



Norfolk Island Continued Laws Ordinance Amendment (Applied Laws and Service Delivery (Queensland) Measures) Rules 2021

I, Nola Marino, Assistant Minister for Regional Development and Territories, and Assistant Minister for Regional Development and Territories, and Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development make the following rules.

Dated 23/12/21

Nola Marino
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

Contents

1 Name.....	1
2 Commencement	1
3 Authority.....	1
4 Schedules	1
Schedule 1—Amendments	2
Part 1—Amendment of the Administrative Review Tribunal Act 1996 (NI)	2
Part 2—Amendment of the Child Welfare Act 2009 (NI)	2
Part 3—Amendment of the Disaster and Emergency Management Act 2001 (NI)	3
Part 4—Amendment of the Interpretation Act 1979 (NI)	3
Part 5—Amendment of the Supreme Court Act 1960 (NI)	4

1 Name

This instrument is the *Norfolk Island Continued Laws Ordinance Amendment (Applied Laws and Service Delivery (Queensland) Measures) Rules 2021*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2022	1 January 2022

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under section 6 of the *Norfolk Island Continued Laws Ordinance 2015*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendment of the Administrative Review Tribunal Act 1996 (NI)

Norfolk Island Continued Laws Ordinance 2015

1 After item 1AAA of Schedule 1

Insert:

1AAAA Paragraph 3(1)(d) of the definition of *enactment*

Repeal the paragraph, substitute:

- (d) a New South Wales law as in force in Norfolk Island under section 18A of that Act.
- (e) a Queensland law as in force in Norfolk Island under section 18A of that Act.

Part 2—Amendment of the Child Welfare Act 2009 (NI)

Norfolk Island Continued Laws Ordinance 2015

2 Before item 29 of Schedule 1

Insert:

29AAAA After section 9

Add:

9A Relationship with *Education (General Provisions) Act 2006 (Qld) (NI)*

Nothing in this Act is intended to exclude or limit the operation of the provisions of Part 10 of Chapter 12 of the *Education (General Provisions) Act 2006 (Qld) (NI)* in accordance with their terms.

3 After item 31AA of Schedule 1

Insert:

31AAB Paragraph 33(3)(c)

Omit “*Education Act 1990 (NSW) (NI)*”, substitute “*Education (General Provisions) Act 2006 (Qld) (NI)*”.

4 Item 37AAA of Schedule 1

Repeal the item, substitute:

37AAA Dictionary, (definition of *school*)

Repeal the definition, substitute:

school means a State school (within the meaning of the *Education (General Provisions) Act 2006 (Qld) (NI)*).

Part 3—Amendment of the Disaster and Emergency Management Act 2001 (NI)

Norfolk Island Continued Laws Ordinance 2015

5 After item 63 of Schedule 1

Insert:

63AA After section 5

Insert:

5A Relationship with *Public Health Act 2005 (Qld)* (NI)

Nothing in this Act is intended to exclude or limit the operation of the provisions of the *Public Health Act 2005 (Qld)* (NI) in accordance with their terms.

Part 4—Amendment of the Interpretation Act 1979 (NI)

Norfolk Island Continued Laws Ordinance 2015

6 After item 150 of Schedule 1

Insert:

150A Before section 8A

Insert

8AA Enactments extended to Queensland applied or adopted laws

- (1) To the extent that an enactment is extended in its operation to a law of New South Wales as in force in the Territory, the operation of the enactment is also extended in its application to a law of Queensland as in force in the Territory under section 18A of the *Norfolk Island Act 1979* of the Commonwealth and any other law of Queensland applied, adopted or incorporated by a legislative instrument made under that Act as in force in the Territory.
- (2) This section does not apply to the extent that its application would:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure; or
 - (c) impose a tax.

7 Before item 151 of Schedule 1

Insert:

150A Before section 10D

Insert:

8D Continued laws regulating employment do not apply to certain officers, employees and authorities of Queensland

To the extent that a law continued in force by section 16 or 16A of the *Norfolk Island Act 1979* of the Commonwealth regulates employment, the law does not apply to:

- (a) an officer or employee of Queensland; or
- (b) an authority (within the meaning of section 18B of the *Norfolk Island Act 1979* of the Commonwealth) of Queensland; or
- (c) an officer or employee of an authority (within the meaning of section 18B of the *Norfolk Island Act 1979* of the Commonwealth) of Queensland;

to the extent that the officer, employee or authority is exercising powers or performing functions or duties under an arrangement between the Commonwealth and Queensland for the delivery of services to Norfolk Island.

8 After item 183 of Schedule 1

Insert:

183A Before section 37

Insert:

29B References to Queensland Acts and instruments

Acts and instruments as in force in Norfolk Island

- (1) A reference in an enactment to the short title of an Act of Queensland, or to the name of an instrument made under such an Act, followed by “(Qld)(NI)” is a reference to the Act or instrument as in force in Norfolk Island from time to time in accordance with section 18A of the *Norfolk Island Act 1979* of the Commonwealth.

Note: Because of section 7 of this Act, this also applies to a reference in an instrument made under an enactment.

Acts and instruments as in force in Queensland

- (2) A reference in an enactment to the short title of an Act of Queensland, or to the name of an instrument made under such an Act, followed by “(Qld)” is a reference to the Act or instrument as in force in Queensland from time to time.

Note: Because of section 7 of this Act, this also applies to a reference in an instrument made under an enactment.

Part 5—Amendment of the Supreme Court Act 1960 (NI)

Norfolk Island Continued Laws Ordinance 2015

9 Before item 336 of Schedule 1

Insert:

336AA After subsection 5(5)

Insert:

(5A) Where, in a law of the State of Queensland in its application to the Territory, a power or function is expressed to be vested in the Supreme Court of Queensland, or a Judge of that Court, that power or function shall, in relation to the Territory, be vested in the Supreme Court or a Judge, as the case may be.