

Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021

I, General the Honourable David Hurley AC DSC (Retd), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 15 April 2021

David Hurley

Governor‑General

By His Excellency’s Command

Nola Marino

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

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1 Name

 This Ordinance is the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*.

2 Commencement

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

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Ordinance | The day after this Ordinance is registered. | 17 April 2021 |

Note: This table relates only to the provisions of this Ordinance as originally made.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

 (2) Any information in column 3 of the table 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.

3 Authority

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

4 Schedules

 Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1—Amendments

Norfolk Island Continued Laws Ordinance 2015

1 Item 73K of Schedule 1

Repeal the item, substitute:

73K Section 4

Insert:

***registered health practitioner*** has the same meaning as in the *Health Practitioners Act 1983*.

***registered medical practitioner*** has the same meaning as in the *Health Practitioners Act 1983*.

***rehabilitation program***,in relation to an injury or condition, means a program involving the provision of rehabilitation services for the injury or condition.

***rehabilitation services***,in relation to an injury or condition, means services provided to a person in connection with the person’s rehabilitation from the injury or condition, including (without limitation) the following:

 (a) medical, dental, psychiatric or hospital services (whether on an in‑patient or out‑patient basis);

 (b) services provided in connection with physical training or exercise;

 (c) physiotherapy;

 (d) occupational therapy;

 (e) vocational training;

 (f) assistance in finding suitable work;

 (g) an approved service.

***responsible party*** has the meaning given by subsection 32(2).

73KA Section 4 (definition of *RPI*)

Repeal the definition.

73KB Section 4

Insert:

***rules*** means rules made under section 108.

2 After item 73ZP of Schedule 1

Insert:

73ZPA Paragraph 29(2)(a)

Omit “paragraph 31(2)(c)”, substitute “paragraph 32B(2)(b)”.

3 Items 74X to 74Z of Schedule 1

Repeal the items, substitute:

74X Section 42

Repeal the section, substitute:

42 Indexation of compensation amounts

 (1) On 1 July 2021 and each later 1 July (an ***indexation day***), if the indexation factor for the indexation day is greater than 1, this Act has effect as if each compensation amount were substituted by the amount worked out using the formula:



 (2) The ***indexation factor*** for an indexation day is the number worked out using the formula:



where:

***base quarter*** means the March quarter ending 1 year before the reference quarter ends.

***index number***, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

***March quarter*** means a period of 3 months ending on 31 March.

***reference quarter*** means the March quarter immediately before the indexation day.

 (3) Amounts worked out under subsection (1) are to be rounded to the nearest whole dollar (rounding 50 cents upwards).

 (4) The indexation factor is to be worked out:

 (a) to 3 decimal places (rounding up if the fourth decimal place is 5 or more); and

 (b) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

 (c) disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

When substituted amount is payable

 (5) If an amount is substituted under subsection (1) on an indexation day, the substituted amount is payable:

 (a) in respect of periodical compensation—on and after the first payment date for the compensation occurring after the indexation day; or

 (b) in respect of lump sum compensation—in respect of any payment of lump sum compensation made after the indexation day.

Publication of substituted amounts

 (6) As soon as practicable after the day on which the Australian Statistician publishes the index number for a March quarter, the Employment Liaison Officer must:

 (a) ascertain whether any amounts will be substituted under subsection (1) on the indexation day immediately after the end of the quarter; and

 (b) if any amounts will be substituted—publish notice, by notifiable instrument, of the substituted amounts.

Compensation amount

 (7) A ***compensation amount*** is:

 (a) an amount prescribed by the rules for the purposes of subparagraph 30(4)(b)(i) or paragraph 32B(2)(b); or

 (b) the amount (if any) last substituted under this section for an amount mentioned in paragraph (a).

4 At the end of Division 18 of Part 2 of Schedule 1

Add:

406A References to amending Ordinance

In this Division, a reference to the amending Ordinance (other than in the definition of ***commencement*** in item 397) is taken to include a reference to items 1 and 2 of the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*.

5 In the appropriate position in Part 2 of Schedule 1

Insert:

Division 21—Application provision relating to the Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021

414 Publication of substituted amounts

(1) Subsection 42(6) of the *Employment Act 1988* (Norfolk Island), as amended by the operation of the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*, applies in relation to the March quarter ending on 31 March 2021 and later March quarters.

(2) However, if the publication of the index number for the March quarter ending on 31 March 2021 occurs before the day on which this item commences (the ***commencement day***), the reference in that subsection to the day on which the Australian Statistician publishes the index number is taken to be a reference to the commencement day.