



# Norfolk Island Act 1979

No. 25, 1979

## Compilation No. 19

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Norfolk Island Act 1979* that shows the text of the law as amended and in force on 8 September 2020 (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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 government of Norfolk Island**

## **Part I—Preliminary**

### **1 Short title**

This Act may be cited as the *Norfolk Island Act 1979*.

### **2 Commencement**

- (1) Sections 1, 2, 4, 31, 38, 39, 67, 68 and 69 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 Repeals**

The *Norfolk Island Act 1957* and the *Norfolk Island Act 1963* are repealed.

### **4 Interpretation**

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

***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

***Chief Justice*** means the Chief Justice of the Supreme Court.

***civil matter*** means any matter that may be determined by the Supreme Court other than in the exercise of its criminal jurisdiction.

***Commonwealth Minister*** means a Minister of State of the Commonwealth.

***constable*** means:

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- (a) a member or special member of the Australian Federal Police; or
- (b) a member of the Police Force of Norfolk Island.

***court officer of New South Wales*** 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 New South Wales:
  - (i) Judge;
  - (ii) Magistrate (however described);
  - (iii) Master;
  - (iv) Registrar (however described);
  - (v) Clerk (however described);
  - (vi) Sheriff (however described);
  - (vii) Bailiff (however described);
- (b) any other office that is:
  - (i) in respect of a court of New South Wales; and
  - (ii) specified in the regulations.

***court of New South Wales*** includes a tribunal established under a law of New South Wales.

***enactment*** means:

- (a) a section 19A Ordinance; or
- (b) an Ordinance continued in force by this Act; or
- (c) a Legislative Assembly law continued in force by this Act.

***final transition time*** means the commencement of Part 1 of Schedule 2 to the *Norfolk Island Legislation Amendment Act 2015*.

***host jurisdiction*** means any of the following:

- (a) a State;
- (b) the Australian Capital Territory;
- (c) the Northern Territory.

***interim transition time*** means the commencement of Part 1 of Schedule 1 to the *Norfolk Island Legislation Amendment Act 2015*.

***Judge*** means a Judge of the Supreme Court (including the Chief Justice).

**Legislative Assembly** means the Legislative Assembly of Norfolk Island that was in existence before the interim transition time.

**Legislative Assembly law** means a law (however described or entitled) passed by the Legislative Assembly, and assented to under this Act, before the interim transition time.

**Magistrate** of the Territory means a person appointed as a magistrate under a law in force in the Territory.

**Norfolk Island Regional Council** means a body that is:

- (a) established by or under a law in force in the Territory; and
- (b) declared by a section 19A Ordinance to be the Norfolk Island Regional Council for the purposes of this definition.

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

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

**responsible Commonwealth Minister** means the Commonwealth Minister who administers this Act.

**section 19A Ordinance** means an Ordinance made under section 19A after the interim transition time.

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

**Supreme Court** means the Supreme Court of Norfolk Island referred to in section 52.

**Territory** means Norfolk Island, that is to say, the Territory of Norfolk Island as described in Schedule 1.

- (3) A reference in this Act to a law, or to regulations, in force immediately before a particular date shall be read as including a reference to any provisions of the law, or of the regulations, that are not to come into operation until that date or a later date.

## Part IV—Legislation

### Division 1—Laws

#### 15 Laws in force in the Territory

After the final transition time, the laws in force in the Territory from time to time are:

- (a) Acts to the extent that they are in force from time to time in, or in relation to, the Territory; and
- (b) laws made under Acts to the extent that those laws are in force from time to time in, or in relation to, the Territory; and
- (c) section 19A Ordinances as in force from time to time; and
- (d) laws continued in force by section 16 or 16A (including such a law as amended in accordance with section 17); and
- (e) New South Wales laws as in force in the Territory in accordance with section 18A.

#### 16 Continuance of laws in force immediately before 7 August 1979

- (1) Notwithstanding the repeal of the *Norfolk Island Act 1957* and the *Norfolk Island Act 1963*, but subject to this Act, all other laws in force immediately before the date of commencement of this section in or in relation to the Territory continue in force.

Note: This section commenced on 7 August 1979.

- (2) In this section, *laws* means Ordinances made under, and laws continued in force by, the *Norfolk Island Act 1957* and laws made under such an Ordinance or law.

#### 16A Continuance of certain laws in force immediately before the interim transition time

- (1) Subject to this Act, all Legislative Assembly laws that were in force immediately before the interim transition time continue in force.

- (2) Subject to this Act, all Ordinances made under this Act that were in force immediately before the interim transition time continue in force.
- (3) A reference in this section to a *Legislative Assembly law* includes a reference to a law made under a Legislative Assembly law.
- (4) A reference in this section to an *Ordinance made under this Act* includes a reference to a law made under such an Ordinance.
- (5) This section has effect despite the repeal of sections 19 and 27 by the *Norfolk Island Legislation Amendment Act 2015*.

### **17 Amendment and repeal of existing laws**

- (1) Subject to this Act, a law continued in force by section 16 may be amended or repealed by an enactment or by a law made under an enactment.
- (2) A law continued in force by section 16, being an Ordinance, or being a Law made by the Governor of the State of New South Wales before the commencement of the *Norfolk Island Act 1913*, may not be amended or repealed by a law made under an enactment unless the contrary intention appears in that enactment.
- (3) Subject to this Act, a law continued in force by section 16 or 16A may be amended or repealed by a section 19A Ordinance or by a law made under a section 19A Ordinance.
- (4) A section 19A Ordinance may suspend the operation of a law continued in force by section 16 or 16A for such period as is specified in the Ordinance.

### **18 Application of Commonwealth Acts**

- (1) An Act or a provision of an Act 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 enactment has no effect so far as it purports to affect the application of an Act or a provision of an Act in or in relation to the Territory.

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- (3) Subsections (1) and (2) apply to Acts passed before, on or after 1 July 2016.

**18A Application of New South Wales laws**

- (1) Subject to this section and section 18B, the provisions of the law of New South Wales (whether made before or after the final transition time), as in force in New South Wales 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 a section 19A Ordinance or a law made under a section 19A Ordinance.
- (3) A section 19A 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 to the extent that it is inconsistent with:
- (a) the Constitution; or
  - (b) an Act; or
  - (c) an enactment.
- (5) For the purposes of subsection (4), a law is taken to be consistent with:
- (a) an Act; or
  - (b) an enactment;
- to the extent that the law is capable of operating concurrently with it.
- (6) In this section:
- provision of the law of New South Wales:***
- (a) includes a principle or rule of common law or equity that is part of the law of New South Wales; and
  - (b) does not include an Act or a provision of an Act.

## **18B Powers and functions under the applied New South Wales laws**

### *Vesting of powers in the Minister*

- (1) If a power is vested in:
  - (a) a Minister of New South Wales; or
  - (b) the Governor of New South Wales; or
  - (c) the Governor-in-Council of New South Wales;by a New South Wales law in force in the Territory under section 18A, the power is, in relation to the Territory, vested in the responsible Commonwealth Minister instead of the person or authority mentioned in paragraph (a), (b) or (c) of this subsection.
- (2) If:
  - (a) a power is vested in a person (other than a court officer of New South Wales) or an authority (other than a court of New South Wales) by a New South Wales law in force in the Territory under section 18A; and
  - (b) subsection (1) does not apply to the power;the power is, in relation to the Territory, vested in the responsible Commonwealth Minister instead of the person or authority mentioned in paragraph (a) of this subsection.

### *Delegation etc.*

- (3) If a power is vested in the responsible Commonwealth 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 responsible Commonwealth Minister in the direction, delegate the power, in writing, to a specified person.
- (5) If:
  - (a) a power is vested in the responsible Commonwealth Minister under subsection (2); and

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- (b) a person, or an authority, who is:
    - (i) an officer or employee of New South Wales; or
    - (ii) an authority of New South Wales; or
    - (iii) an officer or employee of an authority of New South Wales;is subject to an arrangement under section 18C; and
  - (c) the power corresponds to a power that the person or authority is authorised, under a law in force in New South Wales, to exercise in, or in a part of, New South Wales:
    - (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 responsible Commonwealth 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 New South Wales.
- (10) This section does not affect the operation of section 18A in relation to the application in or in relation to the Territory of a law (a **subordinate law**) made under a New South Wales law (whether the subordinate law is made before or after the final transition time).
- (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 New South Wales** means an authority established by or under a New South Wales law.

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

### **18C Arrangements with the Government of New South Wales**

- (1) The Commonwealth may enter into arrangements with New South Wales 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 New South Wales; or
  - (b) an authority of New South Wales (within the meaning of section 18B); or
  - (c) an officer or employee of an authority of New South Wales (within the meaning of section 18B);in or in relation to the Territory.

## **Division 2—Legislative powers of the Governor-General**

### **19A Governor-General may make Ordinances**

- (1) Subject to this Act, the Governor-General may make Ordinances for the peace, order and good government of the Territory.
- (2) An Ordinance made under subsection (1) is a legislative instrument.

## **Division 3—Inconsistency of laws**

### **29 Inconsistency of Legislative Assembly laws with old Ordinances**

- (1) Where an enactment made under repealed Division 2 (as in force before the interim transition time) is inconsistent with an Ordinance made by the Governor-General under repealed section 27 (as in force before the interim transition time), the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid, but an enactment and an Ordinance shall not be taken for the purposes of this subsection to be inconsistent to the extent that they are capable of operating concurrently.
- (2) A reference in this section to an enactment or to an Ordinance shall be read as including a reference to a law made under an enactment or under an Ordinance, as the case may be.

### **30 Inconsistency of section 19A Ordinances with the regulations**

- (1) If a section 19A Ordinance is inconsistent with the regulations, the regulations prevail, and the section 19A Ordinance is, to the extent of the inconsistency, invalid.
- (2) For the purposes of subsection (1), a section 19A Ordinance is taken to be consistent with the regulations to the extent that they are capable of operating concurrently.
- (3) A reference in this section to a *section 19A Ordinance* includes a reference to a law made under a section 19A Ordinance.

## Part VII—The Judicial System

### 52 Constitution of Supreme Court

- (1) The Supreme Court of Norfolk Island established by the *Norfolk Island Act 1957* continues in existence, notwithstanding the repeal of that Act, as the Superior Court of Record of the Territory.
- (2) The Supreme Court shall consist of a Chief Justice and such other Judge as is, or such other Judges as are, appointed in accordance with this Act.

### 53 Appointment of Judges

- (1) The Governor-General may, by Commission, appoint a person who, or persons each of whom, is a Judge of another court created by the Parliament to be a Judge or Judges of the Supreme Court.
- (1A) The Governor-General may, by Commission, appoint a person who is a Judge of another court created by the Parliament to be the Chief Justice of the Supreme Court.
- (3) A person shall not be appointed:
  - (a) as a Judge under subsection (1); or
  - (b) as the Chief Justice under subsection (1A), whether or not he or she already holds office as a Judge;if he or she has attained the age of 70 years.
- (4) A Judge ceases to hold office as a Judge upon his or her attaining the age of 70 years.
- (5) A Judge ceases to hold office as a Judge if he or she no longer holds office as a Judge of another court created by the Parliament.
- (6) A Judge may resign his or her office by writing under his or her hand delivered to the Governor-General.

**53A Acting Chief Justice**

Whenever:

- (a) the Chief Justice is absent from Australia or is absent from duty; or
- (b) there is a vacancy in the office of Chief Justice;

the next senior Judge who is in Australia and is able and willing to do so shall perform the duties, and may exercise the powers, of the Chief Justice.

**54 Seniority of Judges**

The Chief Justice is the senior Judge of the Supreme Court and the other Judges have seniority according to the dates on which their Commissions took effect or, where the Commissions of 2 or more of them took effect on the same date, according to the precedence assigned to them by their Commissions.

**55 Holding of other judicial offices**

A person may be a Judge of the Supreme Court notwithstanding that he or she is also a Judge of another court created by the Parliament, or is also the holder of a judicial office in relation to a Territory other than Norfolk Island, by virtue of an appointment made either before or after his or her appointment as a Judge of the Supreme Court.

**56 Salary and allowances of Judges**

A Judge is to be remunerated with the salary, annual allowances and travelling allowances that the Judge receives as a Judge of the other court, or other courts, of which he or she is a Judge.

**57 Oath or affirmation of Judge**

A Judge appointed after the commencement of this section shall, before proceeding to discharge the duties of his or her office, take before the Governor-General, a Judge of the Supreme Court or of another court created by the Parliament, or a person authorized by

the Governor-General for the purpose, an oath or affirmation in accordance with the form in Schedule 4.

### **58 Exercise of jurisdiction**

- (1) The jurisdiction of the Supreme Court is exercisable by one Judge, sitting in Court or, to the extent and in the cases provided by or under enactment, sitting in Chambers.
- (2) The Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Supreme Court and accordingly may, subject to this Act and to such consultation with the Judges as is appropriate and practicable, make arrangements as to the Judge or Judges who is or are to constitute the Supreme Court in particular matters or classes of matters.
- (3) The Supreme Court constituted by one Judge may sit and exercise the jurisdiction of the Court notwithstanding that the Court constituted by another Judge is at the same time sitting and exercising the jurisdiction of the Court.
- (4) The exercise of the jurisdiction of the Supreme Court by a Judge is not invalidated and shall not be called in question on the ground that it is not in accordance with arrangements made in pursuance of this section.

### **59 Jurisdiction of Supreme Court**

Except as provided under this Act, the jurisdiction, practice and procedure of the Supreme Court shall be as provided by or under enactment.

### **60 Establishment of courts and tribunals**

Courts and tribunals for the Territory may be established by or under enactment.

## **Part VIIA—Procedure in criminal and civil matters**

### **Division 1—Criminal matters**

#### **Subdivision A—No limitation period on prosecution of sex offences**

##### **60A No limitation period on prosecution of sex offences**

- (1) A prosecution for an offence against a law of the Territory may be commenced at any time after the commission of the offence if that law is listed in Schedule 5.

Note: See section 60M for the meaning of an *offence against a law of the Territory*.

- (2) Subsection (1) applies even if:
- (a) but for that subsection, the offence would be subject to a shorter limitation period, including a shorter limitation period that has expired (either before the commencement of this section or before the commencement of the prosecution); or
  - (b) an immunity from prosecution in relation to the offence has arisen because a shorter limitation period has expired (either before the commencement of this section or before the commencement of the prosecution).
- (3) Schedule 5 has effect.

#### **Subdivision B—Hearing criminal matters in another jurisdiction**

##### **60B Commonwealth may enter into arrangements with host jurisdictions**

- (1) The Commonwealth may enter into arrangements with the government or an authority of a host jurisdiction for the purposes of the effective application of the provisions of this Subdivision relating to sittings of the Supreme Court in that jurisdiction in the exercise of the Supreme Court's criminal jurisdiction.

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- (2) No power is conferred, or duty or function imposed, on an officer of a State under this Subdivision unless:
  - (a) an arrangement has been entered into with the government or an authority of that State under subsection (1); and
  - (b) the conferral of the power or imposition of the duty or function is in accordance with that arrangement.

**60C Supreme Court may sit in a host jurisdiction**

- (1) Subject to this section, the Supreme Court, in the exercise of its criminal jurisdiction, may sit in a host jurisdiction if to do so would not be contrary to the interests of justice.
- (2) The Supreme Court may, at any time after prosecution for an offence against a law of the Territory commences 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 host jurisdiction, 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 host jurisdiction, 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 host jurisdiction.
- (4) The Supreme Court may make an order under subsection (2) at a sittings of the Court in a host jurisdiction whether or not the accused is present but, if the accused is not present, the Court must 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 host jurisdiction, 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) is taken 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 host jurisdiction for the purpose of a trial in that jurisdiction, 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; and
    - (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 host jurisdiction, must 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:

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- (a) the Supreme Court, when exercising its criminal jurisdiction in a host jurisdiction, makes an order, issues a warrant or summons or gives a judgment; and
- (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 of 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).

**60D Juries outside the Territory**

- (1) Subject to this section and the regulations, the laws in force in a host jurisdiction relating to each of the following:
  - (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;
  - (i) other matters concerning jurors (other than matters dealt with under section 60E) 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 jurisdiction sitting at a place in that jurisdiction, extend and are to 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 host jurisdiction, the jury list that would be used for the purposes of a criminal trial in the Supreme Court of that jurisdiction sitting in the same place is to be used as well for the purposes of the trial in the Supreme Court of the Territory.

- (3) The precept for a jury is to 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 must prepare the jury panels and summon jurors.
- (4) The person who has custody of the jury list referred to in subsection (2) in the host jurisdiction where the Supreme Court is holding a trial must:
  - (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 that person's 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 jurisdiction.
- (5) The Commonwealth must pay any reasonable fee 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 host jurisdiction must 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 is taken to apply to that person accordingly.
- (8) The regulations may provide that the provisions of a law referred to in subsection (1) that are specified in the regulations have effect with any modifications 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.

### 60E 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 host jurisdiction must not:
- (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.

- (2) 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 (2) (see subsection 13.3(3) of the *Criminal Code* (Commonwealth)).

- (3) A person must not impersonate a person who is a juror with the intention of sitting on a jury.

Penalty: Imprisonment for 6 months.

- (4) A person must not:
- (a) engage in conduct that results in the corruption of a juror; or
  - (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.

- (5) In this section:

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

### 60F Removal of accused to host jurisdiction to stand trial

- (1) Where the Supreme Court makes an order under paragraph 60C(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 under 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 host jurisdiction 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 jurisdiction for so long as the accused's detention is necessary for the execution of the order.
  - (4) An accused may, while 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 host jurisdiction relating to holding persons in custody pending the trial of those persons.
  - (5) The Commonwealth is to pay to the host jurisdiction the reasonable expenses of maintaining an accused detained in a prison under a warrant under subsection (1).

### **60G Accused to be conveyed to Court**

- (1) Where an accused has been removed to a host jurisdiction 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 jurisdiction, 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 must release the accused to a constable to enable the accused to be conveyed to the Court in accordance with that order.

**60H Return of accused to Territory**

- (1) Where the Supreme Court makes an order under paragraph 60C(8)(b), the Registrar may, by warrant directed to all constables, require them to convey the accused in custody from the host jurisdiction 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.

**60J Person taken to be prisoner under *Removal of Prisoners (Territories) Act 1923***

- (1) This section applies if:
  - (a) a person has been tried in relation to an indictable offence against a law of the Territory by the Supreme Court sitting in a host jurisdiction; and
  - (b) the person is convicted of that offence and sentenced to imprisonment.
- (2) The person is taken:
  - (a) to be a prisoner within the meaning of the *Removal of Prisoners (Territories) Act 1923*; and
  - (b) to have been removed to that jurisdiction under that Act.
- (3) The provisions of that Act apply (so far as they are capable of applying) in relation to the person accordingly.

**60K Person taken to be criminal lunatic under *Removal of Prisoners (Territories) Act 1923***

- (1) This section applies if a person who has been removed to a host jurisdiction under this Act:
    - (a) is found to have been insane at the time of the commission of the offence; or
    - (b) is found or certified, or otherwise lawfully proved, to be unfit, on the ground of insanity, to be tried for the offence; or
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- (c) is convicted of an offence and afterwards certified, or otherwise lawfully proved, to be insane.
- (2) The person is taken:
  - (a) to be a criminal lunatic within the meaning of the *Removal of Prisoners (Territories) Act 1923*; and
  - (b) to have been removed to that jurisdiction under that Act.
- (3) Sections 9 and 10A of that Act apply (so far as they are capable of applying) in relation to the person accordingly.

### **60L Repatriation of person tried in a host jurisdiction**

Where:

- (a) a person has been removed to a host jurisdiction under this Act; and
- (b) the trial of the person in the Supreme Court sitting in that jurisdiction 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 must, on application by the person to the Secretary, provide the person with means to enable the person to return to the Territory.

### **Subdivision C—Historical offences, conduct and engaging in conduct**

#### **60M Historical offences**

In this Division, a reference to an offence against a law of the Territory:

- (a) includes a reference to an offence against a law in force in the Territory at the time the conduct constituting the offence is alleged to have occurred; and
- (b) includes a reference to an offence against a law mentioned in paragraph (a), even if that law has subsequently been amended or repealed.

**60N** Meanings of *conduct* and *engage in conduct*

In this Division:

*conduct* has the same meaning as in the Commonwealth's *Criminal Code*.

*engage in conduct* has the same meaning as in the Commonwealth's *Criminal Code*.

## **Division 2—Civil matters**

### **60P Commonwealth may enter into arrangements with host jurisdictions**

- (1) The Commonwealth may enter into arrangements with the government or an authority of a host jurisdiction for the purposes of the effective application of the provisions of this Division relating to sittings of the Supreme Court in that jurisdiction in the exercise of the Supreme Court's jurisdiction in civil matters.
- (2) No power is conferred, or duty or function imposed, on an officer of a State under this Division unless:
  - (a) an arrangement has been entered into with the government or an authority of that State under subsection (1); and
  - (b) the conferral of the power or imposition of the duty or function is in accordance with that arrangement.

### **60Q Supreme Court may sit in a host jurisdiction**

- (1) The Supreme Court, in the exercise of its jurisdiction in civil matters, may sit in a host jurisdiction under this section if to do so would not be contrary to the interests of justice.
- (2) If a civil matter is before the Supreme Court for hearing at a sitting of the court, the court may order that the hearing of the matter be adjourned and continued at a sitting of the court in a host jurisdiction, and at a time and place, specified in the order.
- (3) If a civil matter is not before the Supreme Court for hearing, a Judge may order that the matter be heard or continued at a sitting of the court in a host jurisdiction, and at a time and place, specified in the order.
- (4) When exercising its jurisdiction in a civil matter in a host jurisdiction, the Supreme Court has, and may exercise, all the powers that it would have if it were exercising its jurisdiction in that matter in the Territory.

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- (5) A power exercised by the Supreme Court under subsection (4) is taken to have been exercised by the Court at a sittings of the Court in the Territory.
- (7) Where:
- (a) the Supreme Court, when exercising its jurisdiction in a civil matter in a host jurisdiction, makes an order, issues a warrant or summons or gives a judgment; and
  - (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 of 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).
- (8) An order made under subsection (2) or (3) to hear or continue a matter in a host jurisdiction, may:
- (a) if the matter is before the Supreme Court for hearing at a sitting of the court—be revoked by the court and replaced with an order that the hearing of the matter be adjourned and continued at a sitting of the court in the Territory, and at a time and place, specified in the order; and
  - (b) if the matter is not before the Supreme Court for hearing—be revoked by a judge of the Court and replaced with an order that the matter be heard or continued at a sitting of the court in the Territory, and at a time and place, specified in the order.
- (9) An order (made under subsection (8) or otherwise) to hear or continue a civil matter at a sitting of the Supreme Court in the Territory may be revoked and be replaced with an order under subsection (2) or (3).

## **Part VIII—Miscellaneous**

### **61 Appointment of officers**

- (1) Despite 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.
- (2) This section does not prevent the appointment or employment of persons under the *Public Service Act 1999* in its application to the Territory.

### **62 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 enactment under which:
  - (a) land in the Territory acquired by or vested in the Commonwealth may be disposed of or otherwise dealt with; or
  - (b) instruments, receipts and other documents in relation to any such land may be executed; or
  - (c) rights, duties and liabilities in relation to any such land are or may be acquired, conferred or imposed.
- (2) An enactment referred to in subsection (1) which provides for the acquisition of land must provide that such land must not be acquired otherwise than on just terms.

### **64 Customs duty on certain goods**

- (1) 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; and
  - (b) have been shipped in the Territory for export to Australia; and

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(c) are not goods which, if manufactured or produced in Australia, would be subject to a duty of excise.

(2) In this section:

*Australia* does not include Norfolk Island.

**66 Grant of pardon, remission etc.**

- (1) The Governor-General, acting with the advice of the Attorney-General, may, by warrant under his or her hand, grant to a person convicted by a court of the Territory exercising criminal jurisdiction a pardon, either free or conditional, or a remission or commutation of sentence, or a respite, for such period as he or she thinks fit, of the execution of sentence, and may remit any fines, penalties and forfeitures imposed or incurred under a law in force in the Territory.
- (2) Without limiting the powers of the Governor-General under subsection (1), provision may be made by enactment for the remission, for good conduct, of part of the sentence of a person serving a sentence of imprisonment in the Territory.
- (3) Where an offence has been committed in the Territory, or where an offence has been committed outside the Territory for which the offender may be tried in the Territory, the Governor-General, acting with the advice of the Attorney-General, may, by warrant under his or her hand, 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.

**67 Regulations**

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

- (a) prescribing circumstances in which the prosecution for an offence against a law of the Territory (as defined for the purposes of Division 1 of Part VIIA) is taken to have commenced for the purposes of subsection 60C(2); and

- (b) prescribing penalties, of imprisonment for a period not exceeding 3 months or a fine not exceeding 5 penalty units, for offences against the regulations.

## Part IX—Transitional provisions that commenced in 1979

### 68 Interpretation

In this Part, unless the contrary intention appears:

*commencing date* means the date fixed under subsection 2(2).

*previous Act* means the *Norfolk Island Act 1957*.

### 69 Election of Legislative Assembly

- (1) The powers of the Governor-General under the previous Act to make Ordinances extend to the making of an Ordinance before the commencing date for the purposes of subsection 31(3) and with respect to matters relating to the Legislative Assembly.
- (2) An election for the purposes of subsection 31(3) shall not be held before 1 July 1979.
- (3) The writ for an election for the purposes of subsection 31(3) to be held before the commencing date shall be issued by the Administrator.
- (4) In subsection (3), *Administrator* has the same meaning as in the previous Act.

### 70 Administrator etc. to continue in office

- (1) Where, immediately before the commencing date, a person holds office by virtue of a provision of the previous Act as the Administrator, an Acting Administrator, the Deputy Administrator, or a Judge, he or she continues, subject to this Act, to hold office for the remainder of his or her term of office as if he or she had been appointed under the corresponding provision of this Act, and any instrument by which his or her appointment was made continues in force accordingly.

- (2) Sections 10 and 57 do not apply for the purposes of the continuance in office of a person by virtue of subsection (1) of this section.

## **71 Proposed Ordinances and regulations**

Where, before the commencing date:

- (a) a proposed Ordinance was, under section 16 of the previous Act, furnished to the Norfolk Island Council for its consideration; and
- (b) the proposed Ordinance, or the proposed Ordinance as amended, was not made under subsection (3) or (4) of that section;

then, whether or not representations were made by the Council in relation to the proposed Ordinance under that section, a copy of the proposed Ordinance shall, as soon as practicable after the commencing date, be laid before the Legislative Assembly at a meeting of the Assembly, and, upon its being so laid before the Assembly, this Act has effect in relation to the proposed Ordinance as if it were a law introduced into the Legislative Assembly under section 26 of this Act.

## **72 Laying of Ordinances before the Parliament**

In relation to an Ordinance made under the previous Act, section 17 of that Act continues to apply, by force of this section, on and after the commencing date as if that section had not been repealed and as if the reference in subsection (5) to the making of an Ordinance were a reference to the making of an enactment under this Act.

## **73 Validity of Ordinances and enactments**

An Ordinance made under the previous Act and an enactment made in pursuance of section 71 of this Act is as valid and effectual as if it had been made, or wholly made, as the case may be, under Part IV of this Act.

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## 74 Contracts and agreements

- (1) This section applies to:
  - (a) rights and liabilities of the Commonwealth subsisting immediately before the commencing date by virtue of a contract or agreement entered into on behalf of the Commonwealth by the Administrator of Norfolk Island or the Administration of Norfolk Island (however described);
  - (b) rights and liabilities of the corporation referred to in subsection 17(3) of the *Public Moneys Ordinance* 1964 of Norfolk Island, being rights and liabilities subsisting immediately before the commencing date arising out of the investment of any moneys in pursuance of section 17 of that Ordinance; and
  - (c) rights and liabilities (other than rights and liabilities referred to in paragraph (a) or (b)) of the Commonwealth, the Administrator of Norfolk Island or the Administration of Norfolk Island subsisting immediately before the commencing date by virtue of any contract or agreement entered into or purporting to be entered into by the Administrator of Norfolk Island or the Administration of Norfolk Island (however described).
- (2) All rights and liabilities to which this section applies become, on the commencing date, rights and liabilities of the Administration of Norfolk Island.

## 75 Public Account of Norfolk Island

All moneys that were, immediately before the commencing date, standing to the credit of the Public Account of Norfolk Island kept in accordance with section 6 of the *Public Moneys Ordinance* 1964 of Norfolk Island become, on that date, moneys standing to the credit of the Public Account of Norfolk Island established by this Act.

## 76 Audit

The reference in section 63 to the accounts of the Territory shall be read as including a reference to accounts prepared before the

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commencing date and to accounts prepared on or after the commencing date in respect of any period before the commencing date.

### **77 Regulations**

- (1) The regulations may make provision (including provision by way of modifications and adaptations of any Act) for and in relation to any matter arising from, consequential upon or otherwise connected with the establishment of the Administration of Norfolk Island as a body politic.
- (2) The power to make regulations by virtue of subsection (1) extends to the making of regulations expressed to take effect on and from a date earlier than the date of the making of the regulations, not being a date earlier than the commencing date.
- (3) Regulations shall not be made by virtue of this section after 30 June 1980.

## Schedules

### Schedule 1—The Territory of Norfolk Island

Subsection 4(1)

Norfolk Island and all the other islands and rocks lying within the area bounded by the parallels 28 degrees 59 minutes and 29 degrees 9 minutes south latitude and the meridians 167 degrees 54 minutes and 168 degrees east longitude.

## Schedule 4

Note: See section 57.

### OATH

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law, that I will well and truly serve Her in the office of \_\_\_\_\_ and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will: So help me God!

### AFFIRMATION

I, *A.B.*, do solemnly and sincerely promise and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth, Her heirs and successors according to law, that I will well and truly serve Her in the office of \_\_\_\_\_ and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will.

## **Schedule 5—No limitation period on prosecution of sexual offences**

Note: See section 60A.

### **1 Offences against certain provisions of the *Crimes Act 1900* of Norfolk Island**

- (1) Each of the following provisions of the *Crimes Act 1900* of Norfolk Island is listed for the purposes of section 60A:
  - (a) sections 62 to 81;
  - (b) sections 86 to 91D;
  - (c) a provision of Part IIIA;
  - (d) a provision of Part IX, as it relates to an offence against one of the provisions mentioned in paragraphs (a) to (c).
- (2) In this clause:

***Crimes Act 1900 of Norfolk Island*** means the *Crimes Act 1900* of the State of New South Wales, as amended before 16 December 1936 and applied in Norfolk Island, subject to any modifications made from time to time under laws that were in force in the Territory before 1 January 2008.

### **2 Offences against the *Criminal Code* of Norfolk Island**

- (1) Each provision of the following Parts of the *Criminal Code* of Norfolk Island is listed for the purposes of section 60A:
  - (a) Part 3.6;
  - (b) Part 3.7;
  - (c) Part 3.9;
  - (d) Part 3.10;
  - (e) Part 2.4, as it relates to an offence against any provision of one of the Parts mentioned in paragraphs (a) to (d).
- (2) In this clause:

***Criminal Code of Norfolk Island*** means the *Criminal Code 2007* of Norfolk Island, as in force from time to time on and after 1 January 2008.

## Endnotes

Endnote 1—About the endnotes

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## 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

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Endnote 1—About the endnotes

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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

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#### 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
Norfolk Island Act 1979	25, 1979	30 May 1979	s 3, 5–30, 32–37, 40–66 and 70–77: 7 Aug 1979 (s 2(2) and gaz 1979, No S159) Remainder: 30 May 1979 (s 2(1))	
Norfolk Island Amendment Act 1981	120, 1981	9 Sept 1981	7 Oct 1981	s 3(2) and 4(2), (3)
Statute Law (Miscellaneous Amendments) Act (No. 1) 1982	26, 1982	7 May 1982	s 164, 165: 4 June 1982 (s 2(12))	—
<b>as amended by</b>				
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 262, 263: 4 June 1982 (s 2(11))	—
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 188, 189: 4 June 1982 (s 2(11))	—
Statute Law (Miscellaneous Provisions) Act (No. 1) 1983	39, 1983	20 June 1983	Sch 1: 18 July 1983 (s 2(1))	—
Public Service Reform Act 1984	63, 1984	25 June 1984	s 152(1): 20 July 1984 (s 2(4) and gaz 1984, No S276)	—

*Norfolk Island Act 1979*

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## Endnotes

### Endnote 3—Legislation history

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<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Statute Law (Miscellaneous Provisions) Act (No. 1) 1985	65, 1985	5 June 1985	Sch 1: 3 July 1985 (s 2(1))	—
Statute Law (Miscellaneous Provisions) Act (No. 2) 1985	193, 1985	16 Dec 1985	s 16 and Sch 1: 16 Dec 1985 (s 2(1))	s 16
Statute Law (Miscellaneous Provisions) Act (No. 1) 1986	76, 1986	24 June 1986	s 9 and Sch 1: 24 June 1986 (s 2(1))	s 9
Statute Law (Miscellaneous Provisions) Act (No. 2) 1986	168, 1986	18 Dec 1986	Sch 1: 18 Dec 1986 (s 2(1))	—
Norfolk Island Amendment Act 1988	27, 1988	11 May 1988	8 June 1988	s 4(2)
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	Sch: 2 Dec 1988 (s 2)	—
Arts, Territories and Environment Legislation Amendment Act 1989	60, 1989	19 June 1989	s 26–28: 19 June 1989 (s 2(1))	s 27(2)
Arts, Sport, Environment and Territories Legislation Amendment Act 1992	21, 1992	10 Apr 1992	Sch: 8 May 1992	—
Territories Law Reform Act 1992	104, 1992	30 June 1992	Sch 5: 30 June 1992 (s 2(1))	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Norfolk Island (Electoral and Judicial) Amendment Act 1992	121, 1992	17 Oct 1992	s 23–25: 17 Oct 1992 (s 2)	s 24 and 25
Environment, Sport and Territories Legislation Amendment Act 1995	25, 1995	6 Apr 1995	Sch 3: 6 Apr 1995 (s 2)	—
Euthanasia Laws Act 1997	17, 1997	27 Mar 1997	Sch 3: 27 Mar 1997 (s 2)	—
Audit (Transitional and Miscellaneous) Amendment Act 1997	152, 1997	24 Oct 1997	Sch 2 (item 1069): 1 Jan 1998 (s 2(2))	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (item 692): 5 Dec 1999 (s 2(1), (2))	—
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (item 399): 15 July 2001 (s 2(1), (3))	s 4–14
Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001	143, 2001	1 Oct 2001	s 4 and Sch 4 (items 41, 42): 2 Oct 2001 (s 2)	s 4
Norfolk Island Amendment Act 2004	6, 2004	10 Mar 2004	11 Mar 2004 (s 2)	Sch 1 (items 4, 6)
Financial Framework Legislation Amendment Act 2005	8, 2005	22 Feb 2005	Sch 2 (items 136–141, 174): 22 Feb 2005 (s 2(2) item 12)	Sch 2 (item 174)

*Norfolk Island Act 1979*

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## Endnotes

### Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Territories Law Reform Act 2010	139, 2010	10 Dec 2010	Sch 1 (items 1–60, 85–125): 11 Dec 2010 (s 2(1) items 2, 4) Sch 1 (items 78–84): 20 Mar 2013 (2(1) item 3) Sch 1 (item 240): 10 June 2011 (2(1) item 9)	Sch 1 (items 56–60, 84, 120–125)
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 4 (items 54, 55), Sch 10 (items 312, 313) and Sch 14: 1 July 2014 (s 2(1) items 2, 6 and 14)	Sch 14
<b>as amended by</b>				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (item 7) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
<b>as amended by</b>				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—

## Endnote 3—Legislation history

<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Norfolk Island Legislation Amendment Act 2015	59, 2015	26 May 2015	Sch 1 (items 1–84) and Sch 2 (items 356–396): 18 June 2015 (s 2(1) items 2, 6) Sch 1 (items 184–203): 27 May 2015 (s 2(1) item 3) Sch 2 (items 1–29): 1 July 2016 (s 2(1) item 5)	Sch 1 (items 184–203) and Sch 2 (items 356–396)
<b>as amended by</b>				
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 6 (item 1): 24 Mar 2016 (s 2(1) item 8)	—
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 5 (items 3–8): 1 July 2016 (s 2(1) item 7)	Sch 5 (items 4–8)
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (item 348): 21 Oct 2016 (s 2(1) item 1)	—
Investigation and Prosecution Measures Act 2018	37, 2018	22 May 2018	Sch 3: 23 May 2018 (s 2(1) item 3)	Sch 3 (item 6)
Norfolk Island Amendment (Supreme Court) Act 2020	83, 2020	7 Sept 2020	8 Sept 2020 (s 2(1) item 1)	Sch 1 (items 8, 9)
<b>Name</b>	<b>FRLI registration or gazettal</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>	
Norfolk Island (Exercise of Powers) Regulations (SR No. 153, 1981)	23 June 1981	23 June 1981	—	

*Norfolk Island Act 1979*

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Compilation No. 19

Compilation date: 08/09/2020

Registered: 07/10/2020

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
Preamble.....	rep No 59, 2015
<b>Part I</b>	
s 4.....	am No 120, 1981; No 27, 1988; No 60, 1989; No 25, 1995; No 8, 2005; No 139, 2010; No 62, 2014; No 59, 2015 (as am by No 33, 2016); No 37, 2018; No 83, 2020
s 4A.....	ad No 143, 2001 rep No 59, 2015
Part II.....	rep No 59, 2015
s 5.....	rep No 59, 2015
s 6.....	rep No 59, 2015
s 7.....	am No 6, 2004; No 139, 2010 rs No 59, 2015 rep No 59, 2015
s 7A.....	ad No 59, 2015 rep No 59, 2015
s 8.....	am No 21, 1992 rep No 59, 2015
s 9.....	am No 193, 1985; No 21, 1992 rs No 139, 2010; No 59, 2015 rep No 59, 2015
s 10.....	am No 193, 1985; No 6, 2004; No 139, 2010 rs No 59, 2015 rep No 59, 2015
s 10A.....	ad No 59, 2015 rep No 59, 2015
Part III.....	rs No 59, 2015 rep No 59, 2015
s 11.....	am No 6, 2004; No 139, 2010 rs No 59, 2015

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
s 12 .....	rs No 139, 2010; No 59, 2015
	rep No 59, 2015
s 12A .....	ad No 139, 2010
	rep No 59, 2015
s 13 .....	am No 63, 1984; No 146, 1999; No 6, 2004
	rs No 139, 2010; No 59, 2015
	rep No 59, 2015
s 14 .....	am No 6, 2004
	rs No 139, 2010; No 59, 2015
	rep No 59, 2015
s 14A .....	ad No 139, 2010
	rs No 59, 2015
	rep No 59, 2015
s 14B .....	ad No 59, 2015
	rep No 59, 2015
s 14C .....	ad No 59, 2015
	rep No 59, 2015
s 14D .....	ad No 59, 2015
	rep No 59, 2015
s 14E .....	ad No 59, 2015
	rep No 59, 2015
s 14F .....	ad No 59, 2015
	rep No 59, 2015
s 14G .....	ad No 59, 2015
	rep No 59, 2015
s 14H .....	ad No 59, 2015
	rep No 59, 2015
s 14J .....	ad No 59, 2015
	rep No 59, 2015
s 14K .....	ad No 59, 2015

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
s 14L.....	ad No 59, 2015
	rep No 59, 2015
s 14M.....	ad No 59, 2015
	rep No 59, 2015
<b>Part IV</b>	
<b>Division 1</b>	
s 15.....	am No 6, 2004; No 139, 2010
	rep No 59, 2015
	ad No 59, 2015
	rs No 59, 2015
s 15A.....	ad No 139, 2010
	rep No 59, 2015
s 16.....	am No 59, 2015
s 16A.....	ad No 59, 2015
s 17.....	am No 59, 2015
s 18.....	rs No 33, 2016
s 18A.....	ad No 59, 2015
s 18B.....	ad No 59, 2015
s 18C.....	ad No 59, 2015
<b>Division 2</b>	
Division 2.....	rs No 59, 2015
s 19.....	am No 17, 1997; No 6, 2004
	rep No 59, 2015
s 19A.....	ad No 59, 2015
s 20.....	rep No 59, 2015
s 21.....	am No 6, 2004; No 139, 2010
	rep No 59, 2015
s 22.....	am No 6, 2004; No 139, 2010
	rep No 59, 2015
s 23.....	am No 6, 2004

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
s 24 .....	am No 25, 1995
	rep No 59, 2015
s 25 .....	am No 139, 2010
	rep No 59, 2015
s 26A .....	ad No 139, 2010
	rep No 59, 2015
<b>Division 3</b>	
Division 3 .....	rep No 59, 2015
Division 4 heading.....	rep No 59, 2015
Division 3 heading.....	ad No 59, 2015
s 27 .....	am No 6, 2004; No 139, 2010
	rep No 59, 2015
s 28 .....	am No 26, 1982 (as am by No 80, 1982); No 168, 1986; No 99, 1988
	rep No 59, 2015
s 28AA .....	ad No 99, 1988
	rep No 59, 2015
s 28AB.....	ad No 99, 1988
	rep No 59, 2015
s 28AC.....	ad No 99, 1988
	rep No 59, 2015
s 28AD .....	ad No 99, 1988
	rep No 59, 2015
s 28A .....	ad No 39, 1983
	am No 99, 1988; No 139, 2010
	rep No 59, 2015
s 29 .....	am No 59, 2015
s 30 .....	rs No 59, 2015
Part V .....	rep No 59, 2015
Division 1 .....	rep No 59, 2015
s 31 .....	am No 139, 2010

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
s 32 .....	am No 6, 2004
	rep No 59, 2015
s 33 .....	rep No 59, 2015
s 34 .....	am No 6, 2004
	rep No 59, 2015
s 35 .....	am No 139, 2010
	rep No 59, 2015
s 36 .....	am No 25, 1995; No 6, 2004
	rep No 59, 2015
s 37 .....	rep No 139, 2010
s 37A .....	ad No 139, 2010
	rep No 59, 2015
s 38 .....	am No 65, 1985; No 6, 2004
	rep No 59, 2015
s 39 .....	am No 65, 1985; No 6, 2004
	rep No 59, 2015
s 39AA .....	ad No 139, 2010
	rep No 59, 2015
s 39AB .....	ad No 139, 2010
	rep No 59, 2015
s 39AC .....	ad No 139, 2010
	rep No 59, 2015
Division 1A .....	ad No 6, 2004
	rep No 59, 2015
s 39A .....	ad No 6, 2004
	rep No 59, 2015
s 39B .....	ad No 6, 2004
	rep No 59, 2015
s 39C .....	ad No 6, 2004
	rep No 59, 2015

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 39D .....	ad No 6, 2004 rep No 59, 2015
Division 2 .....	rep No 59, 2015
s 40 .....	am No 6, 2004 rep No 59, 2015
s 41 .....	am No 25, 1995; No 6, 2004 rep No 59, 2015
s 42 .....	am No 25, 1995; No 6, 2004; No 139, 2010 rep No 59, 2015
s 42A .....	ad No 139, 2010 rep No 59, 2015
s 43 .....	am No 6, 2004 rep No 59, 2015
s 44 .....	am No 6, 2004 rep No 59, 2015
s 45 .....	rep No 59, 2015
Part VI .....	rep No 59, 2015
Division 1 heading.....	ad No 139, 2010 rep No 59, 2015
s 46 .....	rep No 139, 2010
s 47 .....	am No 139, 2010; No 59, 2015 rep No 59, 2015
s 48 .....	am No 139, 2010; No 59, 2015 rep No 59, 2015
Division 2 .....	ad No 139, 2010 rep No 59, 2015
s 48A .....	ad No 139, 2010 am No 59, 2015 rep No 59, 2015
s 48B .....	ad No 139, 2010 am No 59, 2015

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
s 48C .....	ad No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 48D .....	ad No 139, 2010
	am No 62, 2014
	rep No 59, 2015
s 48E.....	ad No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 48F.....	ad No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 48G .....	ad No 139, 2010
	am No 62, 2014; No 59, 2015
	rep No 59, 2015
s 48H .....	ad No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 48J.....	ad No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 48K .....	ad No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 48L.....	ad No 139, 2010
	rep No 59, 2015
s 48M.....	ad No 139, 2010
	rep No 59, 2015
s 48N .....	ad No 139, 2010
	rep No 59, 2015

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
s 48P .....	ad No 139, 2010 am No 59, 2015 rep No 59, 2015
s 48Q .....	ad No 139, 2010 rep No 59, 2015
s 48R .....	ad No 139, 2010 am No 59, 2015 rep No 59, 2015
s 48S .....	ad No 139, 2010 am No 59, 2015 rep No 59, 2015
s 48T .....	ad No 139, 2010 rep No 59, 2015
Division 3 heading.....	ad No 139, 2010 rep No 59, 2015
s 49 .....	rs No 76, 1986 am No 8, 2005; No 139, 2010 rep No 59, 2015
s 50 .....	rs No 76, 1986 am No 8, 2005; No 139, 2010 rep No 59, 2015
s 50A .....	ad No 76, 1986 am No 8, 2005; No 139, 2010 rep No 59, 2015
s 50B .....	ad No 76, 1986 rep No 59, 2015
s 50C .....	ad No 76, 1986 rep No 59, 2015
s 50D .....	ad No 76, 1986 rs No 8, 2005 am No 139, 2010; No 62, 2014

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
Division 4 .....	ad No 139, 2010
	rep No 59, 2015
s 51 .....	rep No 76, 1986
	ad No 27, 1988
	rs No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 51A .....	ad No 27, 1988
	am No 55, 2001
	rs No 139, 2010
	am No 59, 2015
	rep No 59, 2015
s 51B .....	ad No 27, 1988
	rs No 139, 2010
	rep No 59, 2015
s 51C .....	ad No 27, 1988
	am No 25, 1995
	rs No 139, 2010
	rep No 59, 2015
Division 5 .....	ad No 139, 2010
	rep No 59, 2015
s 51D .....	ad No 27, 1988
	am No 25, 1995
	rs No 139, 2010
	rep No 59, 2015
Division 6 .....	ad No 139, 2010
	rep No 59, 2015
s 51E .....	ad No 27, 1988
	am No 143, 2001
	rs No 139, 2010

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
	rep No 59, 2015
s 51F .....	ad No 27, 1988
	rep No 139, 2010
s 51G .....	ad No 27, 1988
	am No 152, 1997
	rep No 139, 2010
<b>Part VII</b>	
s 52 .....	am No 120, 1981; No 60, 1989
s 53 .....	am No 120, 1981; No 60, 1989; No 6, 2004; No 139, 2010; No 59, 2015
s 53A .....	ad No 120, 1981
	am No 60, 1989; No 59, 2015
s 54 .....	rs No 120, 1981
	am No 60, 1989
s 55 .....	am No 6, 2004
s 56 .....	am No 121, 1992; No 6, 2004
	rs No 83, 2020
s 57 .....	am No 6, 2004
s 58 .....	am No 120, 1981; No 60, 1989
s 59 .....	am No 37, 2018
<b>Part VIIA</b>	
Part VIIA .....	ad No 37, 2018
<b>Division 1</b>	
<b>Subdivision A</b>	
s 60A .....	ad No 37, 2018
<b>Subdivision B</b>	
s 60B .....	ad No 37, 2018
	am No 83, 2020
s 60C .....	ad No 37, 2018
s 60D .....	ad No 37, 2018
s 60E .....	ad No 37, 2018
s 60F .....	ad No 37, 2018

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### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s 60G .....	ad No 37, 2018
s 60H .....	ad No 37, 2018
s 60J .....	ad No 37, 2018
s 60K .....	ad No 37, 2018
s 60L .....	ad No 37, 2018
<b>Subdivision C</b>	
s 60M .....	ad No 37, 2018
s 60N .....	ad No 37, 2018
<b>Division 2</b>	
s 60P .....	ad No 37, 2018 am No 83, 2020
s 60Q .....	ad No 37, 2018 am No 83, 2020
<b>Part VIII</b>	
s 61 .....	rs No 59, 2015
s 61A .....	ad No 139, 2010 am No 59, 2015 rep No 59, 2015
s 62 .....	am No. 139, 2010 rs No 59, 2015
s 63 .....	rep No 27, 1988
s 64 .....	am No 59, 2015
s 65 .....	am No 104, 1992; No 139, 2010 rep No 59, 2015
s 66 .....	am No 6, 2004
s 66A .....	ad No 139, 2010 rep No 59, 2015
s 67 .....	am No 139, 2010; No 59, 2015; No 61, 2016; No 37, 2018
<b>Part IX</b>	
Part IX heading .....	rs No 59, 2015
s 70 .....	am No 6, 2004

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## Endnote 4—Amendment history

<b>Provision affected</b>	<b>How affected</b>
Schedule 2 .....	am Statutory Rules 1981 No 153 (as am by 1984 No 33; 1985 No 173; 1989 No 268; 1992 No 164); No 139, 2010 rep No 59, 2015
Schedule 3 .....	am Statutory Rules 1981 No 153 (as am by 1989 No 268) rep No 59, 2015
<b>Schedule 4</b>	
Schedule 4 .....	am No 59, 2015
<b>Schedule 5</b>	
Schedule 5 .....	rep No 59, 2015 ad No 37, 2018
Schedule 6 .....	am No 139, 2010 rep No 59, 2015
Schedule 7 .....	rep No 59, 2015
Schedule 8 .....	rep No 59, 2015
Schedule 9 .....	rep No 59, 2015