Norfolk Island Applied Laws Ordinance 2016

Ordinance No. 9, 2016

made under section 19A of the

Norfolk Island Act 1979

Compilation No. 13

Compilation date:	13 May 2021
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About this compilation

This compilation

This is a compilation of the *Norfolk Island Applied Laws Ordinance 2016* that shows the text of the law as amended and in force on 13 May 2021 (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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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1 Name

This is the *Norfolk Island Applied Laws Ordinance 2016*.

3 Authority

This Ordinance is made under section 19A of the *Norfolk Island Act 1979.*

4 Simplified outline of this Ordinance

The laws of New South Wales, as in force in New South Wales from time to time, form part of the law of the Territory. In this Ordinance, the term "applied laws" is used to refer to New South Wales laws in their character as laws of the Territory.

Applied laws may be amended or repealed by an Ordinance made under section 19A of the *Norfolk Island Act 1979* or by a law made under such an Ordinance. An Ordinance may also suspend the operation of an applied law for a period.

This Ordinance amends, repeals and suspends applied laws as set out in the items in the Schedules to this Ordinance.

The items are to be read together with the New South Wales laws in order to understand the operation of the applied laws in the Territory. The items continue in effect according to their terms from time to time and may be amended or repealed by subsequent Ordinances or by rules made under this Ordinance.

5 Definitions

In this Ordinance:

applied industrial relations law means any of the following applied laws:

(a) the *Anti-Discrimination Act 1977* (NSW);
(b) the *First State Superannuation Act 1992* (NSW);
(c) the *Government Information (Public Access) Act 2009* (NSW);
(d) the *Government Sector Employment Act 2013* (NSW);
(e) the *Industrial Relations Act 1996* (NSW);
(f) the *Public Finance and Audit Act 1983* (NSW);
(g) the *Superannuation Administration Act 1996* (NSW);
(h) the *Teaching Service Act 1980* (NSW);
(i) the *Workers Compensation Act 1987* (NSW);
(j) the *Work Health and Safety Act 2011* (NSW);
(k) the *Workplace Injury Management and Workers Compensation Act 1998* (NSW);
(l) legislation made under a law referred to in any of the preceding paragraphs.

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applied law means a law of New South Wales as in force in the Territory under section 18A of the *Norfolk Island Act 1979*.

6 Interpretation Act

(1) The *Interpretation Act 1979* (Norfolk Island) does not apply to this Ordinance or rules made under this Ordinance.

Note: The *Acts Interpretation Act 1901* applies instead because this Ordinance and rules made under it are legislative instruments (see subsection 13(1) of the *Legislation Act 2003*).

(2) Subject to section 6A, the *Interpretation Act 1987* (NSW), as it applies in the Territory from time to time, applies in relation to an applied law as amended by this Ordinance.

Note: The *Interpretation Act 1987* (NSW) is a law of New South Wales in force in the Territory under section 18A of the *Norfolk Island Act 1979*.

6A Interpretation and application of applied industrial relations laws

(1) Subject to this section, the *Interpretation Act 1987* (NSW) applies, without the amendments made by this Ordinance, in relation to an applied industrial relations law.

(2) A reference in an applied industrial relations law to New South Wales in a geographical sense, however expressed, is taken to include a reference to the Territory.

(3) The following provisions of the *Interpretation Act 1987* (NSW), as amended by this Ordinance, apply in relation to an applied industrial relations law:

(a) section 38D (special rules relating to the Parliament);

(b) section 53B (establishment or appointment of statutory bodies);

(c) section 75A (publication in Territory or Commonwealth Gazette).

(4) An applied industrial relations law applies, in the Territory, only in relation to the following:

(a) an officer or employee of New South Wales;

(b) an authority of New South Wales (within the meaning of section 18B of the *Norfolk Island Act 1979*);

(c) an officer or employee of an authority of New South Wales (within the meaning of section 18B of the *Norfolk Island Act 1979*);

and only to the extent that the officer, employee or authority is exercising powers or performing functions or duties under an arrangement entered into under section 18C of the *Norfolk Island Act 1979*.

(5) An applied industrial relations law that provides for the appointment of a person to an office or position, or the removal or suspension of a person from an office or position, is not taken to require the appointment, removal or suspension of a person in the Territory separately from the appointment, removal or suspension of the person in New South Wales.

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7 Rules

(1) The Minister may, by legislative instrument, make rules amending this Ordinance:

(a) so as to amend or repeal an applied law; or

(b) to make application, saving or transitional provision in relation to any amendments or repeals of applied laws.

(2) To avoid doubt, the rules may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax.

8 Schedules

(1) Each applied law that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule, and any other item in a Schedule to this Ordinance has effect according to its terms.

(2) The amendments, repeals and other items set out in the Schedules to this Ordinance continue in effect according to their terms from time to time.

(3) If:

(a) an item in a Schedule to this Ordinance amends, repeals, suspends or otherwise affects an applied law; and

(b) the item is amended or repealed;

then, to the extent to which the law remains a law in force in New South Wales, the applied law continues in force in the Territory in accordance with section 18A of the *Norfolk Island Act 1979* and this Ordinance as amended.

Schedule 1—Suspension

1 Suspension

(1) The operation of the legislation of New South Wales, other than an Act specified in the following table or legislation made under such an Act, is suspended in the Territory for the period:

(a) beginning on the day this item commences; and

(b) subject to subitem (3), ending immediately before the start of 1 July 2021.

Legislation of New South Wales that has not been suspended
Name of Act
Health Services Act 1997
Interpretation Act 1987
Local Government Act 1993
Long Service Leave Act 1955

Note: Because the legislation specified in this table was never suspended in the Territory, it started to apply in the Territory on 1 July 2016 (the day section 18A of the *Norfolk Island Act 1979* commenced).

(2) Subitem (1) applies to legislation of New South Wales whether the legislation is in operation on the day this item commences or whether it comes into operation after that day.

(3) The period for which the operation of an Act specified in column 1 of the following table, and any legislation made under that Act, is suspended in the Territory ends at the start of the day specified in column 2 of the table.

Legislation of New South Wales that is not suspended		
Column 1	**Column 2**	**Column 3**
Name of Act	**End of period of suspension**	**Date/Details**
Anti-Discrimination Act 1977	The industrial relations laws application day.	22 March 2018
Crimes (Domestic and Personal Violence) Act 2007	The day the *Norfolk Island Legislation Amendment (Protecting Vulnerable People) Ordinance 2018* commences.	29 September 2018
Education Act 1990	The industrial relations laws application day.	22 March 2018
Education Standards Authority Act 2013	The industrial relations laws application day.	22 March 2018
Electoral Funding Act 2018	The day the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020* commences.	16 May 2020
First State Superannuation Act 1992	The industrial relations laws application day.	22 March 2018

Legislation of New South Wales that is not suspended		
Column 1	**Column 2**	**Column 3**
Name of Act	**End of period of suspension**	**Date/Details**
Government Information (Public Access) Act 2009	The industrial relations laws application day.	22 March 2018
Government Sector Employment Act 2013	The industrial relations laws application day.	22 March 2018
Industrial Relations Act 1996	The industrial relations laws application day.	22 March 2018
Law Enforcement (Powers and Responsibilities) Act 2002	The day the *Norfolk Island Legislation Amendment (Protecting Vulnerable People) Ordinance 2018* commences.	29 September 2018
Lobbying of Government Officials Act 2011	The day the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020* commences.	16 May 2020
Public Finance and Audit Act 1983	The industrial relations laws application day.	22 March 2018
Public Health Act 2010	20 January 2017.	20 January 2017
Superannuation Administration Act 1996	The industrial relations laws application day.	22 March 2018
Teaching Service Act 1980	The industrial relations laws application day.	22 March 2018
Workers Compensation Act 1987	The industrial relations laws application day.	22 March 2018
Work Health and Safety Act 2011	The industrial relations laws application day.	22 March 2018
Workplace Injury Management and Workers Compensation Act 1998	The industrial relations laws application day.	22 March 2018

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

(5) In this item:

industrial relations laws application day means the day Schedule 1 to the *Norfolk Island Legislation Amendment (Public Sector Employment and Education) Ordinance 2018* commenced.

2 References to suspended law in law that is not suspended

(1) The suspension of the operation of a law of New South Wales in the Territory by this Schedule does not affect any reference to that law in a provision of a law of New South Wales the operation of which is not suspended in the Territory.

(2) Subsection 21D(3) of the *Interpretation Act 1987* of New South Wales (as it applies in the Territory from time to time) does not apply to a reference to the short title of a New South Wales Act the operation of which is suspended in the Territory.

(3) Subsection 21D(3) of the *Interpretation Act 1987* of New South Wales (as it applies in the Territory from time to time) does not apply to a reference to the short title of an applied industrial relations law.

Schedule 1A—Amendment of the Anti-Discrimination Act 1977 (NSW)

Anti-Discrimination Act 1977 (NSW)

1 After paragraph 54(1)(b)

Insert:

(ba) any other law in force in the Territory of Norfolk Island;

2 Paragraph 119(1)(d)

Repeal the paragraph.

3 Sections 121, 122, 122U and 122V

Repeal the sections.

4 Subsection 122X(1)

Omit "122V or".

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Schedule 1AAA—Amendment of the Crimes (Domestic and Personal Violence) Act 2007 (NSW) and the Crimes (Domestic and Personal Violence) Regulation 2014 (NSW)

Crimes (Domestic and Personal Violence) Act 2007 (NSW)

1 Subsection 3(1)

Insert:

Australian legal practitioner means:

(a) a barrister; or

(b) a solicitor; or

(c) a barrister and solicitor.

2 Subsection 3(1) (definition of *authorised officer*)

Repeal the definition, substitute:

authorised officer means a Magistrate.

3 Subsection 3(1) (definition of *Children's Magistrate*)

Repeal the definition.

4 Subsection 3(1)

Insert:

Commissioner of Police means the police officer in charge in Norfolk Island.

5 Subsection 3(1) (definition of *court*)

Repeal the definition, substitute:

court means the Court of Petty Sessions exercising jurisdiction under section 91.

Note 1: To exercise jurisdiction, the court must be constituted by the Chief Magistrate or 3 Magistrates: see section 8 of the *Court of Petty Sessions Act 1960* of Norfolk Island.

Note 2: In some sections, ***court*** is given a different meaning.

6 Subsection 3(1)

Insert:

Court of Petty Sessions means the Court of Petty Sessions of Norfolk Island.

Magistrate means a Magistrate of the Court of Petty Sessions.

Norfolk Island means the Territory of Norfolk Island.

7 Subsection 3(1) (definition of *Registrar*)

Repeal the definition, substitute:

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Registrar means a Magistrate.

Note: In some sections, ***Registrar*** is given a different meaning.

8 Subsection 3(1)

Insert:

Secretary of the Department of Family and Community Services means the child welfare officer appointed under section 24 of the *Child Welfare Act 2009* of Norfolk Island.

Supreme Court means the Supreme Court of Norfolk Island.

9 Subsection 3(4)

Omit "section 10 of the *Crimes (Sentencing Procedure) Act 1999*", substitute "section 10 or 11 of the *Sentencing Act 2007* of Norfolk Island".

10 Paragraph 4(a)

Repeal the paragraph, substitute:

(a) an offence against any of the following provisions of the *Criminal Code 2007* of Norfolk Island:

(i) Part 3.1 (unlawful killing) or 3.3 (endangering life and health), other than section 88 (culpable driving);

(ii) Part 3.4 (offences concerning children), other than section 103 (concealment of birth);

(iii) Part 3.6 (sexual offences);

(iv) section 122 (using child for production of child pornography) or 125 (using the internet, etc. to deprave young people);

(v) Part 3.9 (female genital mutilation);

(vi) section 138 (sexual servitude);

(vii) Division 3.11.2 (criminal damage to property) or 3.11.4 (causing public alarm);

(viii) section 186, 187, 188 or 189 (robbery and burglary offences);

(ix) Part 4.5 (blackmail) or 5.1 (property damage), other than section 261 (causing bushfires);

(x) section 271 (unauthorised access, modification or impairment of computer data with intent to commit serious offence), to the extent that the serious offence referred to in that section is an offence against any of the other provisions covered by this paragraph or against section 13 of this Act;

(xi) section 358 or 359 (possession of offensive weapons and disabling substances) or 360 (possession of knife in public place or school); or

11 Paragraph 4(b1)

Repeal the paragraph.

12 Paragraph 4(c)

Omit ", (b) or (b1)", substitute "or (b)".

13 Subsection 9(3)

Omit "Parliament recognises", substitute "the following are recognised".

14 Paragraphs 9(3)(a) to (f1)

Omit "and" (last occurring).

15 Sections 21 and 24A

Repeal the sections.

16 Subsection 28(2)

Repeal the subsection.

17 Subsection 28A(3)

Omit "Police Area Commander or Police District Commander at which the defendant may serve an application", substitute "court to which the defendant may apply".

18 Paragraph 29(3)(a)

Omit "on a domestic violence list at", substitute "for hearing by".

19 Subsection 33A(4)

Omit "Police Area Commander or Police District Commander", substitute "Commissioner of Police".

20 Subsection 39(3) (definition of *court*)

Repeal the definition, substitute:

court includes the Supreme Court.

21 Subsection 40(4)

Omit "District Court or the Supreme Court in respect of a serious offence is admissible in the Local Court or Children's Court", substitute "Supreme Court in respect of a serious offence is admissible in the Court of Petty Sessions".

22 Subsection 40(4A)

Omit "the District Court and".

23 Paragraph 40(5)(b)

Omit ", manslaughter or an offence under section 25A of the *Crimes Act 1900*", substitute "or manslaughter".

24 Paragraph 40(5)(c)

Repeal the paragraph, substitute:

(c) an offence against section 77, 78, 79, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118 or 119 of the *Criminal Code 2007* of Norfolk Island; or

25 Paragraph 40(5)(f)

Omit "another State or a Territory", substitute "a State or another Territory".

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26 Subsections 40A(1) and (2)

Omit "Children's Court", substitute "court".

27 Subsection 40A(2)

Omit "the Court", substitute "the court".

28 Subsection 40A(3)

Omit "Children's Court", substitute "court".

29 Subsection 40A(3)

Omit "the Court", substitute "the court".

30 Subsection 40A(4)

Omit "Children's Court", substitute "court".

31 Subsection 40A(5)

Omit "Children's Court", substitute "court".

32 Subsection 40A(8)

Repeal the subsection, substitute:

(8) Chapter 7 of the *Child Welfare Act 2009* of Norfolk Island (about appeals) applies in relation to an apprehended violence order made under this section as if the order had been made under Chapter 5 of that Act.

33 Subsection 40A(9) (definition of *care proceedings*)

Repeal the definition, substitute:

care proceedings means proceedings relating to an application for a care and protection order as defined in section 59 of the *Child Welfare Act 2009* of Norfolk Island.

34 Subsection 40A(9) (definition of *relative*)

Repeal the definition, substitute:

relative of a child means a person who would be the relative of the child under the *Children and Young Persons (Care and Protection) Act 1998* if paragraph (d) of the definition of ***relative*** in subsection 3(1) of that Act referred to the *Adoption of Children Act 1932* of Norfolk Island (instead of the *Adoption Act 2000*).

35 Subsection 41(5)

Omit "Divisions 3 and 4 of Part 6 of Chapter 6 of the *Criminal Procedure Act 1986*", substitute "Chapter 6 of the *Criminal Procedure Act 2007* of Norfolk Island".

36 Subsection 41(6)

Omit "Division 3 of Part 6 of Chapter 6 of the *Criminal Procedure Act 1986*", substitute "Chapter 6 of the *Criminal Procedure Act 2007* of Norfolk Island".

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37 Subsection 41(6)

Omit "criminal proceedings", substitute "proceedings mentioned in that Chapter".

38 Subsection 45(7)

Omit "District Court" (wherever occurring), substitute "Supreme Court".

39 Subsection 45(8) (definition of *court*)

Repeal the definition, substitute:

court includes the Supreme Court.

40 Section 47

Repeal the following definitions:

(a) definition of ***authorised officer***;
(b) definition of ***court***;
(c) definition of ***Magistrate***.

41 Section 47 (definition of *rules*)

Repeal the definition, substitute:

rules means rules of court relating to the Court of Petty Sessions made under the *Court of Petty Sessions Act 1960* of Norfolk Island or the *Court Procedures Act 2007* of Norfolk Island.

42 Paragraph 48(2)(a1)

Omit ", in the case of a person in respect of whom a guardianship order within the meaning of the *Guardianship Act 1987* is in force".

43 Subsection 48(7)

Omit ", 78(1) and 84(6)", substitute "and 78(1)".

44 Subsection 53(8)

Repeal the subsection.

45 Section 55

After "the rules" (wherever occurring), insert "(if any)".

46 Sections 70 and 71

Repeal the sections, substitute:

71 Warrants of arrest and warrants of commitment

Division 5 of Chapter 3 of the *Criminal Procedure Act 2007* of Norfolk Island applies, with any necessary modifications, in relation to a warrant of arrest, or warrant of commitment, issued under this Act.

47 Section 72

Insert:

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court means:

(a) in relation to:

(i) an application involving a final apprehended violence order made by the Supreme Court; or

(ii) a final apprehended violence order made by the Supreme Court;

the Supreme Court; or

(b) in relation to:

(i) an application involving an order made by the Court of Petty Sessions or a Magistrate; or

(ii) a final apprehended violence order made by the Court of Petty Sessions; or

(iii) an interim court order made by the Court of Petty Sessions or a Magistrate;

the Court of Petty Sessions.

48 Section 72 (paragraph (b) of the definition of *interested party*)

Omit ", in the case of a protected person in respect of whom a guardianship order within the meaning of the *Guardianship Act 1987* is in force".

49 Paragraph 72B(2)(b)

Omit "*Children and Young Persons (Care and Protection) Act 1998*", substitute "*Child Welfare Act 2009* of Norfolk Island".

50 Subsection 75(2) (definition of *court*)

Omit "District Court", substitute "Supreme Court".

51 Before section 76

Insert:

75A Definition of *court*

In this Division:

court, in relation to the making, variation or revocation of an order, means a court that is empowered by a provision of this Act outside this Division to make, vary or revoke (as appropriate) the order.

Note: Provisions outside this Division empower the Court of Petty Sessions to make, vary or revoke orders of all kinds mentioned in this Division. Provisions outside this Division empower the Supreme Court, in limited circumstances involving serious offences, to make or vary a final apprehended violence order or an interim court order.

52 At the end of section 77

Add:

(9) Despite section 3, in this section:

Registrar means:

(a) in relation to the Supreme Court—the Registrar of the Supreme Court; or

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(b) in relation to the Court of Petty Sessions—the Clerk of the Court of Petty Sessions.

53 Subsection 78(4)

Repeal the subsection.

54 Section 83

Repeal the section, substitute:

83 Application of the *Bail Act 2005* of Norfolk Island

If:

(a) an application for a final apprehended violence order or interim court order is made; and

(b) the defendant:

(i) is arrested under a warrant issued under this Act; or

(ii) first appears before a court in answer to a direction to appear given under this Act;

the *Bail Act 2005* of Norfolk Island applies to the defendant as if the defendant were an accused person charged with an offence.

55 Section 84

Repeal the section, substitute:

84 Appeals relating to apprehended violence orders

(1) An appeal may be made to the Supreme Court:

(a) by the defendant against the making of a final apprehended violence order by the Court of Petty Sessions; or

(b) by the applicant for a final apprehended violence order (or, if the applicant was a police officer, by either the applicant or the person for whose protection the order would have been made) against the dismissal of the application by the Court of Petty Sessions; or

(c) by the applicant for an apprehended violence order or a defendant against the awarding of costs under section 99; or

(d) by a party to an apprehended violence order against the variation or revocation of the order by the Court of Petty Sessions; or

(e) by a party to an apprehended violence order against a refusal by the Court of Petty Sessions to vary or revoke the order; or

(f) by a party to a non-local domestic violence order against the variation or revocation of the order by the Court of Petty Sessions or against a refusal of the Court of Petty Sessions to vary or revoke the order.

(2) Sections 231, 232 and 234 of the *Court of Petty Sessions Act 1960* of Norfolk Island apply in relation to an appeal under this section in the same way as they apply in relation to an appeal under section 229 of that Act.

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56 Subsection 85(2)

Omit "original court", substitute "Court of Petty Sessions".

57 Subsection 85(3)

Omit "District Court", substitute "Supreme Court".

58 Subsection 85(4)

Omit "of this Act and section 63 of the *Crimes (Appeal and Review) Act 2001*".

59 Subsection 85(5)

Omit "section 14 of the *Bail Act 2013*", substitute "the *Bail Act 2005* of Norfolk Island".

60 Subsection 85(5)

Omit "*Bail Act 2013*" (second occurring), substitute "*Bail Act 2005* of Norfolk Island".

61 Subsection 85(6)

Repeal the subsection.

62 Subsection 86(2)

Omit "*Civil Procedure Act 2005*", substitute "*Court Procedures Act 2007* of Norfolk Island or the *Court of Petty Sessions Act 1960* of Norfolk Island".

63 Subsection 86(3)

Omit "legal costs legislation (as defined in section 3A of the *Legal Profession Uniform Law Application Act 2014*)", substitute "*Legal Profession Act 1993* of Norfolk Island".

64 Subsection 87(1)

Omit "Local Court or the President of the Children's Court", substitute "Court of Petty Sessions".

65 Paragraph 87(1)(b)

Omit "by means of an ECM system within the meaning of the *Electronic Transactions Act 2000*", substitute "electronically".

66 Subsection 87(2)

Omit "court's internet website", substitute "internet".

67 Subsections 91(1) to (4)

Repeal the subsections, substitute:

(1) To the extent permitted by the Commonwealth Constitution, jurisdiction is conferred on the Court of Petty Sessions in the matters of making, varying and revoking orders and determining applications under this Act.

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68 Sections 92 and 93

Repeal the sections, substitute:

92 Jurisdiction of Supreme Court under this Act

(1) To the extent permitted by the Commonwealth Constitution, jurisdiction is conferred on the Supreme Court in any matter in relation to which this Act expressly or impliedly:

(a) permits proceedings to be instituted in that court; or

(b) provides for that court to make, vary or revoke an order (however described).

(2) The jurisdiction conferred is to be exercised as criminal jurisdiction of the Supreme Court.

69 Section 94 (definition of *appropriate court*)

Repeal the definition, substitute:

appropriate court, in relation to an external protection order, means the Court of Petty Sessions.

70 Section 94 (paragraphs (b) and (c) of the definition of *external protection order*)

Omit "another State or Territory", substitute "a State, another Territory".

71 Section 94

Insert:

Registrar means the Clerk of the Court of Petty Sessions.

72 Paragraph 96(1)(b)

Omit "(or a Children's Magistrate if the appropriate court is the Children's Court)".

73 Subsection 96(2)

Repeal the subsection, substitute:

(2) On the referral of an external protection order, the Magistrate may do either or both of the following:

(a) vary the period during which the order has effect in its operation in Norfolk Island;

(b) make such other adaptations or modifications to the order as the Magistrate considers necessary or desirable for its effective operation in Norfolk Island.

74 Subsections 97(2) and (2A)

Omit "New South Wales", substitute "Norfolk Island".

75 Paragraphs 98(2)(a) and (b) and (3)(a) and (b)

Omit "New South Wales", substitute "Norfolk Island".

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76 Subsection 98(7)

Omit "New South Wales", substitute "Norfolk Island".

77 Section 98A (at the end of the definition of *agency*)

Add:

; or (c) an agency within the meaning of the *Privacy Act 1988* of the Commonwealth; or

(d) an organisation within the meaning of the *Privacy Act 1988* of the Commonwealth.

78 Section 98A

Repeal the following definitions:

(a) definition of ***central referral point***;

(b) definition of ***local co-ordination point***.

79 Section 98A

Insert:

nominated non-government support service means a non-government support service nominated by the Norfolk Island Minister.

80 Section 98A (definition of *privacy legislation*)

Repeal the definition.

81 Section 98A (definition of *support agency*)

Omit "and includes the central referral point and each local co-ordination point".

82 Subsection 98C(1)

Omit "(1)".

83 Subsection 98C(2)

Repeal the subsection.

84 Subsection 98D(2)

Omit "the central referral point or a local co-ordination point", substitute "a support agency or nominated non-government support service".

85 Section 98E (heading)

Repeal the heading, substitute:

98E Disclosure by Court of Petty Sessions

86 Subsections 98E(1) and (2)

Omit "Local Court", substitute "Court of Petty Sessions".

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87 Subsection 98E(2)

Omit "the central referral point", substitute "a support agency or a nominated non-government support service".

88 Sections 98F and 98G

Repeal the sections.

89 Section 98H (heading)

Repeal the heading, substitute:

98H Support agencies and nominated non-government support services

90 At the end of section 98H

Add:

(4) This section applies to a nominated non-government support service in the same way as it applies to a support agency.

91 Subsection 98K(1)

Repeal the subsection.

92 Subsection 98K(2)

Omit "(2)".

93 Subsection 98K(2)

Omit ", including the privacy legislation or the *Government Information (Public Access) Act 2009*".

94 Subsection 98L(1)

Omit "(1)".

95 Subsection 98L(1)

Omit ", despite the privacy legislation,".

96 Subsection 98L(2)

Repeal the subsection.

97 Subsection 98M(2)

Omit ", despite the privacy legislation,".

98 Subsection 98O(4)

Repeal the subsection.

99 Sections 98P and 98Q

Repeal the sections.

100 Section 98S

Before "In this Part:", insert "(1)".

101 Section 98S (paragraph (a) of the definition of *participating jurisdiction*)

Repeal the paragraph, substitute:

(a) Norfolk Island;

102 At the end of section 98S

Add:

(2) To avoid doubt, a reference in this Part to a law of Norfolk Island includes a reference to an applied law.

103 After paragraph 98U(1)(a)

Insert:

(aa) an apprehended domestic violence order, or an interim apprehended domestic violence order, under the *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales;

104 After paragraph 98V(a)

Insert:

(aa) a registered external protection order under Part 13 of the *Crimes (Domestic and Personal Violence) Act 2007* of New South Wales that has been made to prevent a person acting in a manner specified in section 16 of that Act; or

105 Sections 98Y, 98Z, 98ZA, 98ZB, 98ZD, 98ZE, 98ZF, 98ZG and 98ZH

Omit "New South Wales" (wherever occurring), substitute "Norfolk Island".

106 Subsection 98ZI(2)

Omit "Commissioner of Police", substitute "issuing officer (within the meaning of the *Firearms and Prohibited Weapons Act 1997* of Norfolk Island)".

107 Subsection 98ZI(4) (definition of *local firearms licence*)

Omit "*Firearms Act 1996*", substitute "*Firearms and Prohibited Weapons Act 1997* of Norfolk Island".

108 Subsection 98ZI(4) (definition of *non-local firearms licence*)

Omit "*Firearms Act 1996*", substitute "*Firearms and Prohibited Weapons Act 1997* of Norfolk Island".

109 At the end of subsection 98ZJ(1)

Add:

Note: Section 45D of the *Firearms and Prohibited Weapons Act 1997* of Norfolk Island requires the Administrator of Norfolk Island to refuse to issue a local weapons permit to, and revoke a local weapons permit previously issued to, a person disqualified by this subsection from holding a local weapons permit.

110 Subsection 98ZJ(2)

Repeal the subsection.

111 Subsection 98ZJ(4) (definition of *local weapons permit*)

Omit "the *Weapons Prohibition Act 1998*", substitute "section 45D of the *Firearms and Prohibited Weapons Act 1997* of Norfolk Island".

112 Subsection 98ZJ(4) (definition of *non-local weapons permit*)

Omit "*Weapons Prohibition Act 1998*", substitute "*Firearms and Prohibited Weapons Act 1997* of Norfolk Island".

113 Sections 98ZK, 98ZL, 98ZM, 98ZP, 98ZQ and 98ZR

Omit "New South Wales" (wherever occurring), substitute "Norfolk Island".

114 Subsection 98ZT(1)

Omit "New South Wales" (wherever occurring), substitute "Norfolk Island".

115 Subsection 98ZT(5) (definition of *authorised officer* of New South Wales)

Repeal the definition.

116 Subsection 98ZT(5)

Insert:

authorised officer of Norfolk Island means:

(a) a Magistrate; or

(b) the Registrar, or a Deputy Registrar, of the Supreme Court; or

(c) the Clerk, or Deputy Clerk, of the Court of Petty Sessions; or

(d) a member or special member of the Australian Federal Police of or above the rank of sergeant.

Note: This definition of ***authorised officer*** differs from that used in the rest of this Act and from the definition of ***authorised officer*** in the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (NI).

117 Section 98ZTA

Omit "New South Wales" (wherever occurring), substitute "Norfolk Island".

118 Division 6 of Part 13B (heading)

Repeal the heading, substitute:

Division 6—Application and transitional provisions

119 Section 98ZU

Omit "commences", substitute "comes into force in Norfolk Island".

120 Section 98ZV

Repeal the section.

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121 Section 98ZW

Repeal the section.

122 Subsection 98ZX(4)

Omit "New South Wales", substitute "Norfolk Island".

123 Paragraph 98ZY(1)(a)

Omit "registrar of a court of New South Wales to be a recognised DVO in New South Wales", substitute "Magistrate to be a recognised DVO in Norfolk Island".

124 Subsections 98ZY(2) and 98ZZ(3)

Omit "New South Wales", substitute "Norfolk Island".

125 Section 98ZZA (definition of *registrar*)

Omit "registrar of a court of New South Wales that has power to make a local DVO", substitute "Magistrate".

126 Subsections 98ZZB(1), (2) and (6) and 98ZZC(1)

Omit "New South Wales", substitute "Norfolk Island".

127 Subdivision 5 of Division 6 of Part 13B

Repeal the Subdivision.

128 Subsection 99(9)

Omit "State", substitute "Commonwealth".

129 Section 104

Repeal the section.

Crimes (Domestic and Personal Violence) Regulation 2014 (NSW)

130 Form 1 in Schedule 1

Omit "Local Court or Children's Court of NSW", substitute "Court of Petty Sessions of Norfolk Island".

131 Form 2 in Schedule 1

Omit "Local Court or Children's Court of NSW", substitute "Court of Petty Sessions of Norfolk Island".

132 Form 2 in Schedule 1 (paragraph 6(b) under the heading "Orders about family law and parenting")

Omit "or court-approved".

Schedule 1AA—Amendment of the Education Act 1990 (NSW)

Education Act 1990 (NSW)

1 Subsection 3(1)

Insert:

Children's Court means the Court of Petty Sessions of Norfolk Island.

2 Subsection 3(1) (at the end of the definition of government school)

Add ", or the Norfolk Island Central School".

3 Subsection 3(1)

Insert:

Local Court means the Court of Petty Sessions of Norfolk Island.

NSW Education Act means the *Education Act 1990* as in force in New South Wales from time to time.

4 Subsection 3(1) (definition of overseas student)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

5 Subsection 3(1) (definition of relevant institution)

After "registered vocational training organisation", insert ", any public health organisation (within the meaning of the *Health Services Act 1997* (NSW) (NI)), the Police Force of Norfolk Island, the Norfolk Island Regional Council".

6 Subsection 3(1)

Insert:

Supreme Court means the Supreme Court of Norfolk Island.

7 Subsection 3(1) (definition of Tribunal)

Repeal the definition, substitute:

Tribunal means the Administrative Review Tribunal of Norfolk Island.

8 At the end of Part 1

Add:

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3A Modifications for Norfolk Island

Courts

(1) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island is, to the extent permitted by the Commonwealth Constitution, conferred on:

(a) if the Supreme Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

(b) if the District Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

(c) if the Local Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island; and

(d) if the Children's Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island.

Tribunals

(2) A power or function conferred on the Civil and Administrative Tribunal of New South Wales under this Act as in force in New South Wales is, to the extent permitted by the Commonwealth Constitution:

(a) conferred on the Administrative Review Tribunal of Norfolk Island for the purposes of this Act as in force in the Territory of Norfolk Island; and

(b) to be exercised or performed by the Administrative Review Tribunal of Norfolk Island in accordance with the *Administrative Review Tribunal Act 1996* of Norfolk Island.

3B Norfolk Island Central School

For the purposes of any applied law, the Norfolk Island Central School is taken to be a government school and to be established under this Act.

9 Section 4

Omit "In enacting this Act, Parliament has had regard to the following principles", substitute "This Act is based on the following principles".

10 Paragraphs 4(c) and (d)

Repeal the paragraphs, substitute:

(c) every child should receive an education of the highest quality.

11 Paragraph 5(c)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

12 Subsection 6(1)

Omit "It is the intention of Parliament that every person concerned in the administration of this Act or of education for children of school-age in New South Wales", substitute "Every person concerned in the administration of this Act or of education for children of school-age in the Territory of Norfolk Island".

13 Subsection 6(1A)

Omit "It is the intention of Parliament that the", substitute "The".

14 Subsection 18A(1) (definition of relevant national agreement)

Omit "the State", substitute "New South Wales".

15 Subsection 18A(2)

Omit "the State", substitute "New South Wales".

16 Subsection 18A(4)

Omit "this State", substitute "New South Wales or the Territory of Norfolk Island".

17 Paragraph 18A(4)(a)

After "particular schools", insert "that include a school in the Territory of Norfolk Island".

18 Paragraph 18A(4)(b)

After "a school", insert "in the Territory of Norfolk Island".

19 Subsection 18A(7)

Omit "the State", substitute "New South Wales".

20 Subsection 18A(7)

Omit "a State", substitute "a New South Wales".

21 Paragraph 19(f)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

22 Subsection 20(3)

Repeal the subsection, substitute:

(3) Payments of financial assistance under this section are to be made out of money appropriated by the Parliament of the Commonwealth.

23 Paragraph 20A(2)(k)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

24 Subparagraph 20A(2)(r)(iv)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

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25 At the end of subsection 20A(3)

Add "and schools in the Territory of Norfolk Island".

26 After subsection 21B(1)

Insert:

(1A) Despite anything else in this section, a child who is of or above the age of 15 years is not of compulsory school-age if:

(a) the child:

(i) turned 15 before 1 January 2018; and

(ii) was in 2017 enrolled in Year 9, 10, 11 or 12 of secondary education at the Norfolk Island Central School; or

(b) the child:

(i) turned 15 before 1 January 2017; and

(ii) before turning 15, was enrolled at the Norfolk Island Central School.

27 Subsection 22C(8)

Omit "care proceedings under Chapter 5 of the *Children and Young Persons (Care and Protection) Act 1998*", substitute "proceedings relating to an application for a care and protection order under Chapter 5 of the *Child Welfare Act 2009* of Norfolk Island".

28 Paragraph 22D(5)(a)

Omit "Chapter 6 of the *Children and Young Persons (Care and Protection) Act 1998* applies", substitute "Chapter 3 and section 143 of the *Child Welfare Act 2009* of Norfolk Island apply".

29 Subsections 22D(11) and (12)

Repeal the subsections, substitute:

(11) Chapter 7 of the *Child Welfare Act 2009* of Norfolk Island (about appeals) applies in relation to an order under this section as if the order had been made under Chapter 5 of that Act.

30 Subsection 23(5)

Repeal the subsection, substitute:

(5) If a person is found guilty of an offence against this section (whether or not the person is convicted of the offence), the court may, instead of imposing a fine on the person, make an order requiring the person to perform community service work for a number of hours not exceeding:

(a) for a person who is a parent subject to a compulsory schooling order—200 hours; or

(b) otherwise:

(i) if the offence is a first offence—50 hours; or

(ii) if the offence is a second or subsequent offence—100 hours.

(5A) The *Sentencing Act 2007* of Norfolk Island applies in relation to the order in the same way as that Act applies in relation to a community service order made under subsection 23(1) of that Act.

31 Subsection 24(5)

Repeal the subsection (including the penalty).

32 Section 26A (definition of non-government schools authority)

Repeal the definition, substitute:

non-government schools authority means a non-government schools authority within the meaning of Part 5A of the NSW Education Act.

33 Section 26A (definition of school)

Repeal the definition, substitute:

school means:

(a) a government school (within the meaning of this Act or the NSW Education Act); or

(b) a registered non-government school (within the meaning of the NSW Education Act).

34 Paragraph 26B(1)(a)

After "at a school", insert "in the Territory of Norfolk Island, or in New South Wales if the student has previously been enrolled at a school in that Territory,".

35 Subsection 26B(2)

Omit "*Government Information (Public Access) Act 2009*", substitute "*Government Information (Public Access) Act 2009* (NSW) or the *Government Information (Public Access) Act 2009* (NSW) (NI)".

36 Paragraphs 26C(1)(d) to (i)

Repeal the paragraphs, substitute:

(d) the TAFE Commission and TAFE establishments (within the meaning of the NSW Education Act);

(e) public health organisations (within the meaning of the *Health Services Act 1997* (NSW) or the *Health Services Act 1997* (NSW) (NI));

(f) the Department of Family and Community Services;

(g) the Department of Justice;

(h) the Australian Federal Police;

(i) the NSW Police Force (as defined in subsection 21(1) of the *Interpretation Act 1987* (NSW));

(ia) the Police Force of Norfolk Island;

(ib) the Norfolk Island Regional Council;

37 After subparagraph 26D(6)(a)(i)

Insert:

(ia) section 187 of the *Child Welfare Act 2009* of Norfolk Island; or

38 After paragraph 26F(2)(a)

Insert:

(aa) section 187 of the *Child Welfare Act 2009* of Norfolk Island; or

39 After subsection 34(3)

Insert:

(3A) For the purposes of this section:

(a) the Territory of Norfolk Island is taken to be designated as an intake area; and

(b) the Norfolk Island Central School is taken to be designated for that intake area.

40 Paragraph 34(4)(a)

After "government school", insert "(within the meaning of this Act or the NSW Education Act)".

41 After section 83M

Insert:

83MA Application of this Part

This Part does not apply in relation to the Territory of Norfolk Island unless the Commonwealth Act extends to the Territory of Norfolk Island.

42 Subparagraph 94(1)(a)(iii)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

43 Subsection 94(2)

Omit "on a State-wide basis", substitute "on a New South Wales-wide basis, as if the Territory of Norfolk Island were a part of New South Wales,".

44 Subparagraph 95(1)(b)(iii)

Omit "New South Wales", substitute "the Territory of Norfolk Island".

45 Subsection 95(2)

Omit "on a State-wide basis", substitute "on a New South Wales-wide basis, as if the Territory of Norfolk Island were a part of New South Wales".

46 Subsection 107(1)

Omit "*Administrative Decisions Review Act 1997*", substitute "*Administrative Review Tribunal Act 1996* of Norfolk Island".

47 Subsection 108(2)

Repeal the subsection, substitute:

(2) This section applies to the exclusion of subsections 31(1) and (2) of the *Administrative Review Tribunal Act 1996* of Norfolk Island.

(2A) Subsections 31(3) and (4) of that Act (providing copies of and reasons for decisions, and when decisions take effect) apply in relation to a decision under subsection (1) of this section as if each reference in those subsections to a decision under subsection 31(1) of that Act were a reference to a decision under subsection (1) of this section.

48 Subsection 108(3) (note)

Repeal the note, substitute:

Note: For the powers of the Tribunal on review of a decision of the Authority under Part 7A, see section 31 of the *Administrative Review Tribunal Act 1996* of Norfolk Island.

49 Subsection 108(4)

Omit "*Administrative Decisions Review Act 1997*", substitute "*Administrative Review Tribunal Act 1996* of Norfolk Island".

50 Subsection 109(2)

Omit "section 6 (4) of the *Administrative Decisions Review Act 1997*", substitute "subsection 14(5) of the *Administrative Review Tribunal Act 1996* of Norfolk Island".

51 Subsection 115(1A)

Repeal the subsection, substitute:

(1A) Any such parents and citizens association may be incorporated under the *Associations Incorporation Act 2005* of Norfolk Island.

52 At the end of Part 11

Add:

117A Parents and citizens association for Norfolk Island Central School

(1) This section applies to an association constituted under section 15A of the *Education Act 1931* of Norfolk Island, as in force immediately before the commencement of Schedule 2 to the *Norfolk Island Legislation Amendment (Public Sector Employment and Education) Ordinance 2018* of the Commonwealth.

(2) The association continues in existence after that commencement as if it were a parents and citizens association constituted under subsection 115(1) of this Act.

(3) The rules of the association as in force immediately before that commencement continue in force after that commencement as if they were rules approved by the Minister under subsection 117(1) of this Act.

53 Section 125

Repeal the section.

54 Subsection 128(1)

Omit "Parliament", substitute "the Parliament of the Commonwealth".

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55 Section 135

Repeal the section.

Schedule 1AB—Amendment of the Education Standards Authority Act 2013 (NSW)

Education Standards Authority Act 2013 (NSW)

1 Subsection 3(1)

Insert:

Local Court means the Court of Petty Sessions of Norfolk Island.

2 At the end of Part 1

Add:

3A Modifications for Norfolk Island

Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island is, to the extent permitted by the Commonwealth Constitution, conferred on:

(a) if the Supreme Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

(b) if the District Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

(c) if the Local Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island.

3 Sections 15 and 23

Repeal the sections.

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Schedule 1AC—Amendment of the Electoral Funding Act 2018 (NSW) and the Electoral Funding Regulation 2018 (NSW)

Electoral Funding Act 2018 (NSW)

1 At the end of Part 1

Add:

3A Modifications for Norfolk Island

(1) The provisions of this Act, other than the provisions referred to in subsection (2), do not apply in relation to the Territory of Norfolk Island.

(2) The following provisions of this Act apply in relation to the Territory of Norfolk Island:
- (a) Parts 1 and 2;
- (b) Division 7 of Part 3;
- (c) sections 57 and 58;
- (d) section 135;
- (e) Part 9;
- (f) section 144, subsection 145(1) and sections 146, 147 and 149;
- (g) Part 11, other than section 154.

(3) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island is, to the extent permitted by the Commonwealth Constitution, conferred on:
- (a) if the Supreme Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and
- (b) if the Local Court has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island.

2 Section 4 (definition of *associated entity*)

Omit "registered".

3 Section 4 (at the end of the definition of *Electoral Commission*)

Add:

Note: Subsection 18B(2) of the Norfolk Island Act has the effect of vesting the powers (including the functions and duties) of the Electoral Commission under this Act and the regulations, as in force in Norfolk Island, in:
- (a) the Norfolk Island Minister; and
- (b) any other person or authority authorised by a direction or delegation under subsection 18B(3) or (4) of the Norfolk Island Act.

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4 Section 10 (note)

Omit "(as in force immediately before the enactment of this Act)", substitute "(as in force in New South Wales immediately before the enactment of the *Electoral Funding Act 2018* (NSW))".

5 Before section 51

Insert:

50B Application

This Division applies in relation to local government elections and elected members of councils.

6 Subsection 53(5) (definition of *relevant planning application*)

Repeal the definition, substitute:

relevant planning application means:

(a) an application for variation of the Norfolk Island Plan, or a request to the Minister to prepare a draft plan, under Part 2 (Norfolk Island Plan) of the *Planning Act 2002* of Norfolk Island; or

(b) a request to the Minister to prepare a draft development control plan, or to amend or repeal a development control plan, under Part 3 (development control plans) of that Act; or

(c) an application for a declaration in relation to a significant development under Part 3A (significant developments) of that Act; or

(d) an application for development approval, or an application for modification of a development approval, under Part 5 (development approval process) of that Act.

7 Section 55

Omit "unless it is a reportable political donation.", substitute:

unless:

(a) the amount of the payment is $1,000 or more; or

(b) the total amount of all such payments made by the individual to the party during the same financial year is $1,000 or more.

8 Section 55 (note)

Repeal the note.

9 Subsection 57(2)

Omit "sections 6 and 23", substitute "section 55".

10 Section 57 (note)

Repeal the note.

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11 Subsection 58(1)

Omit "political donation, loan or indirect campaign contribution", substitute "political donation or loan".

12 Subsection 58(1)

Omit "the donation, loan or contribution", substitute "the donation or loan".

13 Subsection 58(1)

Omit "the State" (wherever occurring), substitute "the Commonwealth".

14 Paragraphs 58(1)(a) and (b)

Omit "donation, loan or contribution", substitute "donation or loan".

15 Subsection 58(3)

Omit "the State" (wherever occurring), substitute "the Commonwealth".

16 Subsections 58(2), (4) and (5)

Repeal the subsections (including the note).

17 Paragraph 139(1)(a)

Omit "the Electoral Commission", substitute "the Norfolk Island Department".

18 Subsection 145(1)

Omit "5, 6 or".

19 Subsection 149(3)

Repeal the subsection, substitute:

(3) If a party that is an unincorporated association is charged with an offence under this Act, any proceedings in relation to the offence are to be conducted, as far as is practicable, as if the party were a corporation charged with such an offence, subject to any order of a court made in relation to the conduct of the proceedings.

20 Paragraph 153(2)(a)

Omit "(other than section 60)".

Electoral Funding Regulation 2018 (NSW)

21 At the end of Part 1

Add:

4A Modifications for Norfolk Island

(1) The provisions of this Regulation, other than the provisions referred to in subclause (2), do not apply in relation to the Territory of Norfolk Island.

(2) The following provisions of this Regulation apply in relation to the Territory of Norfolk Island:

(a) this Part;
(b) clause 34;
(c) subclauses 36(1) and (2);
(d) clause 42.

22 Clause 34

Omit "lead candidate of a group", substitute "candidate in a group".

23 Clause 36 (heading)

Omit "**and third party campaigns**".

24 Paragraph 42(2)(d)

Omit "the Electoral Commission", substitute "the Norfolk Island Department".

Schedule 1B—Amendment of the Government Information (Public Access) Act 2009 (NSW)

Government Information (Public Access) Act 2009 (NSW)

1 Subsection 4(1) (after paragraph (g) of the definition of *agency*)

Insert:

However, the Norfolk Island Regional Council is not an agency.

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Schedule 1C—Amendment of the Government Sector Employment Regulation 2014 (NSW)

Government Sector Employment Regulation 2014 (NSW)

1 Paragraphs 12(a) and (b)

Repeal the paragraphs, substitute:

(a) a day that is, under section 9 of the *Employment Act 1988* of Norfolk Island, to be observed as a public holiday;

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Schedule 2—Amendment of the Health Services Act 1997 (NSW)

Health Services Act 1997 (NSW)

1 At the end of Chapter 1

Add:

5A Modifications for Norfolk Island

(1) The provisions of this Act, other than the provisions referred to in subsection (2), do not apply in relation to the Territory of Norfolk Island.

(2) The following provisions of this Act apply in relation to the Territory of Norfolk Island:
  (a) Chapters 1, 2, 3, 5 and 6;
  (b) Parts 1 and 1A of Chapter 10;
  (c) sections 134, 135, 136, 137, 139 and 140;
  (d) Schedules 1 and 3;
  (e) the Dictionary.

(3) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island, and in which the Local Court has jurisdiction in relation to New South Wales, is, to the extent permitted by the Commonwealth Constitution, conferred on the Court of Petty Sessions of Norfolk Island.

2 At the end of section 18

Add:

(4) The Territory of Norfolk Island is taken to be a local government area in respect of which the South Eastern Sydney Local Health District is constituted. The table in Schedule 1 is taken to have been amended accordingly.

3 At the end of section 62

Add:

(6) The Norfolk Island Health and Residential Aged Care Service (within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* of Norfolk Island) is taken to be an affiliated health organisation in respect of its recognised establishment, the Norfolk Island Health and Residential Aged Care Service Facility (within the meaning of the *Norfolk Island Health and Residential Aged Care Act 1985* of Norfolk Island). The table in Schedule 3 is taken to have been amended accordingly.

Schedule 2A—Amendment of the Industrial Relations Act 1996 (NSW)

Industrial Relations Act 1996 (NSW)

1 Paragraph 72AE(1)(b)

After "police officer,", insert "member or special member of the Australian Federal Police, member of the Police Force of Norfolk Island, member of a State or Territory police force providing police services in relation to the Territory of Norfolk Island in accordance with section 18B or 18C of the *Norfolk Island Act 1979* of the Commonwealth,".

2 Subsection 388(2)

After "police officer", insert ", member or special member of the Australian Federal Police, member of the Police Force of Norfolk Island or member of a State or Territory police force providing police services in relation to the Territory of Norfolk Island in accordance with section 18B or 18C of the *Norfolk Island Act 1979* of the Commonwealth".

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Schedule 3—Amendment of the Interpretation Act 1987 (NSW)

Interpretation Act 1987 (NSW)

1 Section 4

Omit all the words after "binds the Crown", substitute "in each of its capacities".

2 Paragraph 13(b)

Omit "New South Wales", substitute "the Commonwealth".

3 Subsection 21(1)

Insert:

applied law means a law of New South Wales as in force in the Territory of Norfolk Island under section 18A of the Norfolk Island Act.

Commissioner of Police means the Commissioner of the Australian Federal Police.

Commonwealth Gazette means the *Commonwealth of Australia Gazette*.

Commonwealth Government Printer includes any person printing for the Government.

Commonwealth Minister means a Minister of State of the Commonwealth.

4 Subsection 21(1) (definition of *Consolidated Fund*)

Repeal the definition, substitute:

Consolidated Fund means the Consolidated Revenue Fund referred to in section 81 of the Commonwealth Constitution.

5 Subsection 21(1) (definition of *Government*)

Repeal the definition, substitute:

Government means the Government of the Commonwealth.

6 Subsection 21(1)

Insert:

law of the State means the laws (whether written or unwritten and whether substantive or procedural) that are from time to time in force in the Territory of Norfolk Island.

New South Wales Act means an Act passed by the Parliament of New South Wales.

Norfolk Island Act means the *Norfolk Island Act 1979* of the Commonwealth.

Norfolk Island Department means the Department of State of the Commonwealth responsible for the administration of the Norfolk Island Act.

Norfolk Island Minister means the Commonwealth Minister who administers the Norfolk Island Act.

7 Subsection 21(1) (definition of *NSW Police Force*)

Repeal the definition, substitute:

NSW Police Force means the Australian Federal Police.

8 Subsection 21(1) (definition of *police officer*)

Repeal the definition, substitute:

police officer means any of the following:

(a) a member or a special member of the Australian Federal Police;

(b) a member of the Police Force of Norfolk Island;

(c) a member of a State or Territory police force providing police services in relation to the Territory of Norfolk Island in accordance with section 18B or 18C of the Norfolk Island Act.

9 Subsection 21(1)

Insert:

Territory Gazette means the *Norfolk Island Government Gazette*.

Territory of Norfolk Island means the Territory of Norfolk Island as described in Schedule 1 to the Norfolk Island Act.

Territory Ordinance means:

(a) a section 19A Ordinance (within the meaning of subsection 4(1) of the Norfolk Island Act); or

(b) an Ordinance continued in force by the Norfolk Island Act.

10 Subsection 21(1) (definition of *the State*)

Repeal the definition, substitute:

the State:

(a) when used in a geographical sense—means the Territory of Norfolk Island; and

(b) when used in any other sense—means the Territory of Norfolk Island unless the context precludes that meaning.

11 At the end of Part 2

Add:

21D New South Wales Acts

(1) A reference in this Act or a Territory Ordinance to the short title of a New South Wales Act followed by "(N.S.W.)" or "(NSW)" is a reference to the Act as in force in New South Wales from time to time.

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(2) A reference in this Act, a Territory Ordinance or an applied law to the short title of a New South Wales Act followed by "(N.S.W.)(N.I.)" or "(NSW)(NI)" is a reference to the Act as in force in the Territory of Norfolk Island from time to time in accordance with section 18A of the Norfolk Island Act.

(3) A reference in an applied law to the short title of a New South Wales Act is taken to be a reference to the corresponding applied law.

21E New South Wales instruments

(1) A reference in this Act or a Territory Ordinance to an instrument followed by "(N.S.W.)" or "(NSW)" is a reference to the instrument as in force in New South Wales from time to time.

(2) A reference in this Act, a Territory Ordinance or an applied law to an instrument followed by "(N.S.W.) (N.I.)" or "(NSW) (NI)" is a reference to the instrument as in force in the Territory of Norfolk Island from time to time in accordance with section 18A of the Norfolk Island Act.

12 At the end of Part 5

Add:

38A References to documents

If an applied law requires or permits something to be done in accordance with, or having regard to, a document made, approved or published under, or for the purposes of, an applied law or a law of New South Wales, the reference to the document is taken to be a reference to:

(a) any such document made, approved or published in relation to the Territory of Norfolk Island in force or existing at the time the thing is to be done (the ***relevant time***); or

(b) if there is no document made, approved or published in relation to the Territory of Norfolk Island in force or existing at the relevant time—the document made, approved or published under, or for the purposes of, the law as in force in New South Wales, as the document is in force or exists at the relevant time.

38B Modification of prerequisites for Norfolk Island Minister to take action

(1) This section applies if:

(a) an applied law is expressed (ignoring section 18B of the Norfolk Island Act) to make:

(i) a recommendation (however described) about a matter; or

(ii) an approval (however described) of a matter;

by a Minister or an authority established or appointed by or under an applied law or a law of New South Wales a prerequisite for a person to exercise a function; and

(b) the Norfolk Island Minister has that function because of section 18B of the Norfolk Island Act.

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(2) The Norfolk Island Minister may exercise the function without receiving or following the Minister's or authority's recommendation about the matter or approval of the matter.

38C Norfolk Island Minister not required to interact with himself or herself

(1) The Norfolk Island Minister need not comply with a requirement that:

(a) is imposed on the Norfolk Island Minister by an applied law (as affected by section 18B of the Norfolk Island Act or otherwise); and

(b) because of section 18B of the Norfolk Island Act, is a requirement for the Norfolk Island Minister to do something in relation to the Norfolk Island Minister:

(i) before taking another action; or

(ii) in the process of taking another action; or

(iii) after taking another action.

Note: Some examples of a requirement to which this section applies are if an applied law (ignoring section 18B of the Norfolk Island Act) says:

(a) the Governor may do something on the advice of a Minister; or

(b) an authority must give the Minister notice of a decision or action the authority has taken.

(2) To avoid doubt, if the Norfolk Island Minister takes the other action, its validity is not affected merely because the Norfolk Island Minister did not or does not comply with the requirement.

Note: This also applies to action by a delegate of the Norfolk Island Minister.

38D Special rules relating to the Parliament

Requirements relating to the Parliament that need not be complied with

(1) A person or body need not comply with a requirement imposed by an applied law on the person or body to do either of the following:

(a) give (however described) a thing to the Parliament, a committee of the Parliament or an officer or member of the Parliament;

(b) act consistently (however described) with a resolution or recommendation of the Parliament.

Failure to comply with the requirement does not affect the validity of any act.

Note 1: Applied laws may use various verbs to express requirements to give something to the Parliament, a committee of the Parliament, or an officer or member of the Parliament. Some examples of such verbs are giving, furnishing, laying before, presenting to, tabling, notifying, advising and providing.

Note 2: Applied laws may express in various ways a requirement for a person or body to act consistently with a resolution or recommendation of the Parliament. For example, applied laws may refer to a person or body doing something in accordance with a resolution of the Parliament, on the recommendation of the Parliament or on an address from the Parliament.

Acts valid despite absence of action relating to the Parliament

(2) Despite an applied law providing for a thing to be done by or in relation to the Parliament:

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(a) before a function can be exercised by an authority other than the Parliament; or

(b) in connection with the exercise of a function, by such an authority;

the function may be exercised by the authority even though that thing has not been done, or is not done, by or in relation to the Parliament.

13 At the end of Part 8

Add:

53B Statutory bodies

If an applied law establishes or requires the establishment or appointment of:

(a) a committee; or

(b) a board; or

(c) a registrar; or

(d) any other statutory body;

then the law is not taken to establish, or require the establishment or appointment of, the same kind of body in the Territory of Norfolk Island.

14 Section 58 (definition of *laws of the State*)

Repeal the definition.

15 After section 75

Insert:

75A Publication in Territory or Commonwealth Gazette

If an applied law requires or permits a person to publish an instrument or notice in the Gazette or the Government Gazette or in a newspaper circulating in the State (whatever the frequency of circulation) then the requirement is satisfied by, or the entitlement extends to, publication of the instrument or notice in the Gazette, the Government Gazette, the Commonwealth Gazette or the Territory Gazette.

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Schedule 3A—Amendment of the Law Enforcement (Powers and Responsibilities) Act 2002 (NSW) and the Law Enforcement (Powers and Responsibilities) Regulation 2016 (NSW)

Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)

1 Subsection 3(1) (definition of *authorised officer*)

Repeal the definition, substitute:

authorised officer means a Magistrate of the Court of Petty Sessions of Norfolk Island.

2 Subsection 3(1) (definition of *Commissioner*)

Repeal the definition, substitute:

Commissioner means the police officer in charge in Norfolk Island.

3 Subsection 3(1)

Insert:

Local Court means the Court of Petty Sessions of Norfolk Island.

Police Area Commander means the police officer in charge in Norfolk Island.

Police District Commander means the police officer in charge in Norfolk Island.

4 Subsection 3(1) (definition of *police officer*)

Repeal the definition.

5 Section 8

Omit "right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other", substitute "each of its".

6 At the end of Part 1

Add:

8A Application of this Act in Norfolk Island

(1) This Act applies in relation to the Territory of Norfolk Island only to the following extent:
  (a) this Part;
  (b) Division 1A of Part 3 (power to require identity of suspected AVO defendant to be disclosed);
  (c) Part 6 (search, entry and seizure powers relating to domestic violence offences);
  (d) Part 15 (safeguards relating to powers);

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(e) Division 1 of Part 17 (confiscated knives and other dangerous articles and implements);

(f) the other provisions of this Act so far as they relate to a provision mentioned in paragraph (a), (b), (c), (d) or (e), except sections 235, 242, 242A and 243.

(2) Regulations under this Act apply in relation to the Territory of Norfolk Island only to the extent that they are relevant to:

(a) a provision of this Act mentioned in paragraph (1)(a), (b), (c), (d) or (e); or

(b) another provision of this Act so far as it relates to a provision of this Act mentioned in paragraph (1)(a), (b), (c), (d) or (e).

7 Subsection 211(2)

Omit "Act", substitute "law".

8 Paragraph 212(4)(b)

Omit "the *Firearms Act 1996*", substitute "Part 5 of the *Firearms and Prohibited Weapons Act 1997* of Norfolk Island".

9 Subsection 214(4)

Repeal the subsection.

Law Enforcement (Powers and Responsibilities) Regulation 2016 (NSW)

10 Subclause 3(1) (at the end of the note)

Add "For example, section 8A of the Act limits the application of this Regulation so that it applies only to the extent that it is relevant to a provision of the Act described in that section.".

11 Part 1 of Form 4 in Schedule 1

Omit "in the State of New South Wales" (wherever occurring).

12 Part 2 of Form 4 in Schedule 1 (note)

Omit "Local Court" (wherever occurring), substitute "Court of Petty Sessions".

13 Part 1 of Form 5 in Schedule 1

Omit "in the State of New South Wales" (wherever occurring).

14 Part 2 of Form 5 in Schedule 1 (note)

Omit "Local Court", substitute "Court of Petty Sessions".

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Schedule 3B—Amendment of the Lobbying of Government Officials Act 2011 (NSW) and the Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014 (NSW)

Lobbying of Government Officials Act 2011 (NSW)

1 Subsection 3(1) (at the end of the definition of *Electoral Commission*)

Add:

Note: Subsection 18B(2) of the Norfolk Island Act has the effect of vesting the powers (including the functions and duties) of the Electoral Commission under this Act and the regulations, as in force in Norfolk Island, in:

(a) the Norfolk Island Minister; and

(b) any other person or authority authorised by a direction or delegation under subsection 18B(3) or (4) of the Norfolk Island Act.

2 Subsection 3(1) (definition of *Government official*)

Repeal the definition, substitute:

Government official means a member (however expressed) of, or of the governing body of, a statutory body.

3 Subsection 3(1) (definition of *planning application*)

Repeal the definition, substitute:

planning application means an application or request by a person (other than a public authority):

(a) for variation of the Norfolk Island Plan under Part 2 (Norfolk Island Plan) of the *Planning Act 2002* of Norfolk Island; or

(b) to the Minister to prepare a draft plan under Part 2 (Norfolk Island Plan) of that Act; or

(c) to the Minister to prepare a draft development control plan, or to amend or repeal a development control plan, under Part 3 (development control plans) of that Act; or

(d) for a declaration in relation to a significant development under Part 3A (significant developments) of that Act; or

(e) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval.

4 Subsection 3(1)

Insert:

public authority means:

(a) a public or local authority constituted by or under a law in force in the Territory of Norfolk Island under section 16, 16A or 18A of the Norfolk Island Act; or

(b) the Norfolk Island Department; or

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(c) the Secretary, or an SES employee or acting SES employee (within the meaning of the *Public Service Act 1999* of the Commonwealth), of that Department.

5 At the end of Part 1

Add:

4A Modifications for Norfolk Island

(1) The provisions of this Act, other than the provisions referred to in subsection (2), do not apply in relation to the Territory of Norfolk Island.

(2) The following provisions of this Act apply in relation to the Territory of Norfolk Island:
   (a) this Part;
   (b) Part 5;
   (c) sections 19, 21, 22 and 23.

(3) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island, and in which the Local Court has jurisdiction in relation to New South Wales, is, to the extent permitted by the Commonwealth Constitution, conferred on the Court of Petty Sessions of Norfolk Island.

6 At the end of Part 5

Add:

17A Application of this Part in Norfolk Island

This Part does not apply to:
   (a) a success fee paid or payable under an agreement in force at any time before this section came into force in the Territory of Norfolk Island; or
   (b) an agreement by a person for the giving or receiving of a success fee made before this section came into force in the Territory of Norfolk Island; or
   (c) a success fee paid or payable for work carried out before this section came into force in the Territory of Norfolk Island.

7 Section 19 (heading)

Omit "**Lobbyists Code and**".

8 Subsection 19(1)

Omit "the Lobbyists Code and".

9 Subsection 19(1)

Omit "(including any code of conduct or official rules referred to in section 12 (2))".

10 Subsection 19(3)

Omit "to be a reference to the Lobbyists Code and", substitute "to include a reference to".

Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014 (NSW)

11 After clause 2

Add:

2A Modifications for Norfolk Island

(1) The provisions of this Regulation, other than the provisions referred to in subclause (2), do not apply in relation to the Territory of Norfolk Island.

(2) The following provisions of this Regulation apply in relation to the Territory of Norfolk Island:

(a) clause 1;

(b) clause 3;

(c) clause 3A.

12 Paragraph 3A(2)(a)

Omit ", New South Wales Division".

13 Paragraph 3A(2)(b)

Omit ", New South Wales Branch,".

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Schedule 4—Amendment of the Local Government Act 1993 (NSW) and the Local Government (General) Regulation 2005 (NSW)

Local Government Act 1993 (NSW)

1A Section 5

After "This Act applies", insert "in and in relation".

1 At the end of Chapter 1

Add:

6A Modifications for Norfolk Island

Courts

(1) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island is, to the extent permitted by the Commonwealth Constitution, conferred on:

(a) if the Supreme Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

(b) if the Local Court has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island; and

(c) if the Land and Environment Court of New South Wales has jurisdiction in the matter in relation to New South Wales and the matter arises under Chapter 17—the Supreme Court of Norfolk Island.

Tribunals

(2) A power or function conferred on the Civil and Administrative Tribunal of New South Wales under this Act as in force in New South Wales is, to the extent permitted by the Commonwealth Constitution:

(a) conferred on the Administrative Review Tribunal of Norfolk Island for the purposes of this Act as in force in the Territory of Norfolk Island; and

(b) to be exercised or performed by the Administrative Review Tribunal of Norfolk Island in accordance with the *Administrative Review Tribunal Act 1996* of Norfolk Island.

(3) A power or function conferred on the Land and Environment Court of New South Wales under this Act as in force in New South Wales (other than under Chapter 17) is, to the extent permitted by the Commonwealth Constitution:

(a) conferred on the Administrative Review Tribunal of Norfolk Island for the purposes of this Act as in force in the Territory of Norfolk Island; and

(b) to be exercised or performed by the Administrative Review Tribunal of Norfolk Island in accordance with the *Administrative Review Tribunal Act 1996* of Norfolk Island.

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Ordinary elections

(4) For the purposes of this Act as in force in the Territory of Norfolk Island, a reference in any of the following provisions to an ordinary election is taken not to include a reference to the election provided for by the Preparatory Election Ordinance:

(a) subsection 402(5);

(b) subsection 404(3);

(c) subsection 428(2);

(d) subsection 428A(1);

(e) subsection 440(7).

2 Before Division 1 of Part 2 of Chapter 6

Insert:

Division 1A—Temporary suspension of this Part

24A Temporary suspension of this Part

This Part does not apply in relation to the Territory of Norfolk Island until the start of 1 July 2018.

3 After subsection 68(1)

Insert:

(1A) This section does not apply to an activity that is:

(a) a development activity within the meaning of the *Planning Act 2002* of Norfolk Island; or

(b) any of the following within the meaning of that Act:

(i) a permissible (with consent) use or development;

(ii) a permitted (as of right) use or development;

(iii) a permitted use or development;

(iv) a prohibited use or development;

(v) a significant development;

(vi) an ancillary project for a declared significant development.

Note: The *Planning Act 2002* of Norfolk Island is continued in force by section 16A of the *Norfolk Island Act 1979* of the Commonwealth and may be amended by Ordinance made under that Act or a law made under such an Ordinance.

4 After section 204

Insert:

204A Constitution of Norfolk Island as an area

(1) The island of Norfolk Island is constituted as an area.

(2) Subsection (1) has effect regardless of any requirements in this Act or any other law in force in the Territory of Norfolk Island for the constitution of an area.

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4A Paragraph 210A(1)(a)

Omit "appropriate districts (within the meaning of the *Electoral Act 2017*)", substitute "the area constituted under section 204A".

5 Section 219

Before "A council", insert "(1)".

6 At the end of section 219

Add:

(2) Subsection (1) applies despite section 53B of the *Interpretation Act 1987*.

7 Subsection 220(1)

Omit "of the State".

8 Subsection 220(3)

Omit "(including the State and the Government of the State)".

9 At the end of section 221

Add:

(3) Despite subsections (1) and (2), the name of the council of the area constituted by section 204A is the "Norfolk Island Regional Council".

10 At the end of section 222

Add:

Note: Under the *Norfolk Island Regional Council Declaration Ordinance 2016* of the Commonwealth, the persons elected in the election provided for by the Preparatory Election Ordinance become councillors of the Norfolk Island Regional Council at the final transition time.

11 After subsection 233(1)

Insert:

(1A) A councillor (other than the mayor) of the Norfolk Island Regional Council who became a councillor at the final transition time holds office for 4 years and 3 months, subject to this Act.

12 Division 4 of Part 2 of Chapter 9

Repeal the Division.

13 Subsection 248(2)

Omit "appropriate determination of the Remuneration Tribunal", substitute "remuneration determination for the year as if the council were placed in the rural category".

14 Subsection 248(4)

Omit "Remuneration Tribunal", substitute "remuneration determination for the year as if the council were placed in the rural category".

15 Subsection 249(3)

Omit "appropriate determination of the Remuneration Tribunal", substitute "remuneration determination for the year as if the mayoral office were placed in the rural category".

16 Subsection 249(4)

Omit "Remuneration Tribunal", substitute "remuneration determination for the year as if the mayoral office were placed in the rural category".

17 After section 249

Insert:

249A Definition of *remuneration determination*

In sections 248 and 249:

remuneration determination, for a year, means the determination of the Remuneration Tribunal under section 241 of the *Local Government Act 1993* as in force in New South Wales of the maximum and minimum amounts of fees to be paid during the year in relation to councils and mayoral offices in New South Wales.

17A Chapter 10 (after the heading)

Insert:

Note: Subsection 18B(2) of the Norfolk Island Act has the effect of vesting the powers (including the functions and duties) of the Electoral Commissioner and the Electoral Commission (and other persons or authorities) under this Act and the regulations, as in force in Norfolk Island, in:

(a) the Norfolk Island Minister; and

(b) any other person or authority authorised by a direction or delegation under subsection 18B(3) or (4) of the Norfolk Island Act.

17AA Subsection 266(1)

Omit "an election of members of the Legislative Assembly or".

17AB Subsection 266(2)

Repeal the subsection (including the note), substitute:

(2) Despite subsection (1), a person who is serving a sentence of imprisonment (within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth) of 3 years or longer is not entitled to be enrolled as an elector for a ward.

17B Subsection 269(1)

Omit "(within the meaning of the *Electoral Act 2017*)", substitute "on a Roll (within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth)".

17C Subsection 270(2)

Omit "strata plan that is registered under the *Strata Schemes Development Act 2015*", substitute "plan of community division that is registered under the *Community Title Act 2015* of Norfolk Island".

17D Paragraph 275(1)(a1)

Omit ", except as provided by subsections (5) and (7)", substitute "or the Commonwealth (but see subsection (7))".

17E Paragraph 275(1)(b)

Omit "or the Commonwealth", substitute ", the Commonwealth or New South Wales".

17F Paragraph 275(1)(e1)

Repeal the paragraph, substitute:

(e1) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under a law of the Commonwealth, or a State or Territory, that relates to electoral funding and is punishable by imprisonment for 2 years or more; or

17G Paragraph 275(1)(g)

Omit "or Part 4A of the *Crimes Act 1900* (Corruptly receiving commissions and other corrupt practices)".

17H At the end of paragraph 275(1)(h)

Add ", or while included on the Register kept under section 303 of the *Companies Act 1985* of Norfolk Island".

17J After subsection 275(2)

Insert:

(2A) If:

(a) a person is convicted by a court of an offence against Part 4.7 (bribery and related offences) of the *Criminal Code 2007* of Norfolk Island (including a conviction because of section 45 (complicity and common purpose) of that Act); or

(b) a person is convicted by a court of an offence against section 47 (incitement) of the *Criminal Code 2007* of Norfolk Island in relation to an offence against Part 4.7 of that Act;

the person is disqualified from holding civic office, from the date of the conviction, for the period equivalent to the maximum term of imprisonment that can be imposed for the offence for which the person is convicted, or such lesser period as the court may order.

17K Subsections 275(5), (6) and (7)

Repeal the subsections (not including the note), substitute:

(7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales or the Commonwealth is not disqualified because of subsection (1)(a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless the person has ceased to be a member of that Parliament before the first meeting of the council after the election.

17L At the end of section 275

Add:

Application to current office holders

(8) A person (the ***current office holder***) who held civic office immediately before the time this subsection came into force in the Territory of Norfolk Island is not, except for the purposes of subsection 306(2), taken to be disqualified from holding that office at and after that time only because of the modification of this section at that time as it applies in that Territory.

Note: Subsection 306(2) requires a candidate for an election to civic office to be qualified to hold such an office at the closing date for the election.

(9) Subsection (8) applies during the balance of the current office holder's current term of office.

18 Subsection 287(1)

Omit "2008" (wherever occurring), substitute "2020".

19 Paragraph 287(2)(a)

Repeal the paragraph.

19AA Subsection 288(2)

Omit "28 days", substitute "6 months".

19AB Subsection 293(2)

Omit "28 days later than the day when the by-election should have been held", substitute "3 months later than the last day on which the by-election could otherwise be held under paragraph 292(a)".

19A Subsection 296(7)

Repeal the subsection.

19B Subsection 298(2)

Repeal the subsection, substitute:

(2) The Electoral Commissioner may use information kept on a Roll (within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth), or an

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extract of such a Roll, as a source of information for compiling the residential roll.

19C Before subsection 299(1A)

Insert:

(1AA) As soon as is practicable after the day on which the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2018* commences, the general manager is to prepare a roll of non-resident owners of rateable land within the area for the first election to be held after that day and keep it updated.

19D Subsection 299(1)

Omit "that roll of non-resident owners of rateable land", substitute "the roll prepared for that election under subsection (1AA) or (1A)".

19E Before subsection 300(1A)

Insert:

(1AA) As soon as is practicable after the day on which the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2018* commences, the general manager is to prepare a roll of occupiers and ratepaying lessees (of land within the area) for the first election to be held after that day and keep it updated.

19F Subsection 300(1)

Omit "that roll of occupiers and ratepaying lessees", substitute "the roll prepared for that election under subsection (1AA) or (1A)".

19G Subsection 303(3)

Omit "*Administrative Decisions Review Act 1997*", substitute "*Administrative Review Tribunal Act 1996* of Norfolk Island".

19GA Sections 308A, 308B and 308C

Repeal the sections, substitute:

308A Grouping of candidates

(1) This section applies to an election in which there are 2 or more councillors to be elected.

(2) Two or more candidates duly proposed for nomination for election may, before noon on the nomination day prescribed by the regulations, lodge a claim with the returning officer to be recognised as a group.

308C Ballot-papers—candidates incapable of being elected

The ballot-papers for an election are not informal by reason only that they contain the name of a candidate whom a court has declared to be incapable of being elected at that election, but a preference for such a candidate is to be disregarded, and (if necessary) subsequent preferences are to be renumbered accordingly.

Note: The regulations make further provision regarding the formality of ballot-papers.

19GB Section 308D (heading)

Omit "**Group voting**", substitute "**Grouping of candidates and matter to be printed on ballot-papers**".

19GC Section 308D

Omit ", group voting squares".

19GD Section 314 (heading)

Omit "**to be issued**".

19GE Subsection 314(1)

Omit "is to", substitute "may".

19GF Paragraph 317(1)(c)

Omit "election, or", substitute "election.".

19GG Paragraph 317(1)(d)

Repeal the paragraph.

19GH Part 7 of Chapter 10

Repeal the Part.

19GJ Subsection 325(2)

Omit "to be a reference", substitute "to include a reference".

19H Section 328A

Repeal the section.

19J At the end of Chapter 10

Add:

Part 10—Information privacy

331A Information privacy

Scope

(1) This section applies in relation to the exercise of powers (***election powers***) for any purpose under this Act in relation to the preparation for, or the conduct of, elections.

(2) A reference in this section to the exercise of election powers includes a reference to the performance of functions and duties related to the preparation for, or the conduct of, elections.

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(2A) A reference in this section to an election includes a reference to a countback election under section 291A.

Collection, holding, use and disclosure of personal information for elections

(3) To avoid doubt, a person is authorised to collect, hold, use or disclose personal information within the meaning of the *Privacy Act 1988* of the Commonwealth (***authorised information***) in the course of the person's exercise of the election powers of any of the following:

(a) the Electoral Commissioner;

(b) the Electoral Commission;

(c) a general manager;

(d) a returning officer (or substitute returning officer);

(e) an electoral official.

(4) In addition, a person (the ***principal***) mentioned in an item in column 1 of the following table, and any person acting on the principal's behalf, is authorised to collect, hold, use or disclose authorised information if:

(a) in the case of the principal—the principal reasonably believes it to be necessary for a purpose mentioned in column 2 in relation to that item; or

(b) in the case of a person acting on the principal's behalf—the principal, or that person, reasonably believes it to be necessary for a purpose mentioned in column 2 in relation to that item.

Other persons who may collect, hold, use and disclose authorised information

Item	Column 1	Column 2
1	A person engaged by a council as an electoral services provider to administer, or to assist in administering, an election (see section 296AA)	Administering, or assisting in administering, the election, in accordance with the terms of engagement.

20 After subsection 332(2)

Insert:

(2A) Subsection (2) does not apply to a position held by a person appointed before 1 January 2017.

21 At the end of section 334

Add:

(3) Despite subsection (1), the person who is immediately before the final transition time the Chief Executive Officer (within the meaning of the *Public Service Act 2014* of Norfolk Island as in force at that time) is taken to have been appointed at the final transition time to be the general manager of the Norfolk Island Regional Council.

Note: After the final transition time, the person is subject to the requirements of this Act. For example, a vacancy will occur in the position of general manager in the circumstances set out in section 336.

22 At the end of section 338

Add:

(10) This section does not apply in relation to the person mentioned in subsection 334(3) until the earliest of the following occurs:

(a) the Executive Contract of Employment expires;

(b) the Executive Contract of Employment is terminated;

(c) the Executive Contract of Employment is varied (other than to extend the term by no more than 6 months after the final transition time).

(11) In this section:

Executive Contract of Employment means the Executive Contract of Employment (within the meaning of the *Public Service Act 2014* of Norfolk Island as in force immediately before the final transition time) under which the person is employed immediately before the final transition time.

23 After section 350

Insert:

350A Staff transferred to Norfolk Island Regional Council

(1) This section applies in relation to a transferring employee (within the meaning of item 368 of Schedule 2 to the *Norfolk Island Legislation Amendment Act 2015* of the Commonwealth) becoming an employee of the Norfolk Island Regional Council at the final transition time.

(2) The Norfolk Island Regional Council is taken to have complied with any provision of this Act which imposes a requirement in connection with the appointment of the employee.

24 After subsection 402(1)

Insert:

(1A) The Norfolk Island Regional Council must have a community strategic plan by 1 October 2016.

25 At the end of section 403

Add:

(3) The Norfolk Island Regional Council must have a resourcing strategy by 1 January 2017.

26 At the end of section 404

Add:

(6) The Norfolk Island Regional Council must have a delivery program by 1 January 2017.

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27 At the end of section 405

Add:

(7) Despite subsection (1), the Norfolk Island Regional Council must adopt an operational plan for the year ending on 30 June 2017 before 1 October 2016.

27A At the end of section 438U

Add:

(6) The powers and functions conferred by this section on a commissioner or any other person may be exercised and performed, for the purposes of any inquiry under this section, in and outside the Territory of Norfolk Island.

(7) To avoid doubt:

(a) subsections (3) and (4), and the provisions applied by those subsections, have effect in and outside the Territory of Norfolk Island; and

(b) any inquiry under this section may sit in and outside the Territory of Norfolk Island.

28 At the end of subsection 449(1)

Add:

Note: The persons elected in the election provided for by the Preparatory Election Ordinance become councillors of the Norfolk Island Regional Council on 1 July 2016 under the *Norfolk Island Regional Council Declaration Ordinance 2016* of the Commonwealth.

29 At the end of section 496

Add:

(3) The Norfolk Island Regional Council is taken to have satisfied the requirement in subsection (1) while a levy is imposed under section 8 of the *Waste Management Act 2003* of Norfolk Island.

30 At the end of section 497

Add:

; or (c) for an ordinary rate for a year ending before 1 July 2018—a base amount.

31 After subsection 499(3)

Insert:

(3A) Despite subsection (3), the appropriate base amount so specified for a year for which the rate consists only of a base amount is to form the whole of the rate levied on each separate parcel of rateable land subject to the rate.

Note: Paragraph 497(c) allows an ordinary rate for a year ending before 1 July 2018 to consist only of a base amount.

32 Section 500

Before "The amount", insert "(1)".

33 At the end of section 500

Add:

(2) Subsection (1) does not apply in relation to a year for which the rate consists only of a base amount.

Note: Paragraph 497(c) allows an ordinary rate for a year ending before 1 July 2018 to consist only of a base amount.

33A Subsection 501(1)

Omit:

- sewerage services

34 At the end of section 504

Add:

(4) This section does not apply to the Norfolk Island Regional Council while a levy is imposed under section 8 of the *Waste Management Act 2003* of Norfolk Island.

35 At the end of Part 2 of Chapter 15

Add:

513A Minimum revenue to be raised from ordinary rates

Despite any other provision of this Act, an ordinary rate made for a year by the council must be such as to ensure that the total of ordinary rates levied on all rateable land for the year is at least:

(a) for the year ending on 30 June 2017—$500,000; and

(b) for the year ending on 30 June 2018 and any later year—$1,000,000.

36 Before paragraph 529(2)(a)

Insert:

(aa) for any category—according to the size of the parcel of land; or

37 At the end of paragraph 529(2)(d)

Add "or the kind of business".

38 Section 532

Before "A council", insert "(1)".

39 At the end of section 532

Add:

(2) Subsection (1) does not apply to the making by the Norfolk Island Regional Council of a rate or charge for the year ending on 30 June 2017.

40 Section 533

Before "A rate", insert "(1)".

41 At the end of section 533

Add:

(2) Subsection (1) does not apply to a rate or charge made by the Norfolk Island Regional Council for the year ending on 30 June 2017.

42 At the end of section 536

Add:

(3) Despite subsection (1), the council is not required to have regard to matters relating to ad valorem rates in determining a base amount of a rate that consists only of a base amount.

43 Section 537

Before "In the", insert "(1)".

44 At the end of section 537

Add:

(2) Paragraph (1)(b) does not apply to a resolution for a rate for a year in relation to which subsection 500(1) does not apply.

44A Subsection 608(2)

After "or any other Act", insert ", any other law in force in the Territory of Norfolk Island".

44B Subsection 610(1)

After "Act" (first occurring), insert ", or under any other law in force in the Territory of Norfolk Island".

44C Paragraphs 610(1)(a) and (b)

After "Act", insert "or law".

44D Subsection 610(2)

After "Act" (first occurring), insert ", or under any other law in force in the Territory of Norfolk Island".

44E At the end of section 610

Add:

(3) The Norfolk Island Regional Council must not charge an approved fee on a person for a service in respect of any part of a period if:

(a) the amount of a fee for the service has been determined under any other law in force in the Territory of Norfolk Island, and has been charged on the person for the service in respect of the period; and

(b) that law is amended with the effect that from a day in that period the Norfolk Island Regional Council may charge approved fees for that service.

45A Subsection 694(2)

Omit "referred to in section 39 of the *Constitution Act 1902*".

45B Subsection 739(4)

Omit "The request", substitute "A request to the general manager".

45C After subsection 739(4)

Insert:

(4A) In the case of the residential roll for an area, a request is to be in the form approved by a senior Commonwealth officer, to give particulars of the relevant risk and to be verified by statutory declaration by the person making the request or by some other person.

45D At the end of section 739

Add:

(9) In this section:

senior Commonwealth officer means an APS employee (within the meaning of the *Public Service Act 1999* of the Commonwealth) of the Norfolk Island Department who:

(a) is classified as a Senior Executive Band 2 employee or a Senior Executive Band 3 employee under the Classification Rules (within the meaning of that Act) or is acting as such an employee; and

(b) has responsibilities in relation to the Territory of Norfolk Island.

46 Schedule 1

Repeal the Schedule.

46AA Item 14 of Schedule 6

Omit "The Local Government Register of Political Parties".

46AB Item 14 of Schedule 6

Omit "and group voting squares".

46A Dictionary (paragraph (a) of the definition of *election*)

Repeal the paragraph.

46B Dictionary (definition of *Electoral Commissioner*)

Repeal the definition.

47 Dictionary

Insert:

final transition time has the same meaning as in item 356 of Schedule 2 to the *Norfolk Island Legislation Amendment Act 2015* of the Commonwealth.

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47A Dictionary (definition of *group voting square*)

Repeal the definition.

47B Dictionary

Insert:

Preparatory Election Ordinance means the *Norfolk Island Regional Council Preparatory Election Ordinance 2016* of the Commonwealth.

48 Dictionary (definition of *Remuneration Tribunal*)

Omit "this Act", substitute "the *Local Government Act 1993* as in force in New South Wales".

Local Government (General) Regulation 2005 (NSW)

49 Subclause 275(1) (definition of *driver licence*)

Repeal the definition, substitute:

driver licence means a licence issued under the *Traffic Act 2010* of Norfolk Island.

50 Subclause 275(1) (definition of *Electoral Commission*)

Repeal the definition (including the note).

50A Subclause 275(1)

Insert:

officer, in relation to a political party, means a person who is occupying or acting in an office or position concerned with the management of the party.

51 Subclause 275(1) (definition of *Photo Card*)

Repeal the definition.

51A Subclause 275(1) (definition of *registered officer*)

Repeal the definition.

51B Subclause 275(1) (definition of *registered political party*)

Repeal the definition.

51C Clause 276A

Repeal the clause, substitute:

276A Election official to be on electoral roll

A person is not qualified for appointment as an election official unless the person is enrolled in a State or Territory of the Commonwealth as an elector for the House of Representatives.

52 Paragraph 281(1)(g)

Omit "(or section 16 or 16A of the *City of Sydney Act 1988*)".

52A Paragraph 288(2)(e)

Omit ", the grouping of candidates and the creation of group voting squares", substitute "and the grouping of candidates".

52B Paragraph 289(1)(b)

Omit "the registered officer of a registered political party", substitute "an officer of a political party".

52C Paragraph 290(1)(b)

Omit "proposed candidate's enrolled address with the meaning of the *Electoral Act 2017*", substitute "address in respect of which the proposed candidate is enrolled on a Roll (within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth)".

52D Paragraph 290(1)(c)

Omit "registered".

52E Subclause 290(2)

Omit "the registered party", substitute "the political party".

52F Subclause 292(4)

Omit "the registered officer for", substitute "an officer of".

52G Subclause 292(4)

Omit "registered in the Local Government Register of Political Parties".

52H Paragraph 293(1)(e)

Repeal the paragraph.

53 Clause 298 (note)

Repeal the note.

53A Paragraphs 300(2)(f) and (g)

Repeal the paragraphs.

53B Clause 302

Repeal the clause, substitute:

302 Order of candidates on ballot-papers

If, after the returning officer has nominated candidates under clause 295, there are 2 or more candidates for the election, the returning officer must, as soon as practicable, determine the order of those candidates' names on the ballot-papers by:

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(a) a ballot in accordance with clause 303; or
(b) an approved method of random selection (including by electronic means).

53C Clause 303 (heading)

Omit "**ungrouped**".

53D Subclause 303(1)

Omit "ungrouped".

53E Clause 304

Repeal the clause.

53F Subclause 305(3)

Omit "in which there are no groups".

53G Subclauses 305(4), (5) and (6)

Repeal the subclauses.

53H Subclause 305(8)

Repeal the subclause (including the note), substitute:

(8) The ballot-papers are to be in Form 4.

53J Subclause 312(2)

Omit ", 5 or 6".

53K Clause 313

Before "A person", insert "(1)".

53L Paragraph 313(g)

Omit "(within the meaning of the *Crimes (Administration of Sentences) Act 1999*)".

53M At the end of clause 313

Add:

(2) In this clause:

correctional centre includes:

(a) a police station or a court cell complex in which an offender is held in custody; and
(b) a detention centre within the meaning of the *Sentencing Act 2007* of Norfolk Island.

53N Clauses 315 and 316

Repeal the clauses, substitute:

316 Electors entitled to postal vote

An elector who duly applies for a postal vote is entitled to make a postal vote in the ward or area to which the elector's application relates.

53P Subclause 317(1)

Omit "or the list on which the elector's name appears".

54 Paragraph 320C(2)(b)

Omit "a Photo Card", substitute "other documentary evidence of the person's identity".

55 Subclause 320C(3) (note)

Omit "a driver licence or a Photo Card", substitute "proof of identity under paragraph (2)(b)".

55A Subclause 323(5)

Omit ", 5 or 6".

55B Subclause 330(6)

Omit ", 5 or 6".

55C Subdivision 4 of Division 7 of Part 11

Repeal the Subdivision.

55D Subclause 337(4E)

Omit "Part 4 of the *Oaths Act 1900*", substitute "The *Statutory Declarations Act 1959* of the Commonwealth".

55E Clause 345 (note)

Omit "where the voter marks, crosses or ticks a group voting square, or".

55F Subparagraph 348(1)(e)(i)

Omit "and group of candidates".

55G Subclause 356A(1) (definition of *recognised group of candidates*)

Omit "to have their names included in a group on the ballot-papers", substitute "to be recognised as a group".

55H Subparagraphs 356B(c)(iii) and (iv)

Omit "registered".

55J Subparagraph 356B(d)(i)

Omit "party respectively included in the Local Government Register of Political Parties", substitute "political party".

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55K Subparagraph 356B(d)(ii)

Omit "party respectively included in that Register", substitute "political party".

55L Subparagraph 356B(d)(ii)

Omit "in that Register".

55M Subclause 356C(2) (heading)

Omit "**registered**".

55N Subclause 356C(2)

Omit "registered".

55P Subclause 356C(5)

Repeal the subclause.

55Q Subclause 356C(6) (heading)

Omit "**without group voting squares**".

55R Subclause 356C(6)

Omit "without using group voting squares and".

56 Paragraph 356E(3)(c)

Repeal the paragraph, substitute:

(c) on a vehicle on a public road or a public road related area, or

57 At the end of clause 356E

Add:

(4) In this clause:

public road has the same meaning as in the *Traffic Act 2010* of Norfolk Island.

public road related area means:

(a) an area that divides a public road, or

(b) a footpath or nature strip adjacent to a public road, or

(c) an area that is open to the public and is designated for use by cyclists or animals, or

(d) a shoulder of a public road, or

(e) an area that is not a public road, if the area is open to or used by the public for driving, riding or parking vehicles, whether or not it is primarily designed or used for that purpose.

57A Subclause 356G(5) (definition of *associated entity*)

Omit "registered".

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57B Subclause 356G(5) (paragraphs (c) and (d) of the definition of *electoral participant*)

Repeal the paragraphs, substitute:

(c) a political party;

(d) an officer of a political party;

58 Paragraph 356I(2)(b)

Omit "development consent in force under the *Environmental Planning and Assessment Act 1979* in relation to its use as a place of public entertainment", substitute "development approval under the *Planning Act 2002* of Norfolk Island in relation to its use as a place of assembly within the meaning of the *Norfolk Island Plan 2002* of Norfolk Island".

58A Clause 356N (note)

Repeal the note.

58B Paragraph 356P(2)(a)

Omit "the registered officer of a registered political party", substitute "an officer of a political party".

58C Paragraph 356P(2)(b)

Omit "the first candidate listed", substitute "a candidate".

58D Paragraph 356P(3)(a)

Omit "registered".

58E Paragraph 356Q(3)(f)

Omit "registered political party", substitute "political party".

58F Paragraph 356Q(3)(f)

Omit "the registered officer of the party or the first candidate listed in the group", substitute "an officer of the party or a candidate in the group".

58G Paragraphs 367(a) and (b)

Omit "place, a pre-poll voting office or a place being used for voting under clause 332A", substitute "place or a pre-poll voting office".

58H Subclause 369(1)

Omit ", declared institution or mobile booth", substitute "or declared institution".

58J Paragraphs 393(1)(a) and (b)

Omit "registered".

59 Subclause 393AA(1)

Omit "and each first election for an area after its constitution".

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59A Paragraph 393B(1)(b)

Repeal the paragraph.

59B Subclause 393B(3) (definition of *controversial development application*)

Repeal the definition.

59C Subclause 2(2) of Schedule 9A

Omit "The notice", substitute "A notice".

59D Subclause 2(2) of Schedule 9A

Omit "or appointment made".

59E After subclause 2(2) of Schedule 9A

Insert:

(2A) An appointment under subclause (1) must be made:

(a) in relation to an election administered by an electoral services provider—as soon as practicable after the electoral services provider is notified of the casual vacancy under subclause (1A); or

(b) in relation to an election administered by the Electoral Commissioner—as soon as practicable after the Electoral Commissioner is notified of the casual vacancy under clause 285.

59F Paragraph 2(5)(b) of Schedule 9A

Omit "49 days", substitute "3 months".

59G At the end of clause 2 of Schedule 9A

Add:

(6) If the Norfolk Island Minister is of the opinion that it would be impractical or inconvenient to hold a countback election as provided by subclause (5), the Norfolk Island Minister may, by order published in the Gazette, appoint a later date for the countback election.

(7) The later date must not be more than 3 months later than the last day on which the countback election could otherwise be held under subclause (5).

59H Paragraph 3(c) of Schedule 10

Omit "the registered officer for a political party registered in the Local Government Register of Political Parties", substitute "an officer of a political party".

60 Schedule 11 (Form 1, note 1)

Omit "on the back of this form may be used for this purpose", substitute "prescribed for the purposes of paragraph 8(a) of the *Statutory Declarations Act 1959* of the Commonwealth may be used for this purpose. The form could in 2018 be accessed through the website of the Commonwealth Attorney-General's Department (https://www.ag.gov.au)".

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61 Schedule 11 (Form 1, note 2)

Omit "to the Australian Electoral Commission or the New South Wales Electoral Commissioner", substitute "using the approved form referred to in subsection 739(4A) of the *Local Government Act 1993* (NSW) (NI)".

62 Schedule 11 (Form 1)

Omit all the words after note 2.

62A Schedule 11 (Form 2, item 4 of the form of consent)

Repeal the item.

62B Schedule 11 (Form 2, item 5 of the form of consent)

Renumber as item 4.

62C Schedule 11 (Form 2, note 4 of the form of consent)

Omit "item 5", substitute "item 4".

63 Schedule 11 (Form 2, paragraph (e) of the statistical information sheet)

Omit "New South Wales", substitute "Norfolk Island".

64 Schedule 11 (Form 2, paragraph (k) of the statistical information sheet)

Repeal the paragraph, substitute:

(k) I am a member of the following political parties—

65 Schedule 11 (Form 3, heading)

Omit "**registered officer for party**", substitute "**officer of party**".

66 Schedule 11 (Form 3)

Omit "the registered officer for the political party (registered in the Local Government Register of Political Parties)", substitute "an officer of the political party".

67 Schedule 11 (Form 3)

Omit "I request that the *registered name/*abbreviated name of the party be printed adjacent to the candidate's name on the ballot-papers [**cross out whichever does not apply*].".

68 Schedule 11 (Form 3)

Omit "**Name in full of registered officer**", substitute "**Name in full of officer**".

69 Schedule 11 (Form 3)

Omit "**Signature of registered officer**", substitute "**Signature of officer**".

70 Schedule 11 (Form 3, paragraph (e) of the statistical information sheet)

Omit "New South Wales", substitute "Norfolk Island".

71 Schedule 11 (Form 3, paragraph (k) of the statistical information sheet)

Repeal the paragraph, substitute:

(k) I am a member of the following political parties—

72 Schedule 11 (Form 4)

Omit "[*If the returning officer has accepted an application to print the name of a political party or the word "Independent" adjacent to the name of a candidate, the name or word must be printed there.*]".

73 Schedule 11 (Forms 5 and 6)

Repeal the forms.

Schedule 5—Amendment of the Long Service Leave Act 1955 (NSW)

Long Service Leave Act 1955 (NSW)

1 Subsection 3(1) (definition of *Agreement*)

Repeal the definition, substitute:

Agreement means any of the following:

(a) an enterprise agreement within the meaning of the *Industrial Relations Act 1996*;

(b) a fair work instrument under the *Fair Work Act 2009* of the Commonwealth;

(c) a Norfolk Island employment contract entered into before 1 July 2016;

(d) a Norfolk Island enterprise agreement approved before 1 July 2016;

(e) a Norfolk Island wage determination made before 1 July 2016.

2 Subsection 3(1) (at the end of the definition of *Award*)

Add "or a fair work instrument under the *Fair Work Act 2009* of the Commonwealth".

3 Subsection 3(1) (at the end of the definition of *Employer*)

Add "in right of New South Wales".

4 Subsection 3(1) (definition of *Inspector*)

Repeal the definition, substitute:

Inspector means a person appointed under section 8A.

5 Subsection 3(1)

Insert:

Norfolk Island employment contract means an employment contract to which Part 2 of the *Employment Act 1988* of Norfolk Island applied at the time the contract was entered into and which has effect for the purposes of the *Fair Work Act 2009* of the Commonwealth (as that Act applies in relation to Norfolk Island with modifications made by rules under section 32A of that Act).

Norfolk Island enterprise agreement means an enterprise agreement approved under Part 11 of the *Public Service Act 2014* of Norfolk Island which has effect for the purposes of the *Fair Work Act 2009* of the Commonwealth (as that Act applies in relation to Norfolk Island with modifications made by rules under section 32A of that Act).

Norfolk Island wage determination means a determination made under the *Public Sector Remuneration Tribunal Act 1992* of Norfolk Island which has effect for the purposes of the *Fair Work Act 2009* of the Commonwealth (as that

Act applies in relation to Norfolk Island with modifications made by rules under section 32A of that Act).

6 After section 3

Insert:

3A Modifications for Norfolk Island

Industrial Relations Commission

(1) A power or function conferred on the Industrial Relations Commission under this Act as in force in New South Wales is, to the extent permitted by the Commonwealth Constitution, conferred on the Fair Work Commission within the meaning of the *Fair Work Act 2009* of the Commonwealth for the purposes of this Act as in force in the Territory of Norfolk Island.

(2) Subsection (1) does not apply to a power or function conferred by section 12.

Industrial organisation

(3) A reference to an industrial organisation includes a reference to an organisation registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth.

(4) A reference to an industrial organisation of employees includes a reference to an organisation of employees registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth.

Local Court

(5) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island, and in which the Local Court has jurisdiction in relation to New South Wales, is, to the extent permitted by the Commonwealth Constitution, conferred on the Court of Petty Sessions of Norfolk Island.

Act does not apply to certain New South Wales officers, employees and authorities

(6) This Act does not apply in relation to:

(a) an officer or employee of New South Wales; or

(b) an authority of New South Wales (within the meaning of section 18B of the *Norfolk Island Act 1979* of the Commonwealth); or

(c) an officer or employee of an authority of New South Wales (within the meaning of section 18B of the *Norfolk Island Act 1979* of the Commonwealth);

to the extent that the officer, employee or authority is exercising powers or performing functions or duties under an arrangement entered into under section 18C of the *Norfolk Island Act 1979* of the Commonwealth.

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6A Subsection 4(1)

Omit "Service with the employer before the commencement of this Act as well as service with the employer after such commencement shall be taken into account for the purposes of this section.", substitute "The following service with the employer is taken into account for the purposes of this section:

(a) service on or after 1 July 2016;

(b) if, immediately before 1 July 2016, the worker was entitled under an agreement to leave in the nature of long service leave—service to which the agreement applied before 1 July 2016.".

6B Subsection 4(4A)

Omit "appointed by the Governor as a public holiday to be observed generally throughout New South Wales", substitute "that is a public holiday within the meaning of the *Fair Work Act 2009* of the Commonwealth".

6C Application provision

The amendments made by items 6A and 6B have effect from the start of 1 July 2016.

7 Sections 4A and 4B

Repeal the sections.

8 After section 8

Insert:

8A Appointment of inspectors

(1) The Minister may appoint eligible persons as inspectors for the purposes of this Act.

(2) The following persons are eligible to be appointed as inspectors:

(a) an APS employee within the meaning of the *Public Service Act 1999* of the Commonwealth;

(b) an officer of a public or local authority (whether an authority of the Territory of Norfolk Island, of the Commonwealth or of another State or Territory);

(c) a person of a class prescribed by the regulations.

(3) A person appointed as an inspector ceases to hold that office if removed from that office by the Minister or if the person ceases to be eligible to be appointed as an inspector.

(4) An inspector has the functions conferred or imposed by or under this Act on inspectors appointed for the purposes of this Act.

(5) The Minister is to provide each inspector with a certificate of authority as an inspector.

(6) The functions of an inspector may be limited by the certificate of authority.

(7) An inspector is required to produce the certificate of authority:

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(a) if requested to do so by the occupier of any premises the inspector enters; or

(b) if requested to do so by a person whom the inspector requires to produce anything or answer any questions.

Schedule 6—Amendment of the Public Health Act 2010 (NSW) and the Public Health Regulation 2012 (NSW)

Part 1—Amendment of the Public Health Act 2010 (NSW)

Public Health Act 2010 (NSW)

1A Subsection 5(1)

Insert:

Civil and Administrative Tribunal means the Administrative Review Tribunal of Norfolk Island.

District Court means the Supreme Court of Norfolk Island.

1B Subsection 5(1) (after paragraph (d) of the definition of *hospital*)

Insert:

(da) the Norfolk Island Health and Residential Aged Care Service Facility (within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* of Norfolk Island); or

1C Subsection 5(1)

Insert:

Local Court means the Court of Petty Sessions of Norfolk Island.

Supreme Court means the Supreme Court of Norfolk Island.

Tribunal means the Administrative Review Tribunal of Norfolk Island.

1 Subsection 6(1)

Omit all the words after "binds the Crown", substitute "in each of its capacities".

2 At the end of Part 1

Add:

6A Modifications for Norfolk Island

Courts

(3) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island is, to the extent permitted by the Commonwealth Constitution, conferred on:

(a) if the Supreme Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

(b) if the District Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and

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(c) if the Local Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island.

Tribunals

(4) A power or function conferred on the Civil and Administrative Tribunal of New South Wales under this Act as in force in New South Wales is, to the extent permitted by the Commonwealth Constitution:

(a) conferred on the Administrative Review Tribunal of Norfolk Island for the purposes of this Act as in force in the Territory of Norfolk Island; and

(b) to be exercised or performed by the Administrative Review Tribunal of Norfolk Island in accordance with the *Administrative Review Tribunal Act 1996* of Norfolk Island.

3 Subsection 7(6)

Omit "state of emergency exists under the *State Emergency and Rescue Management Act 1989*", substitute "state of disaster or emergency is declared to exist under the *Disaster and Emergency Management Act 2001* of Norfolk Island".

3A Subsection 7(7)

Omit "an administrative review under the *Administrative Decisions Review Act 1997*", substitute "a review under the *Administrative Review Tribunal Act 1996* of Norfolk Island".

4 Subsection 8(1)

Omit "state of emergency exists under the *State Emergency and Rescue Management Act 1989* (***the 1989 Act***)", substitute "state of disaster or emergency is declared to exist under the *Disaster and Emergency Management Act 2001* of Norfolk Island (the ***2001 Act***)".

5 Subsection 8(2)

Omit "the 1989 Act", substitute "the 2001 Act".

6 Subsection 8(6)

Omit "Division 4 of Part 2 of the 1989 Act", substitute "the 2001 Act".

7 Subsection 12(5)

Repeal the subsection, substitute:

(5) Payments under subsection (4) are to be made out of money appropriated by the Parliament of the Commonwealth.

7A Paragraph 24(1)(a)

Repeal the paragraph, substitute:

(a) the Commonwealth; or

(aa) a Minister of State of the Commonwealth; or

(ab) an official of a Commonwealth entity (within the meaning of the *Public Governance, Performance and Accountability Act 2013* of the Commonwealth); or

(ac) the manager of the Norfolk Island Health and Residential Aged Care Service (within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* of Norfolk Island) or a person employed by the manager for the purposes of the Norfolk Island Health and Residential Aged Care Service; or

(ad) the Norfolk Island Regional Council; or

(ae) an employee of the Norfolk Island Regional Council; or

(af) the State of New South Wales; or

7B Before subsection 25(1)

Insert:

(1AA) This section does not apply in relation to the Territory of Norfolk Island until the start of 1 November 2018.

7C Before section 26

Insert:

25A Division does not apply until 1 October 2018

This Division does not apply in relation to the Territory of Norfolk Island until the start of 1 October 2018.

7D Before section 34

Insert:

33A Division does not apply until 1 November 2018

This Division does not apply in relation to the Territory of Norfolk Island until the start of 1 November 2018.

7E Section 48

Omit "an administrative review under the *Administrative Decisions Review Act 1997*", substitute "a review under the *Administrative Review Tribunal Act 1996* of Norfolk Island".

7F Subsection 49(6)

Omit "an administrative review under the *Administrative Decisions Review Act 1997*", substitute "a review under the *Administrative Review Tribunal Act 1996* of Norfolk Island".

7G Section 53

Omit "Registrar of Births, Deaths and Marriages", substitute "Registrar (within the meaning of the *Registration of Births, Deaths and Marriages Act 1963* of Norfolk Island)".

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7H At the end of section 64

Add:

(7) After making a decision under subsection (3), the Tribunal must ensure that copies of the decision and the written reasons for it are provided as soon as practicable to:
  (a) the person subject to the public health order; and
  (b) the person who made the public health order.

(8) Unless the Tribunal otherwise orders, a decision made under subsection (3) takes effect when a copy of the decision is provided to the person who made the public health order.

(9) This section applies to the exclusion of section 31 of the *Administrative Review Tribunal Act 1996* of Norfolk Island.

7J At the end of section 65

Add:

(7) After making a decision under subsection (4), the Tribunal must ensure that copies of the decision and the written reasons for it are provided as soon as practicable to:
  (a) the person subject to the public health order; and
  (b) the person who applied to the Tribunal.

(8) Unless the Tribunal otherwise orders, a decision made under subsection (4) takes effect when a copy of the decision is provided to the person who applied to the Tribunal.

(9) This section applies to the exclusion of section 31 of the *Administrative Review Tribunal Act 1996* of Norfolk Island.

7K Section 66

Omit "an administrative review under the *Administrative Decisions Review Act 1997*", substitute "a review under the *Administrative Review Tribunal Act 1996* of Norfolk Island".

8 Subsections 71(2) and (3)

Omit "authorised warrants officer", substitute "issuing officer".

9 Subsection 71(5)

Repeal the subsection, substitute:

(5) In this section, ***issuing officer*** means:
  (a) a Judge, or the registrar, of the Supreme Court of Norfolk Island; or
  (b) a magistrate of the Court of Petty Sessions of Norfolk Island.

9A After subsection 73(3)

Insert:

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(3A) After making a decision under subsection (2), the Tribunal must ensure that copies of the decision and the written reasons for it are provided as soon as practicable to:
(a) the person subject to the public health order; and
(b) the person who made the public health order.

(3B) Unless the Tribunal otherwise orders, a decision made under subsection (2) takes effect when a copy of the decision is provided to the person who made the public health order.

(3C) This section applies to the exclusion of section 31 of the *Administrative Review Tribunal Act 1996* of Norfolk Island.

11 Subsection 107(1)

Omit "the Register kept under the *Births, Deaths and Marriages Registration Act 1995*", substitute "a register kept under the *Registration of Births, Deaths and Marriages Act 1963* of Norfolk Island".

12 Subsection 107(2)

Omit "Registrar of Births, Deaths and Marriages is to make such arrangements as are necessary for the supply of information from the Register", substitute "Registrar (within the meaning of the *Registration of Births, Deaths and Marriages Act 1963* of Norfolk Island) is to make such arrangements as are necessary for the supply of information from a register referred to in subsection (1)".

13 Subsections 109(1) and (2)

Omit "authorised warrants officer", substitute "issuing officer".

14 Subsection 109(3)

Repeal the subsection, substitute:

(3) Division 3 of Chapter 3 of the *Criminal Procedure Act 2007* of Norfolk Island (other than subsections 56(1) and (2)) applies to a search warrant issued under this section as if:
(a) the search warrant had been issued under subsection 56(1) of that Act; and
(b) a reference in that Division to evidential material were a reference to a thing relevant to a contravention of this Act or the regulations, including such a thing in electronic form; and
(c) a reference in that Division to an offence were a reference to a contravention of this Act or the regulations.

15 Subsection 109(4)

Omit "section 71 of the *Law Enforcement (Powers and Responsibilities) Act 2002*", substitute "section 58 of the *Criminal Procedure Act 2007* of Norfolk Island".

16 Subsection 109(5)

Repeal the subsection, substitute:

(5) In this section, ***issuing officer*** means:

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(a) a Judge, or the registrar, of the Supreme Court of Norfolk Island; or
(b) a magistrate of the Court of Petty Sessions of Norfolk Island.

16A Subsection 118(3)

Repeal the subsection.

16B Subsection 118(5)

Omit "Act", substitute "law".

16C After section 118

Insert:

118A Effect of payment under penalty notice

(1) If the full amount specified in a penalty notice issued under section 118 for an alleged offence is paid in accordance with the notice, no person is liable to any further proceedings for the alleged offence.

(2) Payment under a penalty notice issued under section 118 is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

(3) This section does not affect any disciplinary or other proceedings, or liability, to which a person is expressly subject under another law in relation to the payment of an amount under a penalty notice.

17 Section 121

After "part of the State", insert "(which may be the whole of the State)".

18 Section 125

After "NSW Health Service", insert ", to the manager of the Norfolk Island Health and Residential Aged Care Service (within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* of Norfolk Island) or to a person employed by the manager for the purposes of the Norfolk Island Health and Residential Aged Care Service".

19 After subsection 126(1)

Insert:

(1A) The Secretary may appoint:
(a) the manager of the Norfolk Island Health and Residential Aged Care Service (within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* of Norfolk Island); or
(b) a person employed by the manager for the purposes of the Norfolk Island Health and Residential Aged Care Service;

to be an authorised officer, either generally or in relation to any particular function exercisable by authorised officers under this or any other Act relating to public health.

20 Subsection 132(1)

After "brought against", insert "the Commonwealth or any authority of the Commonwealth, or".

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Part 2—Amendment of the Public Health Regulation 2012 (NSW)

Public Health Regulation 2012 (NSW)

21 Subclause 3(1) (definition of *correctional centre*)

Repeal the definition, substitute:

correctional centre means:

(a) a police station or a court cell complex in which an offender is held in custody; or

(b) a detention centre within the meaning of the *Sentencing Act 2007* of Norfolk Island.

21A Before clause 4

Insert:

3A Part does not apply until 1 October 2018

This Part does not apply in relation to the Territory of Norfolk Island until the start of 1 October 2018.

21B Subclause 5(2)

Omit "an owners corporation (within the meaning of the *Strata Schemes Management Act 1996*)", substitute "a body corporate (within the meaning of the *Community Title Act 2015* of Norfolk Island)".

21C Subclause 6(4)

Omit "An application for an approval by the Secretary is to be accompanied by a fee of $176.".

21D Before clause 14

Insert:

13A Part does not apply until 1 November 2018

This Part does not apply in relation to the Territory of Norfolk Island until the start of 1 November 2018.

21E Before clause 34

Insert:

33A Part does not apply until 1 November 2018

This Part does not apply in relation to the Territory of Norfolk Island until the start of 1 November 2018.

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21F Paragraph 44A(1)(b)

Repeal the paragraph, substitute:

(b) an enduring parental responsibility order (within the meaning of the *Child Welfare Act 2009* of Norfolk Island) is in force in relation to the child; or

(ba) the child welfare officer has parental responsibility for the child under the *Child Welfare Act 2009* of Norfolk Island (whether or not the parental responsibility is being exercised by another person on behalf of the child welfare officer); or

22 Paragraph 44A(1)(d)

Omit "state of emergency is declared to exist under the *State Emergency and Rescue Management Act 1989*", substitute "state of disaster or emergency is declared to exist under the *Disaster and Emergency Management Act 2001* of Norfolk Island".

23 Clause 48

After "part of the State concerned", insert "(which may be the whole of the State)".

24 Clause 49 (definition of *coroner*)

Omit "*Coroners Act 2009*", substitute "*Coroners Act 1993* of Norfolk Island".

25 Clause 49 (definition of *exhumation*)

Omit "in accordance with section 55 (4) of the *Cemeteries and Crematoria Act 2013*".

26 Subclauses 54(3) and 59(3)

Omit "*Coroners Act 2009*", substitute "*Coroners Act 1993* of Norfolk Island".

27 Subclause 70(3)

Omit "issued under the *Births, Deaths and Marriages Registration Act 1995*", substitute "an extract from the Register of Deaths kept under the *Registration of Births, Deaths and Marriages Act 1963* of Norfolk Island".

28 Paragraphs 81(1)(c) and (2)(c)

Repeal the paragraphs, substitute:

(c) if the death is not one in relation to which an inquest may be held under the *Coroners Act 1993* of Norfolk Island; and

29 Paragraph 82(2)(a)

Repeal the paragraph, substitute:

(a) an inquest may be held in relation to the death under the *Coroners Act 1993* of Norfolk Island; or

30 Subclause 83(1)

Omit "whose death is examinable under the *Coroners Act 2009* by the coroner", substitute "in relation to whose death an inquest may be held under the *Coroners Act 1993* of Norfolk Island".

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31 Clause 14 of Schedule 3

Omit "and the *Health Records and Information Privacy Act 2002*".

32 At the end of paragraph 17(3)(c) of Schedule 3

Add "or the St John Ambulance of Norfolk Island".

Schedule 7—Amendment of the Teaching Service Act 1980 (NSW)

Teaching Service Act 1980 (NSW)

1 At the end of Part 1

Add:

5B Teachers to be accredited

(1) A person must not teach in a school in Norfolk Island unless the person is accredited.

(2) Words and expressions used in this section have the same meaning as they have in the *Teacher Accreditation Act 2004* of New South Wales.

2 Subsection 51(3)

Omit "6 months", substitute "3 years".

3 Section 92

Repeal the section.

4 At the end of section 93B

Add:

(3) In this Part, a reference to an officer's performance is a reference to the officer's performance of duties whether in or outside of New South Wales.

5 After subsection 93C(2)

Insert:

(2A) For the purposes of this Part, the subject-matter of an allegation of misconduct may relate to an incident or conduct that happened in or outside of New South Wales.

6 At the end of section 93L

Add:

Note: Things done for the purposes of the *Child Protection (Working with Children) Act 2012* of New South Wales are recognised for the purposes of the application of this section in relation to Norfolk Island.

7 At the end of section 93R

Add:

Note: Things done for the purposes of the *Child Protection (Working with Children) Act 2012* of New South Wales are recognised for the purposes of the application of this Part in relation to Norfolk Island.

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Schedule 8—Amendment of the Workers Compensation Act 1987 (NSW)

Workers Compensation Act 1987 (NSW)

1 After subsection 9AA(7)

Insert:

(7A) To avoid doubt, the exercise of powers, or performance of functions or duties, by a worker under an arrangement entered into under section 18C of the *Norfolk Island Act 1979* of the Commonwealth is taken, for the purposes of this section, to be employment connected with this State.

2 Part 7

Repeal the Part.

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Schedule 9—Amendment of the Work Health and Safety Act 2011 (NSW)

Work Health and Safety Act 2011 (NSW)

1 Before paragraph 108(4)(a)

Insert:

(aa) St John Ambulance Norfolk Island;

(ab) the Norfolk Island Fire Service;

(ac) the Australian Federal Police (including a special member);

(ad) the Police Force of Norfolk Island;

(ae) a State or Territory police force providing police services in relation to the Territory of Norfolk Island in accordance with section 18B or 18C of the *Norfolk Island Act 1979* of the Commonwealth;

(af) Norfolk Island Volunteer Rescue Association Inc;

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Schedule 10—Amendment of the Workplace Injury Management and Workers Compensation Act 1998 (NSW)

Workplace Injury Management and Workers Compensation Act 1998 (NSW)

1 Section 27C

Repeal the section.

2 Division 2 of Part 6 of Chapter 2

Repeal the Division.

3 Subsection 320(3)

Repeal the subsection.

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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 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.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

underlining = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Applied Laws Ordinance 2016 (No. 9, 2016)	9 May 2016 (F2016L00729)	1 July 2016 (s 2(1) item 1)	
Norfolk Island Applied Laws Amendment (Long Service Leave) Rule 2016	30 June 2016 (F2016L01116)	1 July 2016 (s 2(1) item 1)	—
Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2016 (No. 12, 2016)	28 Nov 2016 (F2016L01814)	29 Nov 2016 (s 2(1) item 1)	—
Norfolk Island Applied Laws Amendment (Public Health) Ordinance 2016 (No. 15, 2016)	14 Dec 2016 (F2016L01951)	20 Jan 2017 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Public Health) Ordinance 2018	9 Mar 2018 (F2018L00237)	Sch 1 (items 1–9): 10 Mar 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Public Sector Employment and Education) Ordinance 2018	21 Mar 2018 (F2018L00342)	Sch 1 (items 1–13) and Sch 2 (items 1, 2, 14): 22 Mar 2018 (s 2(1) items 2, 3)	—
Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2018	31 May 2018 (F2018L00695)	1 June 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Fees) Ordinance 2018	31 May 2018 (F2018L00697)	Sch 1 (Pt 1, item 1): 1 June 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Protecting Vulnerable People) Ordinance 2018	28 Sept 2018 (F2018L01377)	Sch 1 (items 1–4): 29 Sept 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018	12 Oct 2018 (F2018L01420)	Sch 1 (item 1): 13 Oct 2018 (s 2(1) item 1)	—
Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2018	7 Dec 2018 (F2018L01703)	8 Dec 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Criminal Justice Measures) Ordinance 2019	5 Apr 2019 (F2019L00546)	Sch 1 (items 8, 9): 6 Apr 2019 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019	12 Aug 2019 (F2019L01048)	Sch 1 (items 1, 2): 13 Aug 2019 (s 2(1) item 1)	—

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020	15 May 2020 (F2020L00582)	16 May 2020 (s 2(1) item 1)	—
Norfolk Island Applied Laws Amendment (2021 Measures No. 1) Rules 2021	12 May 2021 (F2021L00566)	13 May 2021 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 5	am F2018L00342
s 6	am F2018L00342
s 6A	ad F2018L00342
Schedule 1	
item 1	am F2016L01814; F2016L01951; F2018L00342; F2018L00695; F2018L01377; F2020L00582
item 2	am F2018L00342
Schedule 1A	
Schedule 1A	ad F2018L00342
item 1	ad F2018L00342
item 2	ad F2018L00342
item 3	ad F2018L00342
item 4	ad F2018L00342
Schedule 1AAA	
Schedule 1AAA	ad F2018L01377
item 1	ad F2018L01377
item 2	ad F2018L01377
item 3	ad F2018L01377
item 4	ad F2018L01377
item 5	ad F2018L01377
item 6	ad F2018L01377
item 7	ad F2018L01377
item 8	ad F2018L01377
item 9	ad F2018L01377
item 10	ad F2018L01377
item 11	ad F2018L01377
item 12	ad F2018L01377
item 13	ad F2018L01377
item 14	ad F2018L01377
item 15	ad F2018L01377
item 16	ad F2018L01377
item 17	ad F2018L01377
	am F2019L00546
item 18	ad F2018L01377
item 19	ad F2018L01377
	am F2019L00546
item 20	ad F2018L01377

Provision affected	How affected
item 21	ad F2018L01377
item 22	ad F2018L01377
item 23	ad F2018L01377
item 24	ad F2018L01377
item 25	ad F2018L01377
item 26	ad F2018L01377
item 27	ad F2018L01377
item 28	ad F2018L01377
item 29	ad F2018L01377
item 30	ad F2018L01377
item 31	ad F2018L01377
item 32	ad F2018L01377
item 33	ad F2018L01377
item 34	ad F2018L01377
item 35	ad F2018L01377
item 36	ad F2018L01377
item 37	ad F2018L01377
item 38	ad F2018L01377
item 39	ad F2018L01377
item 40	ad F2018L01377
item 41	ad F2018L01377
item 42	ad F2018L01377
item 43	ad F2018L01377
item 44	ad F2018L01377
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item 48	ad F2018L01377
item 49	ad F2018L01377
item 50	ad F2018L01377
item 51	ad F2018L01377
item 52	ad F2018L01377
item 53	ad F2018L01377
item 54	ad F2018L01377
item 55	ad F2018L01377
item 56	ad F2018L01377
item 57	ad F2018L01377
item 58	ad F2018L01377
item 59	ad F2018L01377
item 60	ad F2018L01377

Endnote 4—Amendment history

Provision affected	How affected
item 61	ad F2018L01377
item 62	ad F2018L01377
item 63	ad F2018L01377
item 64	ad F2018L01377
item 65	ad F2018L01377
item 66	ad F2018L01377
item 67	ad F2018L01377
item 68	ad F2018L01377
item 69	ad F2018L01377
item 70	ad F2018L01377
item 71	ad F2018L01377
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item 89	ad F2018L01377
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item 91	ad F2018L01377
item 92	ad F2018L01377
item 93	ad F2018L01377
item 94	ad F2018L01377
item 95	ad F2018L01377
item 96	ad F2018L01377
item 97	ad F2018L01377
item 98	ad F2018L01377
item 99	ad F2018L01377
item 100	ad F2018L01377

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Provision affected	How affected
item 101	ad F2018L01377
item 102	ad F2018L01377
item 103	ad F2018L01377
item 104	ad F2018L01377
item 105	ad F2018L01377
item 106	ad F2018L01377
item 107	ad F2018L01377
item 108	ad F2018L01377
item 109	ad F2018L01377
item 110	ad F2018L01377
item 111	ad F2018L01377
item 112	ad F2018L01377
item 113	ad F2018L01377
item 114	ad F2018L01377
item 115	ad F2018L01377
item 116	ad F2018L01377
item 117	ad F2018L01377
item 118	ad F2018L01377
item 119	ad F2018L01377
item 120	ad F2018L01377
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item 124	ad F2018L01377
item 125	ad F2018L01377
item 126	ad F2018L01377
item 127	ad F2018L01377
item 128	ad F2018L01377
item 129	ad F2018L01377
item 130	ad F2018L01377
item 131	ad F2018L01377
item 132	ad F2018L01377
Schedule 1AA	
Schedule 1AA	ad F2018L00342
item 1	ad F2018L00342
item 2	ad F2018L00342
item 3	ad F2018L00342
item 4	ad F2018L00342
item 5	ad F2018L00342
item 6	ad F2018L00342

Endnote 4—Amendment history

Provision affected	How affected
item 7	ad F2018L00342
item 8	ad F2018L00342
item 9	ad F2018L00342
item 10	ad F2018L00342
item 11	ad F2018L00342
item 12	ad F2018L00342
item 13	ad F2018L00342
item 14	ad F2018L00342
item 15	ad F2018L00342
item 16	ad F2018L00342
item 17	ad F2018L00342
item 18	ad F2018L00342
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item 36	ad F2018L00342
item 37	ad F2018L00342
item 38	ad F2018L00342
item 39	ad F2018L00342
item 40	ad F2018L00342
item 41	ad F2018L00342
item 42	ad F2018L00342
item 43	ad F2018L00342
item 44	ad F2018L00342
item 45	ad F2018L00342
item 46	ad F2018L00342

Provision affected	How affected
item 47	ad F2018L00342
item 48	ad F2018L00342
item 49	ad F2018L00342
item 50	ad F2018L00342
item 51	ad F2018L00342
item 52	ad F2018L00342
item 53	ad F2018L00342
item 54	ad F2018L00342
item 55	ad F2018L00342
Schedule 1AB	
Schedule 1AB	ad F2018L00342
item 1	ad F2018L00342
item 2	ad F2018L00342
item 3	ad F2018L00342
Schedule 1AC	
Schedule 1AC	ad F2020L00582
item 1	ad F2020L00582
item 2	ad F2020L00582
item 3	ad F2020L00582
item 4	ad F2020L00582
item 5	ad F2020L00582
item 6	ad F2020L00582
item 7	ad F2020L00582
item 8	ad F2020L00582
item 9	ad F2020L00582
item 10	ad F2020L00582
item 11	ad F2020L00582
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item 14	ad F2020L00582
item 15	ad F2020L00582
item 16	ad F2020L00582
item 17	ad F2020L00582
item 18	ad F2020L00582
item 19	ad F2020L00582
item 20	ad F2020L00582
item 21	ad F2020L00582
item 22	ad F2020L00582
item 23	ad F2020L00582
item 24	ad F2020L00582

Endnote 4—Amendment history

Provision affected	How affected
Schedule 1B	
Schedule 1B	ad F2018L00342
item 1	ad F2018L00342
Schedule 1C	
Schedule 1C	ad F2018L00342
item 1	ad F2018L00342
Schedule 2A	
Schedule 2A	ad F2018L00342
item 1	ad F2018L00342
item 2	ad F2018L00342
Schedule 3	
item 6	rs F2020L00582
Schedule 3A	
Schedule 3A	ad F2018L01377
item 1	ad F2018L01377
item 2	ad F2018L01377
item 3	ad F2018L01377
	rs F2019L00546
item 4	ad F2018L01377
item 5	ad F2018L01377
item 6	ad F2018L01377
item 7	ad F2018L01377
item 8	ad F2018L01377
item 9	ad F2018L01377
item 10	ad F2018L01377
item 11	ad F2018L01377
item 12	ad F2018L01377
item 13	ad F2018L01377
item 14	ad F2018L01377
Schedule 3B	
Schedule 3B	ad F2020L00582
item 1	ad F2020L00582
item 2	ad F2020L00582
item 3	ad F2020L00582
item 4	ad F2020L00582
item 5	ad F2020L00582
item 6	ad F2020L00582
item 7	ad F2020L00582
item 8	ad F2020L00582
item 9	ad F2020L00582

Provision affected	How affected
item 10	ad F2020L00582
item 11	ad F2020L00582
item 12	ad F2020L00582
item 13	ad F2020L00582
Schedule 4	
Schedule 4 heading	rs F2018L01703
item 1A	ad F2021L00566
item 1	rs F2016L01951
item 3	am F2018L01420
item 4A	ad F2018L01703
item 17A	ad F2018L01703
	rs F2020L00582
item 17AA	ad F2020L00582
item 17AB	ad F2020L00582
item 17B	ad F2018L01703
item 17C	ad F2018L01703
item 17D	ad F2020L00582
item 17E	ad F2020L00582
item 17F	ad F2020L00582
item 17G	ad F2020L00582
item 17H	ad F2020L00582
item 17J	ad F2020L00582
item 17K	ad F2020L00582
item 17L	ad F2020L00582
item 19AA	ad F2020L00582
item 19AB	ad F2020L00582
item 19A	ad F2018L01703
item 19B	ad F2018L01703
item 19C	ad F2018L01703
item 19D	ad F2018L01703
item 19E	ad F2018L01703
item 19F	ad F2018L01703
item 19G	ad F2018L01703
item 19GA	ad F2020L00582
item 19GB	ad F2020L00582
item 19GC	ad F2020L00582
item 19GD	ad F2020L00582
item 19GE	ad F2020L00582
item 19GF	ad F2020L00582
item 19GG	ad F2020L00582

Endnote 4—Amendment history

Provision affected	How affected
item 19GH	ad F2020L00582
item 19GJ	ad F2020L00582
item 19H	ad F2018L01703
	rs F2020L00582
item 19J	ad F2018L01703
	am F2020L00582
item 27A	ad F2021L00566
item 33A	ad F2019L01048
item 44A	ad F2018L00697
item 44B	ad F2018L00697
	rs F2019L01048
item 44C	ad F2019L01048
item 44D	ad F2019L01048
item 44E	ad F2019L01048
item 45	rep F2019L01048
item 45A	ad F2018L01703
item 45B	ad F2020L00582
item 45C	ad F2020L00582
item 45D	ad F2020L00582
item 46AA	ad F2020L00582
item 46AB	ad F2020L00582
item 46A	ad F2018L01703
item 46B	ad F2018L01703
item 47	rs F2020L00582
item 47A	ad F2020L00582
item 47B	ad F2020L00582
Heading preceding item 49	ad F2018L01703
	rs F2020L00582
item 49	ad F2018L01703
item 50	ad F2018L01703
item 50A	ad F2020L00582
	ed C12
item 51	ad F2018L01703
item 51A	ad F2020L00582
item 51B	ad F2020L00582
item 51C	ad F2020L00582
item 52	ad F2018L01703
item 52A	ad F2020L00582
item 52B	ad F2020L00582
item 52C	ad F2020L00582

Provision affected	How affected
item 52D	ad F2020L00582
item 52E	ad F2020L00582
item 52F	ad F2020L00582
item 52G	ad F2020L00582
item 52H	ad F2020L00582
item 53	ad F2018L01703
	rs F2020L00582
item 53A	ad F2020L00582
item 53B	ad F2020L00582
item 53C	ad F2020L00582
item 53D	ad F2020L00582
item 53E	ad F2020L00582
item 53F	ad F2020L00582
item 53G	ad F2020L00582
item 53H	ad F2020L00582
item 53J	ad F2020L00582
item 53K	ad F2020L00582
item 53L	ad F2020L00582
item 53M	ad F2020L00582
item 53N	ad F2020L00582
item 53P	ad F2020L00582
item 54	ad F2018L01703
item 55	ad F2018L01703
item 55A	ad F2020L00582
item 55B	ad F2020L00582
item 55C	ad F2020L00582
item 55D	ad F2020L00582
item 55E	ad F2020L00582
item 55F	ad F2020L00582
item 55G	ad F2020L00582
item 55H	ad F2020L00582
item 55J	ad F2020L00582
item 55K	ad F2020L00582
item 55L	ad F2020L00582
item 55M	ad F2020L00582
item 55N	ad F2020L00582
item 55P	ad F2020L00582
item 55Q	ad F2020L00582
item 55R	ad F2020L00582
item 56	ad F2018L01703

Endnote 4—Amendment history

Provision affected	How affected
item 57	ad F2018L01703
item 57A	ad F2020L00582
item 57B	ad F2020L00582
item 58	ad F2018L01703
item 58A	ad F2020L00582
item 58B	ad F2020L00582
item 58C	ad F2020L00582
item 58D	ad F2020L00582
item 58E	ad F2020L00582
item 58F	ad F2020L00582
item 58G	ad F2020L00582
item 58H	ad F2020L00582
item 58J	ad F2020L00582
item 59	ad F2018L01703
item 59A	ad F2020L00582
item 59B	ad F2020L00582
item 59C	ad F2020L00582
item 59D	ad F2020L00582
item 59E	ad F2020L00582
item 59F	ad F2020L00582
item 59G	ad F2020L00582
item 59H	ad F2020L00582
item 60	ad F2018L01703
	ed C13
item 61	ad F2018L01703
	rs F2020L00582
item 62	ad F2018L01703
item 62A	ad F2020L00582
item 62B	ad F2020L00582
item 62C	ad F2020L00582
item 63	ad F2018L01703
	rs F2020L00582
item 64	ad F2020L00582
item 65	ad F2020L00582
item 66	ad F2020L00582
item 67	ad F2020L00582
item 68	ad F2020L00582
item 69	ad F2020L00582
item 70	ad F2020L00582
item 71	ad F2020L00582

Provision affected	How affected
item 72	ad F2020L00582
item 73	ad F2020L00582
Schedule 5	
item 6	am F2018L00342
item 6A	ad F2016L01116
item 6B	ad F2016L01116
item 6C	ad F2016L01116
Schedule 6	
Part 1	
item 1A	ad F2018L00237
item 1B	ad F2018L00237
item 1C	ad F2018L00237
item 1	ad F2016L01951
item 2	ad F2016L01951
	am F2018L00237
item 3	ad F2016L01951
item 3A	ad F2018L00237
item 4	ad F2016L01951
item 5	ad F2016L01951
item 6	ad F2016L01951
item 7	ad F2016L01951
item 7A	ad F2018L00237
item 7B	ad F2018L00237
item 7C	ad F2018L00237
item 7D	ad F2018L00237
item 7E	ad F2018L00237
item 7F	ad F2018L00237
item 7G	ad F2018L00237
item 7H	ad F2018L00237
item 7J	ad F2018L00237
item 7K	ad F2018L00237
item 8	ad F2016L01951
item 9	ad F2016L01951
item 9A	ad F2018L00237
item 10	ad F2016L01951
	rep F2018L00342
item 11	ad F2016L01951
item 12	ad F2016L01951
item 13	ad F2016L01951
item 14	ad F2016L01951

Endnote 4—Amendment history

Provision affected	How affected
item 15	ad F2016L01951
item 16	ad F2016L01951
item 16A	ad F2018L00237
item 16B	ad F2018L00237
item 16C	ad F2018L00237
item 17	ad F2016L01951
item 18	ad F2016L01951
item 19	ad F2016L01951
item 20	ad F2016L01951
Part 2	
item 21	ad F2016L01951
	rs F2018L00237
item 21A	ad F2018L00237
item 21B	ad F2018L00237
item 21C	ad F2018L00237
item 21D	ad F2018L00237
item 21E	ad F2018L00237
item 21F	ad F2018L00237
item 22	ad F2016L01951
item 23	ad F2018L00237
item 24	ad F2018L00237
item 25	ad F2018L00237
item 26	ad F2018L00237
item 27	ad F2018L00237
item 28	ad F2018L00237
item 29	ad F2018L00237
item 30	ad F2018L00237
item 31	ad F2018L00237
item 32	ad F2018L00237
Schedule 7	
Schedule 7	ad F2018L00342
item 1	ad F2018L00342
item 2	ad F2018L00342
item 3	ad F2018L00342
item 4	ad F2018L00342
item 5	ad F2018L00342
item 6	ad F2018L00342
item 7	ad F2018L00342
Schedule 8	
Schedule 8	ad F2018L00342

Endnote 4—Amendment history

Provision affected	How affected
item 1	ad F2018L00342
item 2	ad F2018L00342
Schedule 9	
Schedule 9	ad F2018L00342
item 1	ad F2018L00342
Schedule 10	
Schedule 10	ad F2018L00342
item 1	ad F2018L00342
item 2	ad F2018L00342
item 3	ad F2018L00342

Endnote 5—Editorial changes

In preparing this compilation for registration, the following kinds of editorial change(s) were made under the *Legislation Act 2003*.

Item 60 of Schedule 4

Kind of editorial change

Change to punctuation

Details of editorial change

Schedule 4 item 60 of the *Norfolk Island Applied Laws Ordinance 2016* commenced on 8 December 2018 and instructed to omit "on the back of this form may be used for this purpose" and substitute "prescribed for the purposes of paragraph 8(a) of the *Statutory Declarations Act 1959* of the Commonwealth may be used for this purpose. The form could in 2018 be accessed through the website of the Commonwealth Attorney-General's Department (https://www.ag.gov.au)." in Schedule 11 (Form 1, note 1) of the *Local Government (General) Regulation 2005* (NSW).

This amendment resulted in two full stops appearing at the end of note 1 in Form 1 of Schedule 11 of the *Local Government (General) Regulation 2005* (NSW).

This compilation was editorially changed to omit the redundant full stop.