000*  
*Civil Aviation Act 2000*  
*Coffee Industry Corporation (Statutory Functions and Powers) Act 1991*  
*Coffee Industry Corporation (Statutory Functions and Powers) Act 1991*  
*National Cultural Centre Trust Act 1969*  
*National Cultural Property (Preservation) Act 1965*  
*National Museum and Art Gallery Act 1992*  
*War Surplus Material Act 1952*  
*Defence Act 1974*  
*Defence Act 1974*  
*Defence (Visiting Forces) Act 1975*  
*Rural Development Bank Act 1965*  
*Education Act 1983*  
*Electricity Supply (Government Power Stations) Act 1970*  
*Explosives Act 1953*  
*Forestry Act 1991*  
*Higher Education Act 1983*  
*National Institute of Standards and Industrial Technology Act 1993*  
*Pacific Adventist University Act 1997*  
*Papua New Guinea University of Technology Act 1986*  
*University of Papua New Guinea Act 1983*  
*Industrial Safety, Health and Welfare Act 1961*  
*Inflammable Liquid Act 1953*  
*Interpretation Act 1975*  
*Investment Corporation Act 1971*  
*Liquor (Licensing) Act 1963*  
*Local Government Service Act 1971*  
*Migration Act 1978*  
*Migration Act 1978*  
*National Airline Commission Act 1973*  
*National Cultural Centre Trust Act 1969*

*Investment Promotion Act 1992*  
*Employment Act*  
*Employment Act 1978*  
*Official Personal Staff Act 1980*  
*Packaging Act 1974*  
*Prices Regulation Act 1949*  
*Public Finances (Management) Act 1995*  
*Radio Spectrum Act 1996*  
*Stamp Duties Act 1952*  
*Stamp Duties Act 1952*  
*Survey Act 1969*  
*Teaching Service Act 1988*  
*Teaching Service Conciliation and Arbitration Act 1971*  
*Tourism Promotion Authority Act 1993*  
*Trade Licensing Act 1969*  
*Trading Act 1946*  
*Transactions with Natives Act 1958*  
*Valuation Act 1967*  
*Village Courts Act 1989*  
*Trade Measurement Act 1973*



This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 25 October 2002.

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Legislative Counsel  
Dated 25 November 2006

**INDEPENDENT STATE OF PAPUA NEW GUINEA.**

Chapter 35.

***Ministers (Delegation) Regulation 1976***



## ARRANGEMENT OF SECTIONS.

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2. Agreements.
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4. Apprenticeship and Trade Testing Act 1986.
- [5. *Repealed*]
6. Banking Corporation Act.
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31. Metric Conversion Act.
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32. National Airline Commission Act.
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34. Investment Promotion Act 1992.
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- 35A. Official Personal Staff Act.

- 36. Packaging Act.
- [37. *Repealed*]
- 38. Prices Regulation Act.
- 39. Public Finances (Management) Act 1995.
- [40. *Repealed*]
- 41. Public Officers Superannuation Act.
- 42. Public service and personnel management matters.
- 42A. Radio Spectrum Act 1996.
- 43. Retirement Benefits Act.
- 44. Stamp Duties Act.
- 45. Survey Act.
- 46. Teaching Service Act 1988.
- 47. Teaching Service Conciliation and Arbitration Act.
- 48. Tourism Promotion Authority Act 1993.
- 49. Trade Licensing Act.
- 50. Trading Act.
- 51. Transactions with Natives Act.
- 52. Valuation Act.
- 53. Village Courts Act 1989.
- 54. Water Supply Act.
- 55. Trade Measurement Act.
- 56. Workers' Compensation Act.

***Ministers (Delegation) Regulation 1976***

MADE under the *Ministers (Delegation) Act 1975*.

Dated 200 .

**1. INTERPRETATION.**

In this Regulation—

**“designated”** in relation to any act, matter or thing, means designated by the Head of State, acting on advice, by notice in the National Gazette;

<sup>1</sup>**“Parliamentary Secretary”** means a Parliamentary Secretary appointed under the *Parliamentary Secretaries Act 1990*.

**2. AGREEMENTS.**

(1) A Minister may, by writing under his hand, delegate to any person all or any of his powers and functions under any Act or subordinate enactment to enter into and execute any contract or agreement so that the delegated powers or functions

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<sup>1</sup> Section 1 (definition of “Parliamentary Secretary”) added by *Ministers (Delegation) (Amendment) Regulation 1991* (No. 4 of 1991), s1.

may be had and exercised by the delegate in relation to an agreement or contract or any class of agreement or contract.

(2) Subject to any other law—

- (a) a person appointed under Section 32 of the *Public Finances (Management) Act 1995* to approve requisitions for the expenditure of moneys shall be deemed to be a delegate under Subsection (1) of the Minister responsible for financial matters in respect of any contract or agreement the consideration for which does not exceed the maximum amount in respect of which the person may approve requisitions; and
- (b) an officer of the Public Service appointed in accordance with the financial instructions issued from time to time under Section 117 of the *Public Finances (Management) Act 1995* to purchase goods and services for the purposes of a Department shall be deemed to be a delegate under Subsection (1) of the Minister responsible for financial matters in respect of any contract or agreement the consideration for which does not exceed the amount of an approved requisition issued for the purchase of those goods and services.

(3) In Subsection (2)(b) “an approved requisition” means a requisition for the expenditure of moneys which is approved by a person appointed under Section 32 of the *Public Finances (Management) Act 1995* within the limit of his authority.

### **3. ANIMALS ACT.**

(1) The Minister may, by writing under his hand, delegate to a person (in this section called “the Delegate”) all or any of his powers and functions under Part V. of the *Animals Act 1952*.

(2) Where the Minister makes a delegation under Subsection (1), he may, in the same or another instrument, also delegate to the Delegate the power, by instrument, to further delegate all or any part of the delegated powers or functions to a person or member of a class of persons (in this section called “the Subdelegate”) specified in the Minister’s instrument.

(3) Where the Delegate makes a further delegation pursuant to Subsection (2), he may, in the same or another instrument, but subject to any restrictions placed on him by the Minister, also delegate to the Subdelegate the powers, by instrument, to further delegate all or any part of the delegated powers or functions to a person or member of a class of persons specified in the Delegate’s instrument.

### **4. APPRENTICESHIP AND TRADE TESTING ACT 1986.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Apprenticeship and Trade Testing Act 1986*.

**5<sup>2</sup>. [REPEALED.]****6. BANKING CORPORATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 12 of the *Banking Corporation Act 1973*.

**7<sup>3</sup>. [REPEALED.]****8. CENTRAL BANKING ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 35 of the *Central Banking Act 2000*.

**9. CIVIL AVIATION ACT.**

(1) In this section, except where the contrary intention appears—

“**Civil Aviation Orders**” has the same meaning that it has in the *Civil Aviation Act 2000*;

“**delegation**” includes subdelegation.

(2) The Minister may, by writing under his hand, delegate to any person all or any of his powers and functions under one or more of the following:—

- (a) the *Civil Aviation Act 2000*; or
- (b) the regulations made under or adopted by that Act; or
- (c) the Civil Aviation Orders made under that Act.

(3) Where the Minister delegates any power or function under Subsection (2) to any person, he may, in the same or another instrument of delegation, also delegate to that person the power to further delegate, by writing under his hand, the power or function to a person or a member of a class of persons specified in the instrument.

**10. COFFEE INDUSTRY CORPORATION (STATUTORY FUNCTIONS AND POWERS) ACT 1991..**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 11 and 29 of the *Coffee Industry Corporation (Statutory Functions and Powers) Act 1991*.

**11. CULTURAL MATTERS.**

<sup>4</sup>The Minister may, by writing under his hand, delegate to a Vice-Minister all or any of his powers and functions under the following Acts:—

<sup>2</sup> Section 5 repealed (by implication) when the *Artificial Breeding of Stock Act 1970* was repealed.

<sup>3</sup> Section 7 repealed (by implication) when the *Bureau of Industrial Organizations Act* was repealed by the *Bureau of Industrial Organizations (Repeal) Act 1983* (40 of 1983).

- (a) *National Cultural Centre Trust Act 1969*; and
- (b) *National Cultural Property (Preservation) Act 1965*; and
- (c) *National Museum and Art Gallery Act 1992*; and
- (d) *War Surplus Material Act 1952*.

## **12. DEFENCE ACT.**

(1) Expressions in this section that are defined in the *Defence Act 1974* have the same respective meanings that they have in that Act.

(2) The Minister may, by writing under his hand, delegate to the Secretary or to the Commander of the Defence Force, or to both jointly, or to any other designated person or class of persons, all or any of his powers and functions under one or more of the following—

- (a) the *Defence Act 1974*; or
- (b) the regulations made under that Act; or
- (c) the Code of Military Discipline; or
- (d) the Defence Council Orders.

(3) A delegation under Subsection (2) may provide for further delegations or subdelegations to any designated person or class of persons.

## **13. DEFENCE (VISITING FORCES) ACT.**

The Minister responsible for defence matters may, by writing under his hand, delegate all or any of his powers and functions under one or both of the following:—

- (a) the *Defence (Visiting Forces) Act 1975*; or
- (b) the regulations made under that Act.

## **14. RURAL DEVELOPMENT BANK ACT.**

The Prime Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 13 and 16(2) of the *Rural Development Bank Act 1965*.

## **15. EDUCATION MATTERS.**

(1) Expressions in this section that are defined in the *Education Act 1983* have the same respective meanings that they have in that Act.

(2) The Minister responsible for education matters may, by instrument in the Education Gazette, delegate all or any of his powers and functions relating to education to any one or more of the following:—

- (a) the National Education Board; or

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<sup>4</sup> Section 11 replaced by *Ministers' (Delegation) (Amendment) Regulation 1998* (No 2 of 1998), s1.

- (b) the Secretary for Education; or
- (c) the Teaching Service Commissioner; or
- (d) a District Education Board, in relation to the whole province for which the Board is responsible or the part of the province, specified in the instrument of delegation; or
- (e) a District Superintendent of Schools; or
- (f) a Board of Governors, in relation to the school for which the Board of Governors is the controlling authority; or
- (g) a Governing Council, in relation to the college for which the Council is established; or
- (h) to any other person (not being a person to whom a delegation may be made under any other provision of this section).

(3) The Minister may, by instrument in the Education Gazette, delegate, subject to Subsections (4) and (5), to a Local Government Council, all or any of his powers and functions relating to education, in relation to the whole Council area or the part of the Council area, or to the schools, specified in the instrument of delegation.

(4) A delegation may only be made to a Local Government Council with the agreement of the Council.

(5) Subsection (3) does not allow the delegation to a Local Government Council (in its capacity as such and not in any capacity which it may have as an education agency in its own right) of powers or functions in relation to the appointment, promotion, transfer, discipline, suspension, dismissal or conditions of service of teachers in the Council area, or of individual teachers in the Teaching Service.

(6) A delegation may be revoked, at will, by the Minister.

## **16. ELECTRICITY COMMISSION ACT.**

<sup>5</sup>The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the Electricity Industry Act (Ch.78).

## **17. ELECTRICITY SUPPLY (GOVERNMENT POWER STATIONS) ACT.**

The Minister may by writing under his hand, delegate to a person all or any of his powers and functions under one or both of the following:—

- (a) the *Electricity Supply (Government Power Stations) Act 1970*; or
- (b) the regulations made under that Act.

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<sup>5</sup> Section 16 Amended by S.R. 2006, No. 68.

**18. EXPLOSIVES ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Explosives Act 1953*.

**18A. FINANCE AND PLANNING MATTERS.**

<sup>6</sup>The Minister responsible for finance and planning matters may, by writing under his hand, delegate to the Parliamentary Secretary for finance and planning matters, all or any of his powers and functions relating to finance and planning matters.

**19. FORESTRY ACT 1991.**

<sup>7</sup>The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Forestry Act 1991*.

**19A. HIGHER EDUCATION MATTERS.**

<sup>8</sup>The Minister may, by writing under his hand, delegate to a Vice-Minister all or any of his powers and functions under the following Acts:—

- (a) *Divine Word University Act 1999*; and
- (b) *Higher Education Act 1983*; and
- (c) *National Institute of Standards and Industrial Technology Act 1993*; and
- (d) *Pacific Adventist University Act 1997*; and
- (e) *Papua New Guinea University of Technology Act 1986*; and
- (f) *University of Goroka Act 1997*; and
- (g) *University of Papua New Guinea Act 1983*; and
- (h) *University of Vudal Act 1997*.

**20. INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Industrial Safety, Health and Welfare Act 1961*.

**21. INFLAMMABLE LIQUID ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Inflammable Liquid Act 1953*.

<sup>6</sup> Section 18A inserted by *Ministers (Delegation) (Amendment) Regulation 1991* (No. 4 of 1991), s2.

<sup>7</sup> Section 19 replaced by *Ministers' (Delegation) (Amendment) Regulation 1996* (No 1 of 1996).

<sup>8</sup> Section 19A inserted by *Ministers' (Delegation) (Amendment) Regulation 1998* (No 2 of 1998), s2.

**22. INTERPRETATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 8 of the *Interpretation Act 1975*.

**23. INVESTMENT CORPORATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 13 and 16(2) of the *Investment Corporation Act 1971*.

**24<sup>9</sup>. [REPEALED.]**

**25. LAND MATTERS.**

The Minister responsible for land matters may, by writing under his hand, delegate to a person all or any of his powers and functions relating to land.

**26. LICENCES ACT (TNG).**

(1) The Minister may, by writing under his hand, delegate to a person (in this section called “the Delegate”) all or any of his powers and functions under the *Licences Act (TNG) 1952*.

(2) Where the Minister makes a delegation under Subsection (1), he may, in the same or another instrument, also delegate to the Delegate the power, by instrument, to further delegate all or any part of the delegated powers or functions to a person or member of a class of persons (in this section called “the Subdelegate”) specified in the Minister’s instrument.

(3) Where the Delegate makes a further delegation pursuant to Subsection (2), he may, in the same or another instrument, but subject to any restrictions placed on him by the Minister, also delegate to the Subdelegate the power, by instrument, to further delegate all or any part of the delegated powers or functions to a person or member of a class of persons specified in the Delegate’s instrument.

**27. LIQUOR (LICENSING) ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 6(1) and 7 of the *Liquor (Licensing) Act 1963*.

**28. LOCAL-LEVEL GOVERNMENT ADMINISTRATION ACT 1997.**

<sup>10</sup>The Minister may, by writing under his hand, delegate to a Vice-Minister his powers and functions under the *Local-level Government Administration Act 1997*.

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<sup>9</sup> Section 24 repealed (by implication) when the *Koki Market-place Trust Act* (Chapter 60) was repealed by the *Koki Market-place Trust (Repeal) Act 1986* (No. 47 of 1986).

<sup>10</sup> Section 28 replaced by *Ministers' (Delegation) (Amendment) Regulation 1998* (No 2 of 1998), s3.

**29<sup>11</sup>. [REPEALED.]****30. LOCAL GOVERNMENT SERVICE ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Local Government Service Act 1971*.

**31. METRIC CONVERSION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Metric Conversion Act*.

**31A. MIGRATION ACT.**

<sup>12</sup>The Minister may, by writing under his hand, delegate to a person all or any of his functions or powers under the *Migration Act 1978* and the Regulations made under the *Migration Act 1978*.

**32. NATIONAL AIRLINE COMMISSION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 6 and 19(2) of the *National Airline Commission Act 1973*.

**33. NATIONAL CULTURAL CENTRE TRUST ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 17(2) and the Schedule of the *National Cultural Centre Trust Act 1969*.

**34. INVESTMENT PROMOTION ACT 1992.**

The Minister may by writing under his hand, delegate to a person all or any of his powers and functions under the *Investment Promotion Act 1992*.

**35. EMPLOYMENT ACT..**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Employment Act 1978*.

**35A. OFFICIAL PERSONAL STAFF ACT.**

<sup>13</sup>The Prime Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Official Personal Staff Act 1980*.

<sup>11</sup> Section 29 repealed (by implication) when the *Local Government (Consolidation of Proclamations) Act* (Chapter 57A) was repealed by the *Local-level Governments Administration Act 1997* (No 33 of 1997). Delegations under the latter Act are specifically provided for in Section 28 above.

<sup>12</sup> Section 31A inserted by *Ministers' (Delegation) (Amendment) Regulation 1995* (No 16 of 1995).

<sup>13</sup> Section 35A inserted by *Ministers' (Delegation) (Amendment) Regulation 1998* (No 2 of 1998), s4.

**36. PACKAGING ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Packaging Act 1974*.

**37<sup>14</sup>. [REPEALED.]****38. PRICES REGULATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 11(2) of the *Prices Regulation Act 1949*.

**<sup>15</sup>39. PUBLIC FINANCES (MANAGEMENT) ACT 1995.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 47, 109 and 110 of the *Public Finances (Management) Act 1995*.

**40<sup>16</sup>. [REPEALED.]****41. PUBLIC OFFICERS SUPERANNUATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 8 of the *Public Officers Superannuation Act 1990*.

**42. PUBLIC SERVICE AND PERSONNEL MANAGEMENT MATTERS.**

<sup>17</sup>The Minister responsible for public service and personnel management matters may, by writing under his hand, delegate to a person (including a Parliamentary Secretary) all or any of his powers and functions relating to public service and personnel management matters.

**42A. RADIO SPECTRUM ACT 1996.**

<sup>18</sup>The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Radio Spectrum Act 1996*.

**43. RETIREMENT BENEFITS ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Retirement Benefits Act 1960*.

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<sup>14</sup> Section 37 .

<sup>15</sup> Section 39 amended by *Ministers' (Delegation) (Amendment) Regulation 1987* (No. 11 of 1987); amended (by implication) when the *Public Finances (Management) Act 1986* was repealed and replaced by the *Public Finances (Management) Act 1995*.

<sup>16</sup> Section 40 .

<sup>17</sup> Section 42 replaced by *Ministers (Delegation) (Amendment) Regulation 1991* (No. 4 of 1991), s3.

<sup>18</sup> Section 42A added by No. 29 of 1979.

**44. STAMP DUTIES ACT.**

(1) In this section “local assessor” means a person appointed to be a local assessor under Section 3 of the *Stamp Duties Act 1952*.

(2) The Minister may, by instrument in the National Gazette, delegate to a local assessor all or any of his powers and functions under the *Stamp Duties Act 1952*.

**45. SURVEY ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 11 of the *Survey Act 1969*.

**46. TEACHING SERVICE ACT 1988.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 147(2) of the *Teaching Service Act 1988*.

**47. TEACHING SERVICE CONCILIATION AND ARBITRATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 9(3)(b) of the *Teaching Service Conciliation and Arbitration Act 1971*.

**48. TOURISM PROMOTION AUTHORITY ACT 1993.**

The Minister may, by writing under his hand, delegate to any person all or any of his powers and functions under one or both of the following:—

- (a) the *Tourism Promotion Authority Act 1993*; or
- (b) the regulations made under that Act.

**49. TRADE LICENSING ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Trade Licensing Act 1969*.

**50. TRADING ACT.**

(1) The Minister may, by writing under his hand, delegate to a person (in this section called “the Delegate”) all or any of his powers and functions under the *Trading Act 1946*.

(2) Where the Minister makes a delegation under Subsection (1), he may, in the same or another instrument, also delegate to the Delegate the power, by instrument, to further delegate all or any part of the delegated powers or functions to a person or member of a class of persons (in this section called “the Subdelegate”) specified in the Ministers instrument.

(3) Where the Delegate makes a further delegation pursuant to Subsection (2), he may, in the same or another instrument, but subject to any restrictions placed on him by the Minister, also delegate to the Subdelegate the power, by instrument, to further delegate all or any part of the delegated powers or functions to a person or member of a class of persons specified in the Delegate's instrument.

**51. TRANSACTIONS WITH NATIVES ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Transactions with Natives Act 1958* (Adopted).

**52. VALUATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Section 13 of the *Valuation Act 1967*.

**53. VILLAGE COURTS ACT 1989.**

<sup>19</sup>The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under Sections 4, 15, 17, 20, 18, 22, 77, 10 and 105 of the *Village Courts Act 1989*.

**54. WATER SUPPLY ACT.**

The Minister may, by writing under his hand, delegate all or any of his powers and functions under the *Water Supply Act, 1941(P)* in relation to the whole of that part of the country formerly known as the Territory of Papua or the part of that area specified in the instrument of delegation.

**55. TRADE MEASUREMENT ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Trade Measurement Act 1973*.

**56. WORKERS' COMPENSATION ACT.**

The Minister may, by writing under his hand, delegate to a person all or any of his powers and functions under the *Worker's Compensation Act 1978*.

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<sup>19</sup> Section 53 amended by No. 12 of 1984.

*Ministers (Delegation) Regulation 1976*