



Christmas Island Act 1958

No. 41, 1958

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About this compilation

This compilation

This is a compilation of the *Christmas Island Act 1958* that shows the text of the law as amended and in force on 21 October 2016 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to provide for the Acceptance of Christmas Island as a Territory under the Authority of the Commonwealth and to provide for the Government of that Territory

Preamble

WHEREAS Christmas Island (being the island referred to in section 4) is governed and administered as a separate colony in pursuance of the Christmas Island Order in Council, 1957, made by the Queen by virtue and in exercise of the powers conferred upon Her by the Imperial Acts entitled the Straits Settlements (Repeal) Act, 1946, and the British Settlements Acts, 1887 and 1945:

AND WHEREAS by the *Christmas Island (Request and Consent) Act 1957* the Parliament of the Commonwealth requested, and consented to, the enactment by the Parliament of the United Kingdom of an Act enabling the Queen to place Christmas Island under the authority of the Commonwealth and making provision for matters incidental to the placing of that Island under that authority:

AND WHEREAS the Government of the Commonwealth has also requested, and consented to, the enactment by the Parliament of the United Kingdom of such an Act:

AND WHEREAS by the Imperial Act entitled the Christmas Island Act, 1958, it is provided that Her Majesty may, by Order in Council, direct that Christmas Island shall, on such date as may be specified in the Order, be placed under the authority of the Commonwealth:

AND WHEREAS by the Constitution it is provided that the Parliament may make laws for the government of any territory

Part I Preliminary

Section 1

placed by the Queen under the authority of and accepted by the Commonwealth:

BE it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

Part I—Preliminary

1 Short title

This Act may be cited as the *Christmas Island Act 1958*.

2 Commencement

- (1) Part I shall come into operation on the day on which this Act receives the Royal Assent.
- (2) The remaining provisions of this Act shall come into operation on a date to be fixed by Proclamation.
- (3) The date so fixed shall be the date on which Christmas Island is placed under the authority of the Commonwealth in pursuance of the Imperial Act entitled the Christmas Island Act, 1958.

4 Interpretation

- (1) In this Act, unless the contrary intention appears:

Christmas Island means the Island of that name situated in the Indian Ocean in or about latitude 10°30' south and longitude 105°40' east.

constable means:

- (a) a member or special member of the Australian Federal Police; or
- (b) an officer or special officer of the police force of the Territory.

court officer of Western Australia means a person holding, or performing the functions or duties of, any of the following offices:

- (a) any of the following offices in a court of Western Australia:
 - (i) Judge;
 - (ii) Magistrate (however described);
 - (iii) Master;
 - (iv) Registrar (however described);
 - (v) Clerk (however described);
 - (vi) Sheriff (however described);
 - (vii) Bailiff (however described); or
- (b) any of the following offices in the Family Court of Western Australia:
 - (i) Marshal;
 - (ii) Director of Court Counselling;
 - (iii) Collector of Maintenance; or
- (c) the office of Chairman, Deputy Chairman or nominee member of the Worker's Compensation Board of Western Australia; or
- (d) any other office in respect of a court of Western Australia, being an office specified in the regulations.

court of Western Australia means any of the following courts or tribunals:

- (a) the Supreme Court of Western Australia;
- (b) the District Court of Western Australia;
- (c) the Family Court of Western Australia;
- (d) a Court of Petty Sessions of Western Australia;
- (e) a Local Court of Western Australia;
- (f) a coroners' court of Western Australia;
- (g) the Children's Court of Western Australia;
- (h) the Workers' Compensation Board of Western Australia;
- (i) any other court or tribunal specified in the regulations.

jurisdiction includes powers or functions.

Section 4A

laws of the Territory or ***laws in force in the Territory*** means the laws in force in the Territory as mentioned in section 7.

Ordinance means an Ordinance made under this Act.

prison includes a lock-up or other place of lawful detention.

Registrar means the Registrar, or the Deputy Registrar, of the Supreme Court.

Sheriff means the Sheriff, or a Deputy Sheriff, of the Territory.

State includes a Territory other than the Territory.

the police force of the Territory includes any police force empowered to provide police services under a law in force in the Territory.

the proclaimed date means the date fixed by Proclamation under subsection 2(2).

the Supreme Court means the Supreme Court of the Territory.

the Territory means the Territory of Christmas Island.

- (2) In this Act, a reference to an Act is a reference to the whole or a part of that Act, or to the whole or a part of a law made under that Act.

4A Application of the *Criminal Code*

- (1) Chapter 2 of the *Criminal Code* applies to all offences created by this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

- (2) Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, a law in force in the Territory because of section 8A.

Part II—Acceptance of Christmas Island

5 Acceptance of Christmas Island

Christmas Island is declared to be accepted by the Commonwealth as a Territory under the authority of the Commonwealth and shall be known as the Territory of Christmas Island.

6 Transfer of rights, liabilities etc. to Commonwealth

- (1) All property, rights and powers in or in connexion with Christmas Island which, immediately before the proclaimed date, were held or enjoyed by or on behalf of the Queen in right of the United Kingdom or of the Colony of Christmas Island, or by or on behalf of the Government of the United Kingdom or of the Colony of Christmas Island, shall, from and including that date, be deemed to be held or enjoyed by or on behalf of the Commonwealth.
- (2) Subject to subsection (3), all liabilities and obligations incurred before the proclaimed date by or on behalf of the Government of the United Kingdom, the Government of the Colony of Singapore or the Government of the Colony of Christmas Island in or in connexion with Christmas Island and subsisting immediately before that date shall, from and including that date, be deemed to have been incurred by or on behalf of the Commonwealth.
- (3) Subsection (2) does not apply to or in relation to liabilities or obligations of the Government of the United Kingdom or of the Colony of Singapore for or in respect of:
 - (a) the servicing or repayment of public loans raised by the Government of the Colony of Singapore;
 - (b) the payment of pensions or retiring allowances in respect of service in Christmas Island;
 - (c) the repayment of deposits with the Christmas Island branch of the Post Office Savings Bank of the Colony of Singapore or interest on those deposits; or

Section 6

- (d) the meeting of deficiencies in assets of the Central Provident Fund of the Colony of Singapore required by the Central Provident Fund Ordinance of that Colony to be met out of the general revenues of that Colony.
- (4) In this section, *property* includes movable and immovable property.

Part III—Laws and Legislative Powers

Division 1—Laws of the Territory

7 The laws of the Territory

On and after 1 July 1992, the laws in force in the Territory from time to time are:

- (a) Acts as in force from time to time in or in relation to the Territory on and after that day; and
- (b) Ordinances made on or after that day as in force from time to time; and
- (c) laws as in force in the Territory in accordance with section 8; and
- (d) Western Australian laws as in force in the Territory in accordance with section 8A.

8 Operation of existing laws etc.

- (1) A law in force in the Territory immediately before 1 July 1992 is repealed unless it is specified in the Schedule.
- (2) Subject to subsection (3), a law that is specified in the Schedule (including any instruments made under that law) as in force in the Territory immediately before 1 July 1992 continues to be in force in the Territory on and after that day.
- (3) A law specified in the Schedule may be amended or repealed by an Ordinance.
- (4) In this section:

instruments includes regulations, rules and by-laws.

law:

- (a) includes a principle or rule of common law or equity; and
- (b) does not include an Act.

8A Application of Western Australian laws

- (1) Subject to this section, section 8G and Part IVA, the provisions of the law of Western Australia (whether made before or after this section's commencement) as in force in Western Australia from time to time are in force in the Territory.
- (2) To the extent that a law is in force in the Territory under subsection (1), it may be incorporated, amended or repealed by an Ordinance or a law made under an Ordinance.
- (3) An Ordinance may suspend the operation in the Territory of a law in force in the Territory under subsection (1) for such period as is specified in the Ordinance.
- (4) To the extent that a law is in force in the Territory under subsection (1), it has no effect so far as it is inconsistent with the Constitution or an Act or Ordinance.
- (5) For the purpose of subsection (4), a law is consistent with the Constitution or an Act or Ordinance if the law is capable of operating concurrently with it.
- (6) In this section:

provision of the law of Western Australia:

- (a) includes a principle or rule of common law or equity that is part of the law of Western Australia; and
- (b) does not include an Act or a provision of an Act.

8B Minister must table lists of applied Western Australian Acts

- (1) The Minister must cause a list of Acts of the Western Australian Parliament (*WA Acts*) to be prepared and tabled in each House of the Parliament for the following periods:
 - (a) the period of 3 months beginning on 1 July 1992; and
 - (b) each subsequent period of 6 months.
- (2) The list must specify the names of all WA Acts that are wholly or partly in force in the Territory under section 8A on the day

specified in the list, and have not been specified in a previous list under this section. The specified day must be not more than 14 days before the day on which the list is to be tabled.

- (3) The list must include WA Acts whose operation has been suspended in accordance with subsection 8A(3).
- (4) The list must be tabled in each House of the Parliament before the end of the period to which the list relates. However, if the House concerned does not sit during any day in the last month of the period, the list may be tabled in that House within the next 15 sitting days of that House.

8C House may terminate application of Western Australian Acts in the Territory

- (1) In this section:

terminate means terminate the operation of a WA Act in the Territory.

WA Act means an Act of the Western Australian Parliament that is specified in a list tabled under section 8B, or part of such an Act.

WA Acts list means a list prepared and tabled in a House of the Parliament under section 8B.

- (2) If:
 - (a) a notice of a motion to terminate a WA Act has been given in a House of the Parliament:
 - (i) within 15 sitting days after the tabling in that House of the WA Acts list specifying that WA Act; or
 - (ii) if section 8D applies to that WA Act—within 3 months after that list was tabled; and
 - (b) that House passes a resolution to terminate the WA Act;then the WA Act is terminated from the time when the resolution was passed.

- (3) If:

Section 8C

- (a) a notice of a motion to terminate a WA Act has been given in a House of the Parliament:
 - (i) within 15 sitting days after the tabling in that House of the WA Acts list specifying that WA Act; or
 - (ii) if section 8D applies to that WA Act—within 3 months after that list was tabled; and
 - (b) at the expiration of 15 sitting days after the notice was given:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
- then the WA Act is terminated from the expiration of that period of 15 sitting days.
- (4) If, before the expiration of 15 sitting days after notice of a motion to terminate a WA Act specified in a WA Acts list has been given in a House of the Parliament (***the notice House***):
- (a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
 - (b) at the time of the dissolution, expiry or prorogation:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
- subsections (2) and (3) apply as if the WA Acts list had been tabled in the notice House on the first sitting day of that House after the dissolution, expiry or prorogation.
- (5) The termination of a WA Act under subsection (2) or (3) has the same effect as the repeal of that WA Act, as a law of the Territory, by an Ordinance.
- (6) If:
- (a) a WA Act (***the terminated Act***) is terminated under subsection (2) or (3); and
 - (b) the terminated Act repealed, in whole or in part, another WA Act or any other law that was in force in the Territory

immediately before the terminated Act came into force in the Territory under section 8A;

the termination of the terminated Act has the effect of reviving that other WA Act or law from and including the date of the termination, as if the terminated Act had not come into force in the Territory.

- (7) A notice of a motion, or a resolution, for the purposes of this section may relate to the termination of more than one WA Act.

8D Extension of period for giving notice of motion to terminate WA Act

- (1) This section provides for an extension of time for giving a notice of a motion (***the termination notice***) in a House of the Parliament to terminate one or more WA Acts that are specified in the first WA Acts list that is required by section 8A to be tabled in that House.
- (2) If:
- (a) within 15 sitting days after tabling of the WA Acts list in a House of the Parliament, a notice of a motion is given in that House to extend the period for giving the termination notice in relation to one or more WA Acts specified in the extension notice; and
 - (b) that House passes a resolution to extend the period;
- the termination notice may be given in that House within 3 months after the tabling of the WA Acts list in that House.
- (3) If:
- (a) within 15 sitting days after tabling of the WA Acts list in a House of the Parliament, a notice of a motion (***the extension notice***) is given in that House to extend the period for giving the termination notice in relation to one or more WA Acts specified in the extension notice; and
 - (b) at the expiration of 15 sitting days after the extension notice has been given in that House:
 - (i) the notice has not been withdrawn and the motion has not been called on; or

Section 8E

- (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;

the termination notice may be given in that House within 3 months after the tabling of the *WA Acts list* in that House.
- (4) If a notice of a motion (*the extension notice*) is given in a House of the Parliament (*the notice House*) for the purpose of obtaining an extension under subsection (2) or (3) but, before the expiration of 15 sitting days after the extension notice is given:
 - (a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
 - (b) at the time of the dissolution, expiry or prorogation:
 - (i) the extension notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;

the following provisions apply:

 - (c) the extension notice is taken to have been given in the notice House on the first sitting day of that House after the dissolution, expiry or prorogation;
 - (d) the termination notice may be given in that House within the first 15 sitting days of that House after the dissolution, expiry or prorogation.
- (5) In this section, *terminate*, *WA Act* and *WA Acts list* have the same meanings as in section 8C.

8E Application of Commonwealth Acts

- (1) An Act (whether passed before or after this section's commencement) extends to the Territory of its own force except so far as the Act or another Act expressly provides otherwise.
- (2) Except as provided by this Act, an Ordinance has no effect so far as it purports to affect the application of an Act in or in relation to the Territory.

8G Powers and functions under the applied Western Australian laws*Vesting of powers in the Minister*

- (1) If a power is vested in:
- (a) a Minister of Western Australia; or
 - (b) the Governor of Western Australia; or
 - (c) the Governor-in-Council of Western Australia;
- by a Western Australian law in force in the Territory under section 8A, the power is, in relation to the Territory, vested in the Minister instead of the person or authority mentioned in paragraph (a), (b) or (c).
- (2) If:
- (a) a power is vested in a person (other than a court officer of Western Australia) or an authority (other than a court of Western Australia) by a Western Australian law in force in the Territory under section 8A; and
 - (b) subsection (1) does not apply to the power;
- the power is, in relation to the Territory, vested in the Minister instead of the person or authority mentioned in paragraph (a).

Delegation etc.

- (3) If a power is vested in the Minister under subsection (1) or (2), the Minister may, in writing:
- (a) direct that the power is also vested in a specified person or authority; or
 - (b) delegate the power to a specified person.
- (4) A person or authority in whom a power is vested under paragraph (3)(a) may, if the person is so empowered by the Minister in the direction, delegate the power, in writing, to a specified person.
- (5) If:
- (a) a power is vested in the Minister under subsection (2); and

Section 8G

- (b) a person, or an authority, who is:
 - (i) an officer or employee of Western Australia; or
 - (ii) an authority of Western Australia; or
 - (iii) an officer or employee of an authority of Western Australia;is subject to an arrangement under section 8H; and
 - (c) the power corresponds to a power that the person or authority is authorised, under a law in force in Western Australia, to exercise in, or in a part of, Western Australia:
 - (i) whether in the person's own right or the authority's own right; or
 - (ii) whether in the capacity of a delegate; or
 - (iii) whether in any other way;the Minister is taken to have directed under paragraph (3)(a) that the first-mentioned power is also vested in the person or authority, as the case may be.
- (6) The Minister may direct that subsection (5) does not apply to a specified power.
 - (7) A direction under subsection (6) may be unconditional or subject to such conditions (if any) as are specified in the direction.

Other matters

- (8) An instrument under this section may identify a power by reference to a class of powers.
- (9) The validity of the exercise of a power under a law by a person or authority under this section is unaffected by the failure of the person or authority to hold a qualification required of a person exercising that power under the law as in force in Western Australia.
- (10) This section does not affect the operation of section 8A in relation to the application in or in relation to the Territory of a law (a ***subordinate law***) made under a Western Australian law, whether

the subordinate law is made after this section's commencement or not.

(11) An instrument under this section is not a legislative instrument.

(12) In this section:

authority means:

- (a) a body corporate, or an unincorporated body, established for a public purpose; or
- (b) an authority (within the ordinary meaning of that expression).

authority of Western Australia means an authority established by or under a Western Australian law.

power includes function or duty, and, in that context, **exercise** means perform.

8H Arrangements with the Government of Western Australia

- (1) The Commonwealth may enter into arrangements with Western Australia for the effective application and administration of the laws in force in the Territory.
- (2) Without limiting the generality of subsection (1), such an arrangement may provide for the exercise of powers or the performance of functions or duties by:
 - (a) an officer or employee of Western Australia; or
 - (b) an authority of Western Australia (within the meaning of section 8G); or
 - (c) an officer or employee of an authority of Western Australia (within the meaning of section 8G);in or in relation to the Territory.

8I Savings

- (1) The repeal of a law of the Territory by subsection 8(1) does not:
 - (a) revive anything not in force or existing at the time of the repeal; or

Section 8I

- (b) affect the previous operation of the law, or anything duly done under or permitted by the law; or
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the law; or
 - (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the law; or
 - (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment.
- (2) In spite of the repeal, the law continues in force for the purposes of:
- (a) the institution or continuation of any investigation or legal proceeding mentioned in paragraph (1)(e); or
 - (b) the enforcement of any remedy mentioned in paragraph (1)(e); or
 - (c) the imposition of any penalty, forfeiture or punishment mentioned in paragraph (1)(e).

Division 2—Legislative Powers of the Governor-General

9 Legislative powers of the Governor-General

- (1) Subject to this Act, the Governor-General may make Ordinances for the peace, order and good government of the Territory.
- (2) Notice of the making of an Ordinance shall be published in the *Gazette*, and an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice.

10 Tabling of Ordinances in Parliament

- (1) Every Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the Ordinance is made and, if it is not so laid before each House of the Parliament, ceases to have effect.
- (2) If either House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after an Ordinance has been laid before that House, passes a resolution disallowing the Ordinance or a part of the Ordinance, the Ordinance or part so disallowed thereupon ceases to have effect.
- (3) If, at the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament, being notice given within 15 sitting days after the Ordinance has been laid before that House:
 - (a) the notice has not been withdrawn and the motion has not been called on; or
 - (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;the Ordinance or part, as the case may be, specified in the motion shall thereupon be deemed to have been disallowed.

Section 10

(3A) If, before the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament:

- (a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
- (b) at the time of the dissolution, expiry or prorogation, as the case may be:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;

the Ordinance shall, for the purposes of subsections (2) and (3), be deemed to have been laid before that first-mentioned House on the first sitting day of that first-mentioned House after the dissolution, expiry or prorogation, as the case may be.

(4) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (1), the disallowance of the Ordinance or the operation of subsection (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.

(4A) Where:

- (a) an Ordinance (in this subsection referred to as the ***relevant Ordinance***) is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (1); and
- (b) the relevant Ordinance repealed, in whole or in part, another Ordinance or any other law that was in force immediately before the relevant Ordinance came into operation;

the disallowance of the relevant Ordinance or the operation of subsection (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance or law, as the case may be, from and including the date of the disallowance or the date on which the relevant Ordinance ceased to have effect by virtue of that operation of subsection (1), as the case may be, as if the relevant Ordinance had not been made.

- (4B) A reference in subsection (4) or (4A) to an Ordinance shall be read as including a reference to a part of an Ordinance, and a reference in subsection (4A) to a law has a corresponding meaning.

10A Ordinance not to be re-made while required to be tabled

- (1) Where an Ordinance (in this section called the *original Ordinance*) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.
- (2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:
 - (a) if the original Ordinance has been laid, in accordance with subsection 10(1), before both Houses of the Parliament on the same day—that day;
 - (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
 - (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 10(1) could have been complied with.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.

10B Ordinance not to be re-made while subject to disallowance

- (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (a) the notice has been withdrawn;

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- (b) the Ordinance is deemed to have been disallowed under subsection 10(3);
 - (c) the motion has been withdrawn or otherwise disposed of; or
 - (d) subsection 10(3A) has applied in relation to the Ordinance.
- (2) Where:
 - (a) because of subsection 10(3A), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and
 - (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (c) the notice has been withdrawn;
 - (d) the Ordinance is deemed to have been disallowed under subsection 10(3);
 - (e) the motion has been withdrawn or otherwise disposed of; or
 - (f) subsection 10(3A) has applied again in relation to the Ordinance.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.
- (4) This section does not limit the operation of section 10A or 10C.
- (5) In this section:

Ordinance includes a part of an Ordinance.

10C Disallowed ordinance not to be re-made unless resolution rescinded or House approves

If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 10, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is

made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

10D Regulations, rules and by-laws

- (1) All regulations made under an Ordinance or any other law (not being an Act) in force in the Territory shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.
- (1A) In subsection (1), a regulation made under a law in force in the Territory:
 - (a) does not include a regulation of Western Australia as in force in the Territory under section 8A; and
 - (b) includes a regulation made by a person or an authority empowered, under section 8G, to make the regulation under a Western Australian law as in force in the Territory under section 8A.
- (2) Subsections 10(2) to (4B), inclusive, and sections 10A, 10B and 10C apply in relation to regulations laid before a House of the Parliament as if, in those provisions:
 - (a) references to subsection 10(1) were references to subsection (1) of this section; and
 - (b) references to an Ordinance were references to regulations; and
 - (c) references to a provision of an Ordinance were references to a regulation.

Part III Laws and Legislative Powers

Division 2 Legislative Powers of the Governor-General

Section 10D

(3) In this section, *regulations* includes rules and by-laws.

Part IV—The Judicial System

11 Supreme Court

- (1) There shall be a Supreme Court of the Territory, which shall be known as the Supreme Court of Christmas Island.
- (2) The Supreme Court shall be constituted as provided by Ordinance.
- (3) The Supreme Court is a superior court of record.

11AAA Minister may make arrangements with States

The Minister may make arrangements with the government or an authority of a State for the purposes of the effective application of the provisions of this Act relating to sittings of the Supreme Court in that State in the exercise of its criminal jurisdiction.

11AA Supreme Court may sit in a State

- (1) Subject to this section, the Supreme Court, in the exercise of its criminal jurisdiction, may sit in a State if to do so would not be contrary to the interests of justice.
- (2) The Supreme Court may, at any time after the presentation of an indictment for an offence against a law in force in the Territory and before the jury has returned its verdict, if it is satisfied that the interests of justice require it, order:
 - (a) if the trial of the offence has not begun—that the trial be held in a State, and at a time and place, specified in the order; and
 - (b) if the trial of the offence has begun—that the trial be discontinued, the jury be discharged and a new trial be held in a State, and at a time and place, specified in the order.
- (3) The Supreme Court may make an order under subsection (2) at a sittings of the Court in the Territory or in a State.

Section 11AA

- (4) The Supreme Court may make an order under subsection (2) at a sittings of the Court in a State whether or not the accused is present but, if the accused is not present, the Court shall only make the order if:
 - (a) the accused is represented; and
 - (b) the Court is satisfied that the accused understands the effect of the order.
- (5) Where the Supreme Court makes an order under subsection (2), the Court may order that:
 - (a) on the warrant of the Registrar, a magistrate of the Territory or such other person as the Supreme Court directs (being a person who holds an office in relation to the Court), the accused be removed to the place specified in the order, and held there, for the purposes of the trial of that person and for any related proceedings; and
 - (b) on the summons of the Registrar, all persons required to attend to give evidence in the trial or proceedings attend at the place specified in the order.
- (6) When exercising its criminal jurisdiction in a State, the Supreme Court has, and may exercise, all the powers that it would have if it were exercising its criminal jurisdiction in the Territory.
- (7) A power exercised by the Supreme Court under subsection (6) shall be deemed to have been exercised by the Court at a sittings of the Court in the Territory.
- (8) Where the Supreme Court is sitting in a State for the purpose of a trial in that State, the Court may, if it is satisfied that the interests of justice require it, order that, for the purpose of viewing a place, or taking evidence from a person, in the Territory, or for a prescribed purpose:
 - (a) the trial be adjourned for such time as the Court considers reasonable and necessary, and be continued in the Territory for so long as is necessary for that purpose;

- (b) on the warrant of the Registrar, the accused be returned to the Territory for the purposes of the continuation of the trial and any related proceedings; and
 - (c) the jurors empanelled for the trial go to the Territory and remain there for such time as the Court directs for the purpose of continuing to attend as jurors in the trial.
- (9) A person who appears as a witness in the Supreme Court in a trial, or in related proceedings, held wholly or partly in a State, shall be paid by the Commonwealth such fees and allowances as would be payable to the person if the person had appeared as a witness in a trial held in the Territory.
- (10) Where:
 - (a) the Supreme Court, when exercising its criminal jurisdiction in a State, makes an order, issues a warrant or summons or gives a judgment;
 - (b) a person fails to comply with that order, warrant, summons or judgment; and
 - (c) that failure would have constituted an offence against a law in force in the Territory if it had occurred there;the person commits an offence against this Act punishable by a penalty that is the same as the penalty for the offence referred to in paragraph (c).

11A Registries and Registrars

Without limiting the provision that may otherwise be made by Ordinance in relation to the Supreme Court, provision may be made by Ordinance for or in relation to:

- (a) the establishment and operation of registries of that Court at places outside the Territory; and
- (b) where a power or duty is conferred or imposed by law on a person who holds an office in relation to that Court—the exercise of that power or the performance of that duty at a place outside the Territory.

Section 12

12 Jurisdiction etc. of the Supreme Court

- (1) Except as provided in this Part, the jurisdiction, practice and procedure of the Supreme Court shall be as provided by or under Ordinance.
- (2) The trial on indictment of an offence against a law in force in the Territory shall be by judge and jury.

12A Juries outside the Territory

- (1) Subject to this section and the regulations, the laws in force in a State relating to:
 - (a) the qualification of jurors;
 - (b) the preparation of jury lists and jury panels;
 - (c) the summoning, attendance and empanelling of juries;
 - (d) the number of jurors;
 - (e) the right of challenge;
 - (f) the discharge of juries;
 - (g) the disagreement of jurors;
 - (h) the remuneration of jurors; and
 - (j) other matters concerning jurors (other than matters dealt with under section 12B) after they have been summoned, appointed or sworn;that apply for the purposes of the trial of a criminal matter in the Supreme Court of that State sitting at a place in that State, extend and shall be applied, with such changes as are necessary, for the purposes of the trial of a criminal matter in the Supreme Court of the Territory when sitting at that place.
- (2) For the purposes of a trial in the Supreme Court held wholly or partly at a place in a State, the jury list that would be used for the purposes of a criminal trial in the Supreme Court of that State sitting in the same place shall be used as well for the purposes of the trial in the Supreme Court of the Territory.
- (3) The precept for a jury shall be issued by the Registrar, or such other person holding an office in relation to the Supreme Court as

the Court directs, and the Sheriff or such other person as the Court directs shall prepare the jury panels and summon jurors.

- (4) The person who has custody of the jury list referred to in subsection (2) in the State where the Supreme Court is holding a trial shall:
 - (a) give a copy of that list to the person directed by the Court to prepare a jury panel; and
 - (b) indicate on that copy the names of the persons who, to his or her knowledge, would not, if summoned at the time the copy is given, be liable to serve as jurors under the law in force in that State.
- (5) The Commonwealth shall pay such reasonable fee as may be demanded for a copy of a list referred to in paragraph (4)(a).
- (6) Any remuneration required to be paid to a person who serves, or is summoned to serve, on a jury in a trial in the Supreme Court held wholly or partly in a State shall be paid by the Commonwealth.
- (7) Where a law applied by this Act for the purposes of a trial in the Supreme Court requires an act or thing to be done by a person specified in that law, the Court may, if it is necessary to do so for the purpose of the effective application of the law, order that a person who holds a specified office in relation to the Court do that act or thing, and the law shall be deemed to apply to that person accordingly.
- (8) The regulations may provide that such provisions of a law referred to in subsection (1) as are specified in the regulations do not apply or apply subject to such modifications as are specified in the regulations.
- (9) In this section, ***jury list*** means the roll, list, or book on or in which the names of persons liable to serve as jurors appear.

12B Offences in relation to jurors

- (1) A person who is served with a summons to attend as a juror in a trial in the Supreme Court held wholly or partly in a State shall not:
-

Section 12B

- (a) fail to attend in accordance with the summons; or
- (b) having so attended, withdraw from the presence of the Court, without the permission of the Sheriff, before being discharged or excused by a judge of the Court or the Sheriff.

Penalty: Imprisonment for 1 month or 2 penalty units.

- (1A) Subsection (1) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (1A) (see subsection 13.3(3) of the *Criminal Code*).

- (2) A person shall not personate a person who is a juror with the intention of sitting on a jury.

Penalty: Imprisonment for 6 months or 10 penalty units.

- (3) A person shall not:
- (a) engage in conduct that results in the corruption of a juror;
 - (b) make or promise a payment to a juror, or confer or promise to confer any other benefit on a juror in relation to the person's service as a juror, other than a payment of the ordinary remuneration of the juror's employment; or
 - (c) being a juror, accept such a payment or benefit.

Penalty: Imprisonment for 5 years.

- (4) In this section:

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

juror includes a person whose name is on a jury panel.

Part IVA—Conferral of Territory Jurisdiction on Western Australian courts etc.

14A Definitions

In this Part:

Family Court of Western Australia means the Court established by the *Family Court Act 1975* of Western Australia.

transfer day means the day on which this Part commences.

14B Conferral of jurisdiction on Western Australian courts and court officers

- (1) Subject to this Part and any law in force in the Territory, the courts and court officers of Western Australia have jurisdiction (including appellate jurisdiction) in and in relation to the Territory as if the Territory were part of Western Australia.
- (2) Subject to section 14E, a court or court officer of Western Australia may, in exercising jurisdiction under this section, sit in the Territory or Western Australia.
- (3) Subject to any law in force in the Territory, the practice and procedure applicable to a court or court officer exercising jurisdiction under this section are to be the practice and procedure as in force from time to time in relation to that court or court officer in Western Australia.

14C Transfer of Supreme Court jurisdiction

- (1) This section applies to the jurisdiction vested in the Supreme Court of the Territory or a Judge of that Court immediately before the transfer day, except in relation to matters for which:
 - (a) proceedings were pending in that Court immediately before that day; or

Section 14D

- (b) proceedings had been completed in that Court before that day.
- (2) On and after the transfer day, the jurisdiction:
 - (a) ceases to be vested in the Supreme Court of the Territory or a Judge of that Court; and
 - (b) is vested in:
 - (i) if the Family Court of Western Australia or a Judge of that Court would, apart from this section, have the jurisdiction under subsection 14B(1)—the Family Court of Western Australia or a Judge of that Court (as the case requires); or
 - (ii) if the District Court of Western Australia or a Judge of that Court would, apart from this section, have the jurisdiction under subsection 14B(1)—the District Court of Western Australia or a Judge of that Court (as the case requires); or
 - (iii) in any other case—the Supreme Court of Western Australia or a Judge of that Court (as the case requires).

14D Transfer of pending proceedings

- (1) On and after the transfer day, the parties to proceedings in a matter pending in the Supreme Court of the Territory (***Territory Court***) may apply to that Court to transfer the proceedings to:
 - (a) if the proceedings relate only to a matter of a kind that is within the jurisdiction of the Family Court of Western Australia—the Family Court of Western Australia; or
 - (b) if the proceedings relate only to a matter of a kind that is within the jurisdiction of the District Court of Western Australia—the District Court of Western Australia; or
 - (c) in any other case—the Supreme Court of Western Australia.
- (2) If the Territory Court decides that it is not contrary to the interests of justice to grant the application, the Court is to transfer the proceedings to the relevant Court (***State Court***) and:
 - (a) the State Court may hear and determine the proceedings; and

- (b) all documents filed of record in the Territory Court in the proceedings are to be transmitted to the State Court; and
- (c) any money lodged with the Territory Court in relation to the proceedings is to be transferred to the State Court and is taken to be money lodged with the State Court in relation to the proceedings; and
- (d) everything done in or in relation to the proceedings in the Territory Court is taken to have been done in the State Court.

14E Application of provisions of this Act to courts of Western Australia

In relation to the exercise of jurisdiction by the Supreme Court of Western Australia, the District Court of Western Australia or a Judge or an officer mentioned in this Part, sections 11AA, 12A, 12B, 18A, 18B, 18C, 18D, 18E and 18F have effect as if, in those provisions:

- (a) a reference to the Supreme Court of the Territory included a reference to the Supreme Court of Western Australia or the District Court of Western Australia; and
- (b) a reference to a Judge of the Supreme Court of the Territory included a reference to a Judge of the Supreme Court of Western Australia or of the District Court of Western Australia; and
- (c) a reference to a magistrate of the Territory included a reference to a magistrate (however described) of Western Australia who has jurisdiction or power in or in relation to the Territory under a law of the Territory; and
- (d) a reference to the Registrar of the Supreme Court of the Territory included a reference to:
 - (i) a person who has the powers and functions of the Registrar of the Supreme Court of Western Australia in the application of the *Supreme Court Act 1935* of Western Australia in the Territory; or
 - (ii) a person who has the powers and functions of a judge of the District Court of Western Australia in the

Section 14F

- application of the *District Court of Western Australia Act 1969* of Western Australia in the Territory; and
- (e) a reference to the Sheriff of the Supreme Court of the Territory included a reference to:
- (i) a person who has the powers and functions of the sheriff of the Supreme Court of Western Australia in the application of the *Supreme Court Act 1935* of Western Australia in the Territory; or
 - (ii) a person who has the powers and functions of the sheriff of the District Court of Western Australia in the application of the *District Court of Western Australia Act 1969* of Western Australia in the Territory.

14F Savings—jurisdiction of Supreme Court of the Territory on and after transfer day

Part IVA of this Act as in force immediately before the transfer day continues in force in relation to any matter in respect of which the Supreme Court of the Territory or a Judge of that Court continues to have jurisdiction on or after that day.

14G Abolition of Supreme Court of the Territory

The Supreme Court of the Territory is abolished on a day to be fixed by Proclamation, being a day on which no person holds office as a Judge of that Court.

14H Transitional provisions after abolition of Supreme Court

- (1) In this section:

proclaimed day means the day fixed by Proclamation under section 14G.

State Court means the Court to which proceedings are transferred under subsection (2).

Territory Court means the Supreme Court of the Territory.

- (2) As soon as practicable after no person holds office as a Judge of the Territory Court, the Registrar of the Court must transfer all proceedings in the Court (including completed proceedings) to:
 - (a) if the proceedings relate only to a matter of a kind that is within the jurisdiction of the Family Court of Western Australia—the Family Court of Western Australia; or
 - (b) if the proceedings relate only to a matter of a kind that is within the jurisdiction of the District Court of Western Australia—the District Court of Western Australia; or
 - (c) in any other case—the Supreme Court of Western Australia.
- (3) If proceedings are transferred under subsection (2):
 - (a) all documents filed of record in the Territory Court in the proceedings are to be transmitted to the State Court; and
 - (b) any money lodged with the Territory Court in relation to the proceedings is to be transferred to the State Court and is taken to be money lodged with the State Court in relation to the proceedings; and
 - (c) everything done in or in relation to the proceedings in the Territory Court is taken to have been done in the State Court.
- (4) If proceedings transferred under subsection (2) were not completed before the proclaimed day, the State Court may:
 - (a) hear, or further hear, the proceedings; and
 - (b) determine the proceedings; and
 - (c) have regard to any evidence or argument in the proceedings in the Territory Court.
- (5) On and after the proclaimed day, this Act has effect as if sections 11, 11AAA and 11A were repealed and subsection 12(1) were omitted.

14J References to courts of Territory—transitional

- (1) Unless the contrary intention appears:
 - (a) a reference in any Act (including a reference in a provision of this Act other than this Part) to the Supreme Court of the

Section 14J

Territory is taken to include a reference to the Supreme Court of Western Australia exercising jurisdiction in or in relation to the Territory under this Act; and

- (b) a reference in any Act to courts of the Territory is taken to include a reference to courts of Western Australia exercising jurisdiction in or in relation to the Territory under this Act.
- (2) Subsection (1) does not apply to a reference in the *Federal Court of Australia Act 1976*.

Part VI—Miscellaneous

17 Appointment of officers

- (1) In spite of the *Public Service Act 1999*, a law of the Territory may make provision for and in relation to the appointment and employment of persons for the purposes of the government of the Territory.
- (3) Nothing in this section shall be deemed to prevent the appointment or employment of persons under the *Public Service Act 1999* in its application to the Territory.

18 Arrangements in relation to prisoners, mental patients etc.

- (1) Provision may be made by Ordinance:
 - (a) for authorizing the making of arrangements by the Minister with the Government or an authority of a place outside the Territory (including a State or another Territory) for or in relation to:
 - (i) the removal from the Territory to that place of persons who have been sentenced to imprisonment by a court having jurisdiction in respect of the Territory, for the purpose of serving their sentences in that place; or
 - (ii) the removal from the Territory to that place of persons found to be of unsound mind, for the purpose of detention and treatment in that place; and
 - (b) for or in relation to the carrying out of any such arrangements and the custody and detention of persons during their removal in pursuance of the arrangements.
- (2) For the purposes of subsection (1), where the Governor-General has commuted to a term of imprisonment the sentence of a person who has been sentenced to death by a court having jurisdiction in respect of the Territory, that person shall be deemed to have been

Section 18A

sentenced to imprisonment for that term by a court having jurisdiction in respect of the Territory.

- (3) Nothing in this section affects the application, in respect of the Territory, of the *Removal of Prisoners (Territories) Act 1923*.

18A Removal of accused to State to stand trial

- (1) Where the Supreme Court makes an order under paragraph 11AA(5)(a) in relation to an accused, the Registrar, a magistrate of the Territory or a person directed by the Court under that paragraph, may:
- (a) by warrant directed to all constables, require them to convey the accused in custody from the Territory to the prison specified in the warrant and to deliver the accused into the custody of the officer for the time being in charge of that prison; and
 - (b) by warrant directed to that officer, require that officer to detain the accused in that prison pursuant to this section.
- (2) A warrant directed to all constables may be executed by any constable.
- (3) An accused delivered into custody at a prison in a State under a warrant under subsection (1) may, subject to any order of the Supreme Court, be detained in that prison or any other prison in that State for so long as the accused's detention is necessary for the execution of the order.
- (4) An accused may, while so in custody, be dealt with in the same manner, and is subject to the same laws, as if the warrant issued under subsection (1) had been issued under a law in force in the relevant State relating to holding persons in custody pending the trial of those persons.
- (5) The Commonwealth shall pay to the relevant State the reasonable expenses of maintaining an accused detained in a prison under a warrant under subsection (1).

18B Accused to be conveyed to Court

- (1) Where an accused has been removed to a State under this Act, a judge of the Supreme Court may order that the accused be conveyed to the Court for the purposes of trial in that State, and any related proceedings.
- (2) Where a judge of the Supreme Court makes an order under subsection (1), the person who has the custody of the accused shall release the accused to a constable to enable the accused to be conveyed to the Court in accordance with that order.

18C Return of accused to Territory

- (1) Where the Supreme Court makes an order under paragraph 11AA(8)(b), the Registrar may, by warrant directed to all constables, require them to convey the accused in custody from the State in which the Court made the order to the prison in the Territory specified in the warrant and to deliver the accused into the custody of the officer for the time being in charge of that prison.
- (2) A warrant referred to in subsection (1) may be executed by any constable.

18D Person deemed to be prisoner under *Removal of Prisoners (Territories) Act 1923*

Where:

- (a) a person has been tried in relation to an indictable offence against a law in force in the Territory by the Supreme Court sitting in a State; and
- (b) the person is convicted of that offence and sentenced to imprisonment;

the person shall be deemed:

- (c) to be a prisoner within the meaning of the *Removal of Prisoners (Territories) Act 1923*; and

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(d) to have been removed to that State under that Act;
and the provisions of that Act apply (so far as they are capable of
applying) in relation to the person accordingly.

**18E Person deemed to be criminal lunatic under *Removal of
Prisoners (Territories) Act 1923***

Where a person who has been removed to a State under this Act:

- (a) is found to have been insane at the time of the commission of
the offence;
- (b) is found or certified, or otherwise lawfully proved, to be
unfit, on the ground of insanity, to be tried for the offence; or
- (c) is convicted of an offence and afterwards certified, or
otherwise lawfully proved, to be insane;

the person shall be deemed:

- (d) to be a criminal lunatic within the meaning of the *Removal of
Prisoners (Territories) Act 1923*; and
- (e) to have been removed to that State under that Act;

and sections 9 and 10A of that Act apply (so far as they are capable
of applying) in relation to the person accordingly.

18F Repatriation of person tried in a State

Where:

- (a) a person has been removed to a State under this Act;
- (b) the trial of the person in the Supreme Court sitting in that
State has concluded; and
- (c) the person is acquitted (other than on the ground of insanity)
or is not, after the date on which the trial concludes, required
to serve a sentence of imprisonment;

the Commonwealth shall, on application by the person to the
Secretary, provide the person with means to enable the person to
return to the Territory.

20 Grant of pardon, remission etc.

- (1) The Governor-General, acting with the advice of the Minister, may, by warrant signed by the Governor-General, grant to a person convicted by a court exercising criminal jurisdiction under a law in force in the Territory a pardon, either free or conditional, or a remission or commutation of sentence, or a respite, for such period as the Governor-General thinks fit, of the execution of sentence, and may remit fines, penalties and forfeitures imposed or incurred under a law in force in the Territory.
- (2) The Governor-General, acting with the advice of the Minister, may, by warrant signed by the Governor-General, grant a pardon to an accomplice who gives evidence that leads to the conviction of the principal offender, or of any of the principal offenders.

21 Exemption from Customs duties of goods produced in the Territory

Duties of Customs are not chargeable on goods imported into Australia from the Territory if the goods:

- (a) are the produce or manufacture of the Territory;
- (b) have been shipped in the Territory for export to Australia;
- and
- (c) are not goods which, if manufactured or produced in Australia, would be subject to a Duty of Excise.

21A Disposal of land

- (1) The application of the *Lands Acquisition Act 1989* in relation to land in the Territory does not prevent or affect the making or operation of a provision of an Ordinance or other law of the Territory (including the operation of a provision of an Ordinance or other law made before the commencement of this section) by virtue of which:
 - (a) lands in the Territory acquired by or vested in the Commonwealth may be disposed of or otherwise dealt with;

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- (b) instruments, receipts and other documents in relation to any such lands may be executed; or
 - (c) rights, duties and liabilities in relation to any such lands are or may be acquired, conferred or imposed.
- (2) Any Ordinances or other laws of the Territory referred to in subsection (1) which provide for the acquisition of land shall provide that such land shall not be acquired otherwise than on just terms.

22 Audit

The accounts of the Territory shall be subject to inspection and audit by the Auditor-General for the Commonwealth.

23 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular:

- (a) making provision for and in relation to sittings of the Supreme Court in a State for the purpose of hearing and determining a matter, otherwise than in the exercise of its criminal jurisdiction, if the Court is satisfied that the hearing of the matter outside the Territory is not contrary to the interests of justice; and
- (b) prescribing penalties, of imprisonment for a period not exceeding 3 months or a fine not exceeding 15 penalty units, for offences against the regulations; and
- (c) making saving or transitional provisions in relation to the abolition of any court established by an Ordinance.

Schedule—Laws continuing in force in the Territory on and after 1 July 1992

Section 8

Administration Ordinance 1968
Casino Control Ordinance 1988
Children's Court Ordinance 1972
Christmas Island Services Corporation Provident Fund Ordinance 1985
Coroners Ordinance 1958
Customs Ordinance (of the Colony of Singapore in its application to the Territory)
Gambling (Clubs) Ordinance 1978
Importation of Dogs and Cats Ordinance 1973
Interpretation Ordinance 1958
Juries Ordinance 1987
Lands Ordinance 1987
Magistrate's Court Ordinance 1958
Migratory Birds Ordinance 1980
Phosphate Mining Company of Christmas Island Limited Provident Fund Ordinance 1982
Phosphate Mining Corporation of Christmas Island Provident Fund Ordinance 1985
Phosphate Mining Corporation of Christmas Island Ordinance 1985
Phosphate Mining Corporation of Christmas Island (Winding up) Ordinance 1987
Postal and Telegraph Ordinance 1968
Quarantine and Prevention of Disease Ordinance (of the Colony of Singapore in its application to the Territory)
Standard Time and Daylight Saving Time Ordinance 1980
Supreme Court Ordinance 1958
Unclaimed Moneys Ordinance 1974

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can

Endnote 1—About the endnotes

be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

| | |
|--|--|
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) /sub-subparagraph(s) |
| C[x] = Compilation No. x | pres = present |
| Ch = Chapter(s) | prev = previous |
| def = definition(s) | (prev...) = previously |
| Dict = Dictionary | Pt = Part(s) |
| disallowed = disallowed by Parliament | r = regulation(s)/rule(s) |
| Div = Division(s) | reloc = relocated |
| ed = editorial change | renum = renumbered |
| exp = expires/expired or ceases/ceased to have effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = <i>Legislation Act 2003</i> | Sch = Schedule(s) |
| LIA = <i>Legislative Instruments Act 2003</i> | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given effect | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment cannot be given effect | SR = Statutory Rules |
| mod = modified/modification | Sub-Ch = Sub-Chapter(s) |
| No. = Number(s) | SubPt = Subpart(s) |
| | <u>underlining</u> = whole or part not commenced or to be commenced |

Endnote 3—Legislation history

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
|--|-----------------|-------------|--|---|
| Christmas Island Act 1958 | 41, 1958 | 2 Sept 1958 | Part I (s 1–4): Royal Assent Remainder: 1 Oct 1958 (gaz 1958, p. 3185) (a) | |
| Christmas Island Act 1959 | 9, 1959 | 23 Apr 1959 | 14 Jan 1960 (s 2 and gaz 1960, p.47) | — |
| Christmas Island Act 1963 | 21, 1963 | 28 May 1963 | 25 June 1963 | s 3 |
| Christmas Island Act 1965 | 131, 1965 | 18 Dec 1965 | 14 Feb 1966 | — |
| Statute Law Revision (Decimal Currency) Act 1966 | 93, 1966 | 29 Oct 1966 | 1 Dec 1966 | — |
| Statute Law Revision Act 1973 | 216, 1973 | 19 Dec 1973 | 31 Dec 1973 | s 9(1) and 10 |
| Christmas Island Amendment Act 1980 | 174, 1980 | 17 Dec 1980 | 23 Dec 1980 (gaz 1980, No S278) | — |

Endnotes

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
|---|-----------------|--------------|---|---|
| Statute Law (Miscellaneous Amendments) Act (No. 1) 1982 as amended by | 26, 1982 | 7 May 1982 | Part XII (s 76, 77): 4 June 1982 <i>(b)</i> | — |
| Statute Law (Miscellaneous Amendments) Act (No. 2) 1982 | 80, 1982 | 22 Sept 1982 | Part LXXI (s 262, 263): 4 June 1982 <i>(c)</i> | — |
| Statute Law (Miscellaneous Provisions) Act (No. 1) 1983 | 39, 1983 | 20 June 1983 | s 3: 18 July 1983 <i>(d)</i> | s 7(1) |
| Statute Law (Miscellaneous Provisions) Act (No. 1) 1984 | 72, 1984 | 25 June 1984 | s 3: 23 July 1984 <i>(e)</i> | s 5(1) |
| Christmas Island Administration (Miscellaneous Amendments) Act 1984 | 120, 1984 | 18 Oct 1984 | Part VIII (s 27–31): 1 Oct 1984 Remainder: Royal Assent | — |
| Statute Law (Miscellaneous Provisions) Act (No. 1) 1985 | 65, 1985 | 5 June 1985 | s 3: 3 July 1985 <i>(f)</i> | — |
| Statute Law (Miscellaneous Provisions) Act (No. 2) 1986 | 168, 1986 | 18 Dec 1986 | s 3: Royal Assent <i>(g)</i> | s. 5(3) |

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
|---|-----------------|--------------|--|---|
| Crimes Legislation Amendment Act 1987 | 120, 1987 | 16 Dec 1987 | s 3–9, 30–46, 48–55 and 59: Royal Assent s 11, 14, 74 and 75: 1 Mar 1989 (gaz 1989, No. S54) s 16–18, 69(b) and 70–73: 19 Dec 1988 (gaz 1988, No. S384) s 47: 1 Jan 1990 (gaz 1989, No. S359) s 56–58: 16 Dec 1987 (s 2(4)) s 60–67: 1 Sept 1988 (s. 2(5) and gaz 1988, No. S256) Remainder: 13 Jan 1988 | — |
| Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988 | 99, 1988 | 2 Dec 1988 | 2 Dec 1988 | — |
| Lands Acquisition (Repeal and Consequential Provisions) Act 1989 | 21, 1989 | 20 Apr 1989 | 9 June 1989 (s 2 and gaz 1989, No. S185) | — |
| Territories Law Reform Act 1992 | 104, 1992 | 30 June 1992 | s 3–8, 11–18, 20, 23 and 24: 1 July 1992 s 9, 10, 19, 21 and 22: 29 June 1993 (gaz 1993, No. S196) Remainder: Royal Assent | — |

Endnotes

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
|---|-----------------|--------------|---|---|
| Territories Legislation Amendment Act 1992 | 211, 1992 | 24 Dec 1992 | s 4: <i>(h)</i> Remainder: Royal Assent | — |
| Environment, Sport and Territories Legislation Amendment Act 1994 | 113, 1994 | 16 Sept 1994 | 16 Sept 1994 | — |
| Workplace Relations and Other Legislation Amendment Act 1996 | 60, 1996 | 25 Nov 1996 | Sch 19 (item 12): Royal Assent <i>(i)</i> | s 2(2) and (6) (am by 77, 1996, Sch 3 [items 1, 2]) |
| as amended by Workplace Relations and Other Legislation Amendment Act (No. 2) 1996 | 77, 1996 | 19 Dec 1996 | Sch 3 (items 1, 2): <i>(j)</i> | — |
| Environment, Sport and Territories Legislation Amendment Act 1997 | 118, 1997 | 7 July 1997 | Sch 1 (items 7–13): Royal Assent <i>(k)</i> | Sch 1 (item 13) |
| Public Employment (Consequential and Transitional) Amendment Act 1999 | 146, 1999 | 11 Nov 1999 | Sch 1 (items 289–291): 5 Dec 1999 (gaz 1999, No. S584) <i>(l)</i> | — |
| Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 | 143, 2001 | 1 Oct 2001 | 2 Oct 2001 | s 4 |
| Territories Law Reform Act 2010 | 139, 2010 | 10 Dec 2010 | Sch 2: 11 Dec 2010 | Sch 2 (items 3–5) |
| Statute Law Revision Act (No. 1) 2016 | 4, 2016 | 11 Feb 2016 | Sch 4 (items 1, 52): 10 Mar 2016 (s 2(1) item 6) | — |
| Statute Update Act 2016 | 61, 2016 | 23 Sept 2016 | Sch 1 (items 89–91): 21 Oct 2016 (s 2(1) item 1) | — |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
|---|---------------------------|------------------------------|---|
| Workplace Relations Amendment (Work Choices) (Consequential Amendments) Regulations 2006 (No. 1) (SLI No. 50, 2006) | 17 Mar 2006 (F2006L00820) | Sch 45: 27 Mar 2006 (r 2(b)) | — |

- (a) By the Christmas Island (Transfer to Australia) Order in Council, 1958 (*see* Statutory Instruments 1958, Part II, p. 2216) made under the Christmas Island Act, 1958, 1 October 1958 was appointed as the date on which Christmas Island was placed under the authority of Australia.
- (b) The *Christmas Island Act 1958* was amended by Part XII (sections 76 and 77) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (c) The *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* was amended by Part LXXI (sections 262 and 263) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:
- (11) Parts XLIX and LXXI shall be deemed to have come into operation on 4 June 1982.
- (d) The *Christmas Island Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (e) The *Christmas Island Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

Endnotes

Endnote 3—Legislation history

(f) The *Christmas Island Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(g) The *Christmas Island Act 1958* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.

(h) Subsection 2(2) of the *Territories Legislation Amendment Act 1992* provides as follows:

(2) Section 4 and Schedule 2 commence immediately after the commencement of sections 10 and 19 of the *Territories Law Reform Act 1992*.

Sections 10 and 19 commenced on 29 June 1993 (*see Gazette* 1993, No. S196).

(i) The *Christmas Island Act 1958* was amended by Schedule 19 (item 12) only of the *Workplace Relations and Other Legislation Amendment Act 1996*, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(j) The *Workplace Relations and Other Legislation Amendment Act 1996* was amended by Schedule 3 (items 1 and 2) of the *Workplace Relations and Other Legislation Amendment Act (No. 2) 1996*, subsection 2(4) of which provides as follows:

(4) The items of Schedule 3 are taken to have commenced immediately after the *Workplace Relations and Other Legislation Amendment Act 1996* received the Royal Assent.

The *Workplace Relations and Other Legislation Amendment Act 1996* received the Royal Assent on 25 November 1996.

(k) The *Christmas Island Act 1958* was amended by Schedule 1 (items 7–13) only of the *Environment, Sport and Territories Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.

(l) The *Christmas Island Act 1958* was amended by Schedule 1 (items 289–291) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:

Endnote 3—Legislation history

- (1) In this Act, *commencing time* means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

| Provision affected | How affected |
|---------------------------|--|
| Preamble | am No. 174, 1980 |
| Part I | |
| s 2 | am No. 174, 1980; No. 104, 1992 |
| s 3 | rep No. 216, 1973 |
| s 4 | am No. 174, 1980; No. 120, 1984; No. 120, 1987; Nos. 104 and 211, 1992 |
| s 4A | ad No. 143, 2001 |
| Part II | |
| s 6 | am No. 174, 1980 |
| Part III | |
| Heading to Part III | rs No. 104, 1992 |
| Division 1 | |
| Div. 1 of Part III | rs No. 104, 1992 |
| s 7 | am No. 174, 1980 |
| | rs No. 104, 1992 |
| s 8 | rs No. 104, 1992 |
| s 8A | ad No. 104, 1992 |
| | am No. 211, 1992 |
| s 8B–8E | ad No. 104, 1992 |
| Heading to s. 8F | am No. 60, 1996 |
| | rep SLI 2006 No. 50 |
| s 8F | ad No. 104, 1992 |
| | am No. 60, 1996 |
| | rep SLI 2006 No. 50 |
| s 8G | ad No. 104, 1992 |
| | am No. 211, 1992; No. 113, 1994; No. 146, 1999 |
| | rs No. 139, 2010 |
| s 8H | ad No. 104, 1992 |

Endnote 4—Amendment history

| Provision affected | How affected |
|--------------------|---|
| | am No. 139, 2010 |
| s 8I..... | ad No. 104, 1992 |
| Division 2 | |
| s 9..... | am No. 104, 1992 |
| s 10..... | am No. 21, 1963; No. 174, 1980; No. 26, 1982 (as am. by No. 80, 1982); No. 39, 1983; No. 72, 1984; No. 168, 1986; No. 99, 1988 |
| s 10A–10C..... | ad No. 99, 1988 |
| s 10D..... | ad No. 99, 1988 |
| | am No. 104, 1992 |
| Part IV | |
| s 11AAA..... | ad No 120, 1987 |
| s 11AA..... | ad No 120, 1987 |
| | am No 4, 2016 |
| s 11A..... | ad No. 120, 1984 |
| s 12..... | am No. 120, 1987 |
| s 13..... | rep No. 104, 1992 |
| s 14..... | rep No. 211, 1992 |
| s 12A..... | ad No. 120, 1987 |
| s 12B..... | ad No 120, 1987 |
| | am No 143, 2001; No 61, 2016 |
| Part IVA | |
| Part IVA..... | ad No. 104, 1992 |
| | rs No. 104, 1992 |
| s 14A, 14B..... | ad No. 104, 1992 |
| | am No. 211, 1992 |
| | rs No. 104, 1992 |
| | am No. 211, 1992 |
| s 14C, 14D..... | ad No. 104, 1992 |
| | am No. 211, 1992 |
| | rs No. 104, 1992 |
| s 14E..... | ad No. 104, 1992 |

Endnotes

Endnote 4—Amendment history

| Provision affected | How affected |
|--------------------|--|
| | am No. 118, 1997 |
| s 14F–14H | ad No. 104, 1992 |
| s 14J | ad No. 104, 1992 |
| | am No. 211, 1992 |
| Part V | rep No. 118, 1997 |
| s 15 | am No. 174, 1980 |
| | rep No. 65, 1985 |
| s 15A | ad No. 174, 1980 |
| | am No. 104, 1992 |
| | rep No. 118, 1997 |
| s 16 | rs No. 174, 1980 |
| | am No. 65, 1985; No. 104, 1992 |
| | rep No. 118, 1997 |
| Part VI | |
| s 17 | am No. 216, 1973; No. 120, 1984; No. 65, 1985; No. 104, 1992; No. 146, 1999 |
| s 18 | am No. 216, 1973; No. 174, 1980; No. 120, 1984; No. 104, 1992 |
| s 18A–18F | ad No. 120, 1987 |
| s 19 | am No. 9, 1959; No. 131, 1965; No. 174, 1980; No. 120, 1984 |
| | rep No. 104, 1992 |
| s 20 | am No. 104, 1992 |
| s 21A | ad No. 120, 1984 |
| | am No. 21, 1989; No. 104, 1992 |
| s 23 | am No. 93, 1966; No 216, 1973; No 174, 1980; No 120, 1987; No 104, 1992; No 61, 2016 |
| Schedule | |
| Schedule | ad No. 104, 1992 |