



Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021

made under section 19A of the

Norfolk Island Act 1979

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About this compilation

This compilation

This is a compilation of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* that shows the text of the law as amended and in force on 8 July 2025 (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 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 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 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 Ordinance is the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021*.

3 Authority

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

4 Simplified outline of this Ordinance

The laws of Queensland, as in force in Queensland from time to time, form part of the law of the Territory. In this Ordinance, the term “applied laws” is used to refer to Queensland 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Applied laws may be amended or repealed by an Ordinance made under section 19A of the *Norfolk Island Act 1979* or by a law made under such an Ordinance.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 Queensland 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.

This Ordinance also provides for rules to be made to support the delivery of services to Norfolk Island under an arrangement between the Commonwealth and Queensland. Under section 66A of the *Norfolk Island Act 1979*, rules may adopt Queensland laws.

5 Definitions

In this Ordinance:

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

- (a) the *Industrial Relations Act 2016* (Qld);
- (b) the *Public Sector Ethics Act 1994* (Qld);
- (c) the *Public Service Act 2008* (Qld);
- (d) the *Superannuation (State Public Sector) Act 1990* (Qld);
- (e) the *Workers’ Compensation and Rehabilitation Act 2003* (Qld);
- (f) the *Work Health and Safety Act 2011* (Qld).

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

Queensland Act means an Act within the meaning of the *Acts Interpretation Act 1954* (Qld) as it applies in the Territory from time to time.

Queensland statutory instrument means a statutory instrument within the meaning of the *Statutory Instruments Act 1992* (Qld) as it applies in the Territory from time to time.

service delivery rule means a rule made under subsection 7(2).

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) The *Acts Interpretation Act 1954* (Qld), as it applies in the Territory from time to time, applies in relation to:

- (a) an applied law that is a Queensland Act (including a Queensland Act as amended by this Ordinance); and
- (b) subject to any contrary intention in the service delivery rule—a provision of a Queensland Act that is applied, adopted or incorporated, with or without modification, by a service delivery rule.

- (3) The *Statutory Instruments Act 1992* (Qld), as it applies in the Territory from time to time, applies in relation to:

- (a) an applied law that is a Queensland statutory instrument (including a Queensland statutory instrument as amended by this Ordinance); and
- (b) subject to any contrary intention in the service delivery rule—a provision of a Queensland statutory instrument that is applied, adopted or incorporated, with or without modification, by a service delivery rule.

Note: The *Acts Interpretation Act 1954* (Qld) and the *Statutory Instruments Act 1992* (Qld) are laws of Queensland 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 *Acts Interpretation Act 1954* (Qld) 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 Queensland in a geographical sense, however expressed, is taken to include a reference to the Territory.
 - (3) The following provisions of the *Acts Interpretation Act 1954* (Qld), as amended by this Ordinance, apply in relation to an applied industrial relations law:
-

- (a) section 26A (statutory bodies);
 - (b) section 36A (references to documents).
- (4) 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 Queensland.

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) so as to otherwise affect the operation of an applied law (but not to suspend the operation); or
 - (c) to make application, saving or transitional provision in relation to any amendments, repeals or provisions affecting the operation of applied laws.
- (2) The Minister may, by legislative instrument, make rules necessary or convenient for supporting the delivery of services to Norfolk Island under an arrangement between the Commonwealth and Queensland.
- (3) Subject to subsection (4), 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.
- (4) Subsection (3) does not prevent rules made under subsection (2) from applying, adopting or incorporating, with or without modification, a provision of a law of Queensland.
- Note: The rules may apply, adopt or incorporate such a provision as in force at a particular time or as in force from time to time: see section 66A of the *Norfolk Island Act 1979*.
- (5) Rules must not be made under subsection (2) on or after 1 January 2023.
- (6) The Minister may, in writing, delegate the Minister's powers under this section to:
- (a) the Secretary of the Department; or
 - (b) a Deputy Secretary of the Department.
- (7) However, an instrument of delegation made under subsection (6) is of no effect on or after 1 January 2023.
- (8) In exercising powers under a delegation, the delegate must comply with any directions of the Minister.

8 Powers under Queensland laws incorporated by service delivery rules

- (1) If a service delivery rule applies, adopts or incorporates, with or without modification, a provision of a law of Queensland (an **adopted provision**), then (subject to any contrary intention in the service delivery rule), the adopted provision has effect as if section 18B of the *Norfolk Island Act 1979* applied to it with the following modifications:
 - (a) a reference in that section to an applied State law is taken to be a reference to the adopted provision;
 - (b) subsections 18B (2A) and (13) are taken to be omitted.
- (2) If a service delivery rule applies, adopts or incorporates, with or without modification, a provision of a law of Queensland as in force from time to time (an **adopted provision**), then (subject to any contrary intention in the service delivery rule), the adopted provision has effect as if section 18E of the *Norfolk Island Act 1979* applied to it with the following modifications:
 - (a) a reference in that section to an applied law is taken to be a reference to the adopted provision;
 - (b) the reference in paragraph 18E(4)(a) to being amended by a section 19A Ordinance is taken to be a reference to being modified by the service delivery rule.

9 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 Queensland, 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 Queensland, other than an Act specified in the following table or legislation made under such an Act, is suspended in the Territory until the end of 31 December 2026.

Legislation of Queensland that has not been suspended

Name of Act

Acts Interpretation Act 1954

Education (General Provisions) Act 2006

Education (Queensland College of Teachers) Act 2005

Education (Queensland Curriculum and Assessment Authority) Act 2014

Further Education and Training Act 2014

Hospital and Health Boards Act 2011

Industrial Relations Act 2016

Public Health Act 2005

Public Sector Ethics Act 1994

Public Service Act 2008

Statutory Instruments Act 1992

Superannuation (State Public Sector) Act 1990

Workers' Compensation and Rehabilitation Act 2003

Work Health and Safety Act 2011

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

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

- (a) an officer or employee of Queensland;
- (b) an authority of Queensland;
- (c) an officer or employee of an authority of Queensland;

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

- (4) In addition to the application provided for in subitem (3), the *Industrial Relations Act 2016* (Qld) applies in the Territory to the extent necessary to give effect to the provisions of Part 2 of Chapter 6 of the *Further Education and Training Act 2014* (Qld) as it applies in the Territory from time to time.

Note: That Part provides for decisions to be appealed to the industrial relations commission and the industrial court.

2 References to suspended law in law that is not suspended

The suspension of the operation of a law of Queensland in the Territory by this Schedule does not affect any reference to that law in:

- (a) a provision of a law of Queensland the operation of which is not suspended in the Territory; or
- (b) subject to any contrary intention in the service delivery rule—a provision of a law of Queensland applied, adopted or incorporated by a service delivery rule.

Schedule 2—Amendment of the Acts Interpretation Act 1954 (Qld)

Acts Interpretation Act 1954 (Qld)

1 At the end of section 5

Add “in each of its capacities”.

1A At the end of Part 4

Add:

14K Queensland Acts

- (1) A reference in this Act, an applied law or an adopted law to the short title of an Act followed by “(Qld)” is a reference to the Act as in force in Queensland from time to time.
- (2) A reference in this Act, an applied law or an adopted law to the short title of an Act followed by “(Qld)(NI)” is a reference to the Act as in force in the Territory of Norfolk Island from time to time.
- (3) A reference in this Act, an applied law or an adopted law to the short title of a Queensland Act (other than a Queensland Act the operation of which is suspended in the Territory) is taken to be a reference to the Act as in force in the Territory of Norfolk Island from time to time.

14L Queensland instruments

- (1) A reference in this Act, an applied law or an adopted law to an instrument followed by “(Qld)” is a reference to the instrument as in force in Queensland from time to time.
- (2) A reference in this Act, an applied law or an adopted law to an instrument followed by “(Qld) (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.

1AB At the end of Part 7

Add:

22D Modification of prerequisites for Norfolk Island Minister to take action

- (1) This section applies if:
 - (a) an applied law or an adopted 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, an adopted law or a law of Queensland 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.
- (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.
- (3) This section applies to a person in whom a power is vested, or to whom a power is delegated, under paragraph 18B(3)(a) or (b) of the Norfolk Island Act, in the same way that applies to the Norfolk Island Minister:

22E 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 or an adopted 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 or an adopted 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.
- (3) This section applies to a person in whom a power is vested, or to whom a power is delegated, under paragraph 18B(3)(a) or (b) of the Norfolk Island Act, in the same way that applies to the Norfolk Island Minister:

22F 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 or an adopted 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 or adopted 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 or adopted 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 or adopted 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 or an adopted law providing for a thing to be done by or in relation to the Parliament:
- (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.

2 After section 26

Insert:

26A Statutory bodies

If an applied law or adopted 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.

2A After section 32DA

Insert:

32DAA References to Norfolk Island to be implied in references to persons or things etc

In an applied law or an adopted law, to the extent that the context permits:

- (a) a reference to a person in or of Queensland is to be read as if it were a reference to such a person in or of the Territory of Norfolk Island; and

- (b) a reference to locality or other thing in or of Queensland is to be read as if it were a reference to such a locality or thing in or of the Territory of Norfolk Island.

3 At the end of Part 8

Add:

36A References to documents

If an applied law or adopted 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, adopted law or a law of Queensland, 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 Queensland, as the document is in force or exists at the relevant time.

3AA Section 39

Add at the end:

- (4) In subsection (1):
 - (a) a reference to document includes a plaint, summons, writ, subpoena or other process issued out of a court or tribunal in accordance with an enactment or a rule of court; and
 - (b) a reference to:
 - (i) the address of the place of residence or business of a person; or
 - (ii) the head office, a registered office or a principal office of a body corporate;includes, where that address is in Norfolk Island, a Post Office Box number registered in the name of, or of a business owned by, that person or in the name of that corporation.

3AAA Section 39A

Add at the end:

- (4) Despite paragraph (1)(b), if:
 - (a) the address to which the letter is posted is a Post Office Box address in Norfolk Island; and
 - (b) the person to whom it is addressed is not present on Norfolk Island on or after the day following the date of posting;

service is not taken to have been effected until the day following the person's return to Norfolk Island or such earlier day that that the document was in fact received by the person.

3A Subsection 44(1)

Omit "*Justices Act 1886*", insert "*Court of Petty Sessions Act 1960 (NI)*".

3B Section 49A

Before "If a provision", insert (1)

3C At the end of section 49A

Add:

Courts—Norfolk Island

- (2) In a matter arising under an applied law or an adopted law, jurisdiction is taken to be conferred on the following, to the extent permitted by the Commonwealth Constitution:
- (a) if the Supreme Court of Queensland has jurisdiction in the matter in relation to Queensland—the Supreme Court of Norfolk Island;
 - (b) if the District Court of Queensland has jurisdiction in the matter in relation to Queensland—the Supreme Court of Norfolk Island;
 - (c) if the Magistrates Court of Queensland has jurisdiction in the matter in relation to Queensland—the Court of Petty Sessions of Norfolk Island;
 - (d) if the Children's Court of Queensland has jurisdiction in the matter in relation to Queensland—the Court of Petty Sessions of Norfolk Island.

Tribunals—Norfolk Island

- (3) A power or function conferred on the Queensland Civil and Administrative Tribunal under an applied law or an adopted law is taken to be, to the extent permitted by the Commonwealth Constitution:
- (a) conferred on the Administrative Review Tribunal of Norfolk Island for the purposes of the applied law or adopted law 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.
- (4) A reference in an applied law or an adopted law to a provision of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) in relation to asking or applying for review, giving notice, extensions of time or any other matter, is to be read as if it were a reference to the corresponding provision of the *Administrative Review Tribunal Act 1996* (NI).

3D After section 49A

Insert:

49B References to Norfolk Island to be implied in references to courts and tribunals etc

In an applied law or an adopted law, to the extent permitted by the Commonwealth Constitution:

- (a) a reference to the Queensland Civil and Administrative Tribunal, QCAT or the Tribunal is to be read as if it were a reference to the Administrative Review Tribunal of Norfolk Island; and
- (b) a reference to the Magistrates Court or the Children's Court is to be read as if it were a reference to the Court of Petty Sessions of Norfolk Island; and
- (c) a reference to the Supreme Court or the District Court is to be read as if it were a reference to the Supreme Court of Norfolk Island.

4 Section 52

Before "In every Act—", insert "(1)".

5 At the end of section 52

Add:

- (2) A reference in an Act to the Crown, or to the Crown in right of Queensland, is to be read as if it were a reference to the Crown in right of the Commonwealth unless the context precludes that meaning.

5B After section 52A

Insert:

52AB References to apprenticeship or traineeship under *Further Education and Training Act 2014*

In an applied law or an adopted law (other than the *Further Education and Training Act 2014* (Qld)(NI)), a reference to an apprenticeship, a traineeship, or a training or employment skills program under the *Further Education and Training Act 2014* is to be read as if it included a reference to the following:

- (a) a VET accredited course within the meaning of the *National Vocational Education and Training Regulator Act 2011*;
- (b) an apprenticeship or traineeship (however described) conducted under an arrangement with the Norfolk Island Regional Council or any other body established for a public purpose under a law of the Territory of Norfolk Island.

52AC References to police force and police officers

- (1) A reference in a provision of an applied law or an adopted law to a police force (other than a provision that vests a power in a police force to which subsection 18B(5B) of the *Norfolk Island Act 1979* applies) is taken to be a reference to the Australian Federal Police.

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- (2) A reference in a provision of an applied law or an adopted law to a police officer holding, occupying or exercising the powers of a particular kind of office or position (other than a provision that vests a power in a police officer to which subsection 18B(5B) of the *Norfolk Island Act 1979* applies) is taken to be a reference to:
- (a) a member of the Police Force of Norfolk Island holding, occupying or exercising the powers of a corresponding office or position; and
 - (b) a member or special member of the Australian Federal Police holding, occupying or exercising the powers of a corresponding office or position in Norfolk Island.
- (3) To the extent that subsection (2) does not provide otherwise, a reference in an applied law or an adopted law to a police officer means a member of the Police Force of Norfolk Island or a member or special member of the Australian Federal Police.

52AD References to Health Practitioner Regulation National Law

In an applied law or an adopted law, a reference to the Health Practitioner Regulation National Law in force in Queensland is to be read as if it included a reference to the National Law within the meaning of the *Health Practitioners Act 1983* (NI).

52AE Publication in Territory or Commonwealth Gazette

If an applied law or an adopted 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.

5C Before section 52B

Insert:

52AF Publication on websites

If an applied law or an adopted law requires or permits a person to publish something on the whole-of-government website, a department's website or the website of another entity established for a public purpose by or under a law of Queensland, the requirement is satisfied by, or the entitlement extends to publication of the thing on the website of the Norfolk Island Department.

6 Schedule 1

Insert:

adopted law means a law of Queensland applied, adopted or incorporated by a legislative instrument made under the Norfolk Island Act, other than an applied law.

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

6A Schedule 1 (definition of *charge*)

Repeal the definition, substitute:

charge, of an offence, means a charge in any form, including a charge on arrest, a charge by the court, a complaint and an indictment.

6B Schedule 1 (definitions of *Childrens Court judge* and *Childrens Court magistrate*)

Repeal the definitions, substitute:

Childrens Court judge means a magistrate.

Childrens Court magistrate means a magistrate.

6C Schedule 1

Insert:

Commonwealth Gazette means the *Commonwealth of Australia Gazette*.

6CA Schedule 1

Insert:

Commonwealth Government Printer includes any person printing for the Government.

6D Schedule 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.

6DA Schedule 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.

6DB Schedule 1, definition of *local government*

Add at the end:

; or (c) the body declared to be the Norfolk Island Regional Council by the *Norfolk Island Regional Council Declaration Ordinance 2016* of the Commonwealth.

6DC Schedule 1, definition of *local government area*

Repeal the definition, substitute:

local government area means:

- (a) a local government area under the *Local Government Act 2009*; or
- (b) the area for which a body is declared to be the Norfolk Island Regional Council by the *Norfolk Island Regional Council Declaration Ordinance 2016* of the Commonwealth.

6E Schedule 1 (definition of *magistrate*)

Repeal the definition, substitute:

magistrate means a magistrate appointed under section 6 of the *Court of Petty Sessions Act 1960* (NI).

6EA Schedule 1

Insert:

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.

6F Schedule 1 (definition of *police officer*)

Repeal the definition.

6G Schedule 1 (definition of *public holiday*)

Repeal the definition, substitute:

public holiday means a public holiday within the meaning of the *Employment Act 1988* (NI).

6H Schedule 1

Insert:

Territory enactment means an enactment within the meaning of the Norfolk Island Act.

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.

7 Schedule 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.

Schedule 3—Amendments of the Education (General Provisions) Act 2006 (Qld)

Education (General Provisions) Act 2006 (Qld)

1 Paragraph 10(5)(a)

Omit “guardianship of a child under the *Child Protection Act 1999*”, substitute “an order for the parental responsibility of a child under the *Child Welfare Act 2009* (NI)”.

2 Paragraph 11(4)(d)

Repeal the paragraph.

3 Paragraph 11(4)(e)

Omit “Queensland”, substitute “the Territory of Norfolk Island”.

4 After subsection 12(2)

Insert

- (3) This section applies to a student attending the Norfolk Island Central School for years 11 or 12 of schooling during the relevant school years as if a reference in this section to an educational program approved by the Minister were a reference to the syllabuses licensed by the New South Wales Education Standards Authority to the Commonwealth for use by the Department to administer the senior secondary curriculum at the Norfolk Island Central School.

- (4) In subsection (3):

relevant school years means the 2022 and 2023 school years and any subsequent school year in relation to which syllabuses are licensed by the New South Wales Education Standards Authority to the Commonwealth for use by the Department to administer the curriculum at the Norfolk Island Central School.

5 Section 13

Before “The Minister”, insert “(1)”.

6 At the end of section 13

Add:

- (2) The Norfolk Island Central School is taken to be a State school established by the Minister under subsection (1).

7 Part 3 of Chapter 2

Repeal the Part.

7A Section 47

Repeal the section.

8 Subsection 50(4)

Repeal the subsection.

9 Subsection 51(2)

Repeal the subsection.

10 After paragraph 53(1)(a)

Insert:

(ab) the person lives in the Territory of Norfolk Island; or

11 After section 61

insert:

61A Initial remaining allocation—transitional

- (1) For each student who, immediately before the commencement day, is enrolled at the Norfolk Island Central School, the principal must decide the student's initial remaining allocation.
- (2) The principal must make the decision within 7 days after the start of term 1 of 2022.
- (3) Subsections 62(2) and (4) apply to a decision made under this section.
- (4) In this section:

commencement day means the day the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* commences.
- (5) This section is repealed at the end of 1 January 2023.

12 Subsection 104(1)

Repeal the subsection, substitute:

- (1) This section applies to a person who:
 - (a) stands for election as an elected member of a school council; or
 - (b) consents to be appointed as an appointed member of a school council (whether or not the council has decided to appoint the person.
- (1A) The person must disclose the person's criminal history, including whether a conviction has been recorded or not, in relation to offences that are the same as, or substantially the same as, the offences specified in item 5(2) of the table in section 9A of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

13 Section 105

Omit “a public authority under the Public Records Act 2002.”, substitute “taken to be an authority of the Commonwealth under the *Archives Act 1983* of the Commonwealth.”.

14 Section 133

Repeal the section.

15 Section 135

Omit “Subject to the Auditor-General Act 2009, the”, substitute “The”.

16 Section 145

Repeal the section.

17 At the end of Chapter 7

Add:

154A Parents and citizens association for Norfolk Island Central School

- (1) This section applies to an association that, under section 117A of the *Education Act 1990* (NSW) (NI), continued in existence after the commencement of Schedule 2 to the *Norfolk Island Legislation Amendment (Public Sector Employment and Education) Ordinance 2018* of the Commonwealth as if it were a parents and citizens association constituted under subsection 115 of the *Education Act 1990* (NSW).
- (2) The association continues in existence after the commencement day as if it were a parents and citizens association constituted under this Chapter.
- (3) The rules of the association as in force immediately before the commencement day are, after the commencement day, taken to be the constitution of the association adopted by the association for subsection 131(2) and approved by the chief executive under subsection 131(3).
- (4) To remove any doubt, rules of the association that are taken to be the constitution of the association under subsection (3) may be amended by the association in accordance with subsections 131(2) and (3).
- (5) In this section:

commencement day means the day the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* commences.

18 Section 155A

Repeal the section.

19 Section 155B

Repeal the section.

20 Paragraph 156(1A)(a)

Omit “or non-State school”.

20A Subsection 156(1)

Omit “(1A), (2) and (3), substitute “(1A) and (2)”.

20B Subsections 156(2A) and (3)

Repeal the subsections.

20C Division 3 of Part 1 of Chapter 8

Repeal the Division.

20D Parts 3 and 4 of Chapter 8

Repeal the Parts.

20E Chapter 8A

Repeal the Chapter.

21 Chapter 8B

Repeal the Chapter.

22 Section 176

Omit “or non-State school” (wherever occurring).

23 Section 177

Omit “or non-State school” (wherever occurring).

24 Section 178

Omit “or non-State school” (wherever occurring).

25 Subsection 178(5)

Repeal the subsection, substitute:

- (5) An authorised officer may ask a member of the police force for assistance to perform a function under this section and the member of the police force may give the authorised officer reasonable assistance as requested.

26 Division 2 of Part 1 of Chapter 9

Repeal the Division,

26A Section 182

Repeal the section.

26B Subsection 183(2)

Repeal the subsection, substitute:

- (2) The chief executive may approve the arrangements only if:
- (a) a teacher has prepared written assessments of:
 - (i) the student's educational and other needs; and
 - (ii) the learning outcomes that the arrangements are intended to achieve; and
 - (iii) the suitability of each provider for the arrangements; and
 - (b) the chief executive has considered:
 - (i) the written assessments prepared under paragraph (a); and
 - (ii) how, and by whom, the student's participation in the arrangements is to be monitored; and
 - (iii) how, and by whom, each provider's involvement in the arrangements is to be monitored and its effectiveness evaluated; and
 - (c) the chief executive is satisfied the arrangements are appropriate, having regard to:
 - (i) the student's individual needs and circumstances; and
 - (ii) what the chief executive considers is most likely to achieve the best learning outcomes for the student; and
 - (iii) the desirability, unless it would be inappropriate in all the circumstances, of the arrangements requiring the student's participation at a level that is equivalent to full-time participation in the school's educational programs in the usual way; and
 - (iv) any other matter prescribed under a regulation.
- (3) However, the chief executive must not approve the arrangements unless:
- (a) if the student is of compulsory school age:
 - (i) a parent of the student has given written agreement to the arrangements; and
 - (ii) the chief executive has discussed the arrangements with the student to the extent the chief executive considers appropriate, having regard to the student's age and other relevant circumstances; or
 - (b) if the student is in the compulsory participation phase:
 - (i) the student gives written agreement to the arrangements; and
 - (ii) the chief executive has discussed the arrangements with the student's parents to the extent the chief executive considers is practicable and appropriate in the circumstances.

- (4) Subsection (3)(a)(i) does not apply if the chief executive is satisfied it would be inappropriate in the circumstances to require the written agreement of a parent.

Example: It may be inappropriate to require a parent's written agreement if the student is living independently of their parents.

- (5) In this section:

provider, in relation to arrangements for a student, means an entity directly involved in providing a program to the student under the arrangements.

student means a student who is of compulsory school age or in the compulsory participation phase.

27 Section 184 (definition of exemption)

Repeal the definition, substitute:

exemption means exemption from compliance from subsection 176(1).

28 Section 184 (definition of relevant decision-maker)

Repeal the definition.

28A Subsection 185(3)

Repeal the subsection.

28B Section 185A

Repeal the section.

28C Subsection 186(1)

Repeal the subsection, substitute:

- (1) A parent of a child may apply to the chief executive for an exemption for the child.

28D Subsection 186(2)

Omit “relevant decision-maker”, substitute “chief executive”.

28E Section 187

Omit “relevant decision-maker” (wherever occurring), substitute “chief executive”.

28F Subsection 188(1)

Omit “(1) For”, substitute “For”.

28G Subsection 188(2)

Repeal the subsection.

28H Sections 189 to 192

Omit “relevant decision-maker” (wherever occurring), substitute “chief executive”.

28J Division 5 of Part 3 of Chapter 9

Repeal the Division.

29 Section 199

Repeal the section.

30 Section 200

Repeal the section, substitute:

200 Child's exclusion or suspension

- (1) Subsection 176(1) does not apply to a child who is excluded from a State school.
- (2) Paragraph 176(1)(b) does not apply to a child who is suspended from a State school at which the child is enrolled while the child is suspended and the child's access to an educational program under section 284, 294 or 301 has not been arranged.
- (3) In this section:

suspended means suspended under Chapter 12, Part 3.

31 Subsection 201(1)

Omit "or non-State school".

32 Part 5 of Chapter 9

Repeal the Part.

33 Subsection 230(1)

Omit "State school or non-State school,", substitute "State school,".

34 Subsection 232(1), table, column 1

Omit "an educational program provided under the *Education (Accreditation of Non-State Schools) Act 2017*".

35 Section 232(1), table, column 2

Omit "a non-State school".

36 Paragraph 235(b), example

Omit "or non-State school".

36A Subsection 241(5)

Repeal the subsection, substitute:

- (5) An authorised officer may ask a member of the police force for assistance to perform a function under this section and the member of the police force may give the authorised officer reasonable assistance as requested.

37 Subsection 244(3)

Repeal the subsection.

38 Section 244A

Repeal the section,

39 Subsection 245(1)

Omit all the words after “apply to”, substitute “the chief executive for an exemption from the requirement that the young person participate in an eligible option.”

40 Sections 245(3) and (4)

Omit “relevant decision-maker”, substitute “chief executive”.

41 Section 246

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

42 Section 247

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

43 Section 248

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

44 Section 249

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

45 Division 4 of Part 5 of Chapter 10

Repeal the Division.

46 Chapter 12, heading

Omit “and non-State schools”.

46A Section 335, paragraph (c) of the definition of *exempt person*

Repeal the paragraph.

47 Section 335, paragraph (d) of the definition of *exempt person*

After “premises”, insert “or any other member of staff of the institution”.

48 Part 6 of Chapter 12

Repeal the Part.

49 Part 7 of Chapter 12, heading

Omit “and non-State schools”.

50 Section 352, heading

Omit “and non-State schools”.

51 Subsection 352(1)

Omit “and non-State schools”.

52 Subsection 352(2)

Omit “or non-State school”.

53 Section 355

Repeal the section, substitute:

355 Non-application of Part 5 to particular persons

Part 5 does not apply to a person in relation to the exercise by the person of the person's powers under an Act at the premises of a State instructional institution.

54 Section 359

Repeal the section.

55AA Section 364 (definition of *director*)

Repeal the definition.

55A Paragraph 365(1)(c)

Repeal the paragraph.

55B Paragraph 365A(1)(c)

Repeal the paragraph.

55 Sections 366, 366A and 366B

Repeal the sections.

57 Chapter 13

Repeal the Chapter.

61 Paragraph 386(1)(a)

Omit "or non-State school".

63 Part 3 of Chapter 14

Repeal the Part.

64 Paragraph 407(2)(a)

Omit ", or non-State school's,".

65 Subsection 407(3)

Repeal the subsection,

66 Subsection 408(1)

Omit "the *Justices Act 1886*", substitute "the *Court of Petty Sessions Act 1960 (NI)*".

67 Parts 1 and 1A of Chapter 19

Repeal the Parts.

68 Section 420, heading

Omit “enrolled at non-State school or”.

69 Subsection 420(1)

Repeal the subsection.

70 Subsection 420(2)

Omit “Also, subject to”, substitute “Subject to”.

71AA Subsection 420A(2)

Omit “(1) or”.

71A Section 421

Repeal the section.

72 Section 423, heading

Omit “or non-State school’s governing body”.

73 Section 423

Omit “, or non-State school’s governing body,” (wherever occurring).

74 Subsection 424(1)

Omit “, or non-State school’s,”.

75 Subsection 425(1)

Omit “, or non-State school’s,”.

76 Subsection 425A(4) (definition of *financial information*)

Repeal the definition,

77 Subsection 426(2)

Repeal the subsection.

78 Subsection 426(5) (definition of *employee*)

Omit “or relevant non-State school”.

79 Subsection 426(5), paragraph (b) of the definition of *employee*

Omit “,or the relevant non-State school’s governing body,”.

80 Subsection 426(5) (definition of *relevant non-State school*)

Repeal the definition.

80A Section 429B

Repeal the section.

80B Paragraph 428(1)(c)

Repeal the paragraph.

81 Schedule 4

Insert

staff member, of a school, includes a member of the teaching staff and any other member of staff (whether an employee of Queensland or the Commonwealth).

82 Schedule 4 (definition of *allowance acquittal details*)

Repeal the definition.

83 Schedule 4 (definition of *board*)

Repeal the definition.

83A Schedule 4 (definition of *catchment area*)

Repeal the definition.

84 Schedule 4 (definition of *chief executive (child safety)*)

Repeal the definition, substitute:

chief executive (child safety) means the child welfare officer appointed under the *Child Welfare Act 2009* (NI).

84A Schedule 4 (definition of *criminal history*)

Repeal the definition.

85 Schedule 4, paragraph (b) of the definition of *educational program*

Repeal the paragraph.

85A Schedule 4 (definitions of *effective enrolment eligibility plan* and *effective enrolment management plan*)

Repeal the definitions.

85B Schedule 4 (definition of *enrolment management plan*)

Repeal the definition.

85C Schedule 4 (paragraph (b) of the definition of *external program*)

Omit “182 or”.

86 Schedule 4 (definition of *financial data*)

Repeal the definition.

87 Schedule 4 (definitions of *non-State school* and *non-State school in receipt of a subsidy*)

Repeal the definitions.

87A Schedule 4 (definition *person with a disability*)

Repeal the definition.

87B Schedule 4 (definition *police commissioner*)

Repeal the definition.

88 Schedule 4 (definition of *prescribed non-State school*)

Repeal the definition.

89 Schedule 4 (definition of *principal*)

Repeal the definition.

89AA Schedule 4 (definition of *relevant decision-maker*)

Repeal the definition, substitute:

relevant decision-maker see section 245(1).

89A Schedule 4 (definition of *relevant mature age student*)

Repeal the definition.

90 Schedule 4 (definition of *review body*)

Repeal the definition.

91 Schedule 4 (definition of *school in receipt of a subsidy*)

Repeal the definition, substitute:

school in receipt of a subsidy means a State school.

92 Schedule 4 (definition of *school of distance education*)

Repeal the definition, substitute:

school of distance education means a State school providing distance education.

93 Schedule 4 (definitions of *kindergarten age child* and *kindergarten learning program*)

Repeal the definitions.

94 Schedule 4 (definitions of *prescribed non-State school* and *prescribed State school*)

Repeal the definitions.

95 Schedule 4 (definition of *serious offence*)

Repeal the definition, substitute:

serious offence:

- (a) has the same meaning as in section 15 of the *Working with Children (Risk Management and Screening) Act* (Qld); and
- (b) without limiting paragraph 15(1)(g) of that Act, for an offence in a jurisdiction other than Queensland includes any offence that is the same, or substantially the same, as a serious offence mentioned in paragraph 15(1)(a) to (f) of that Act.

Schedule 4—Amendments of the Education (General Provisions) Regulation 2017 (Qld)

Education (General Provisions) Regulation 2017 (Qld)

1 Section 10 (definition of *staff member*)

Repeal the definition, substitute:

staff member, of a State school, means a person employed by the Department at the school and any other staff member at the school authorised by the Principal for the purpose of this Division.

1A Paragraph 12(3)(a)

Omit “under the *Police Powers and Responsibilities Act 2000*”.

1B Subsection 13(4)

Repeal the subsection.

1C Subsection 13(7)

Repeal the subsection.

1D Section 15

Repeal the section.

1E Subsections 17(1) and 18(1)

Omit “, or non-State school,”.

2 Section 22(6) (definition of *relevant authority*)

Omit “department in which the Child Protection Act 1999 is administered”, substitute: “child welfare officer appointed under the *Child Welfare Act 2009* (NI)”.

3 Sections 61 and 63

Repeal the sections.

Schedule 5—Amendments of the Education (Queensland College of Teachers) Act 2005 (Qld)

Education (Queensland College of Teachers) Act 2005 (Qld)

1AA Subsection 15B(1)

After “director of public prosecutions”, insert “of Queensland or the Director of Public Prosecutions of the Commonwealth (the *relevant authority*)”.

1AB Subsection 15B(3)

Omit “director of public prosecutions may comply with a request under subsection (1) if the director”, substitute “relevant authority may comply with a request under subsection (1) if the relevant authority”.

1AC Subsections 15B(4) and (5)

Omit “director of public prosecutions”, substitute “relevant authority”.

1AD Subsection 15B(5)

Omit “if the director”, substitute “if the relevant authority”.

1AE Subsection 15B(6)

Omit “director of public prosecutions”, substitute “relevant authority”.

1 Subsections 74(2) and (3)

Repeal the subsections.

1B Paragraph 75(1)(b)

After “commissioner of police”, insert “of Queensland or the Commissioner of Police of the Commonwealth (the *relevant authority*)”.

1C Subsections 75(2), (4), (5) and (8)

Omit “commissioner of police”, substitute “relevant authority”.

1D Subsection 75(9) (paragraph (a) of the definition of *personal information*)

Omit “commissioner of police”, substitute “relevant authority”.

1E Paragraph 80(1)(b)

Omit “or the director of public prosecutions”, substitute “of Queensland, the Commissioner of Police of the Commonwealth, the director of public prosecutions of Queensland or the Director of Public Prosecutions of the Commonwealth”.

1F Subsection 112(1)

Omit “or QCAT”, substitute “, or QCAT or the Administrative Review Tribunal of Norfolk Island (the *relevant authority*)”.

1G Subsection 112(2)

Omit “QCAT” (wherever occurring), substitute “the relevant authority”.

1H At the end of section 112

Add:

- (4) Section 49B of the *Acts Interpretation Act 1954* (Qld)(NI) does not apply to this section.

1J Subsection 286(1)

Omit “or the commissioner of police”, substitute “of Queensland or the Commissioner of Police of the Commonwealth (the *relevant authority*), or the relevant authority”.

2 After section 117

Insert:

117A Conduct of proceedings may use audio link etc

Practice and conduct proceedings may be conducted by using an audio link, an audio visual link, or another form of communication technology that the PC&TC Committee decides.

3 Sections 124 and 125

Repeal the sections, substitute:

124 Constitution of Administrative Review Tribunal for practice and conduct proceedings

- (1) For practice and conduct proceedings under this Act, the Administrative Review Tribunal of Norfolk Island must be constituted by:
- (a) the President or Deputy President of the Tribunal; and
 - (b) 2 other members of the Tribunal.
- (2) If practicable, 1 of the members should be a registered teacher or have practical teaching experience.

125 Presiding member of Administrative Review Tribunal

For practice and conduct proceedings under this Act, the presiding member of the Administrative Review Tribunal of Norfolk Island is the President or Deputy President of the Tribunal.

4 Paragraph 181(b)

Repeal the paragraph, substitute:

- (b) to attend before the investigator to answer the questions by—
 - (i) attending in person at a stated reasonable time and place; or
 - (ii) attending by audio link or audio visual link at a stated time; or
- (c) to produce a stated thing to the investigator by—
 - (i) attending before the investigator at a stated reasonable time and place to produce the thing; or
 - (ii) producing the thing at or before a stated reasonable time in another stated way that does not involve physical attendance before the investigator.

Examples of ways a thing may be produced for subparagraph (c)(ii)—

- 1 by post
- 2 by email

5 Section 225

Omit “*Justices Act 1886*”, insert “*Court of Petty Sessions Act 1960 (NI)*”.

5A Paragraph 228(3)(b)

Omit “under the Criminal Code, Chapter 2,”, substitute “under Chapter 2.4 of the *Criminal Code 2007 (NI)*”.

5B Section 236

Repeal the section.

5C Subsection 287(5) (definition of *relevant agency*)

Repeal the definition, substitute:

relevant agency means:

- (a) a department; or
- (b) an interstate regulatory authority; or
- (c) the Crime and Corruption Commission.

5D Schedule 1

Omit:

“236(5) college’s decision to refuse to approve a preservice teacher education program”.

6 Schedule 3

Insert:

audio link means facilities, including telephone, that enable reasonably contemporaneous and continuous audio communication between persons at different places.

audio visual link means facilities, including closed-circuit television, that enable reasonably contemporaneous and continuous audio and visual communication between persons at different places.

7 Schedule 3 (definition of *charge*)

Repeal the definition, substitute:

charge, of an offence, means a charge in any form, including a charge on arrest, a charge by the court, a complaint and an indictment.

8 Schedule 3 (definition of *indictable offence*)

After “section 659”, insert “or the *Criminal Code 2007* (NI), section 353”.

9 Schedule 3 (definition of *serious offence*)

Repeal the definition, substitute:

serious offence:

- (a) has the same meaning as in section 15 of the *Working with Children (Risk Management and Screening) Act* (Qld); and
- (b) without limiting paragraph 15(1)(g) of that Act, for an offence in a jurisdiction other than Queensland includes any offence that is the same, or substantially the same, as a serious offence mentioned in paragraph 15(1)(a) to (f) of that Act.

Schedule 6—Amendments of the Education (Queensland College of Teachers) Regulation 2016 (Qld)

Education (Queensland College of Teachers) Regulation 2016 (Qld)

1 Subsection 12(1)

Add at the end:

- ; (d) an educational program based on syllabuses licensed by the New South Wales Education Standards Authority to the Commonwealth for use by the Department to administer the senior secondary curriculum at the Norfolk Island Central School in 2022 and 2023 or such other period as determined in the licensing agreement.

Schedule 7—Amendments of the Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (Qld)

Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (Qld)

1A Section 165

Repeal the section.

1B Item 9 of Schedule 1

Repeal the item.

1 Schedule 2 (definition of *non-Queensland studies*)

Repeal the definition, substitute:

non-Queensland studies:

- (a) means studies for which the results of a person's assessment are issued by an interstate or overseas school, or another entity operating in another State or a foreign country; but
- (b) does not include studies for which the results of a person's assessment are, after 1 January 2022, issued by a Norfolk Island school.

Schedule 7A—Amendments of the Further Education and Training Act 2014 (Qld)

Further Education and Training Act 2014 (Qld)

1 Paragraph 17(5)(d)

Repeal the paragraph.

2 Paragraph 17(5)(e)

Omit “an Act or law”, substitute “a law of the State”.

3 Subsections 17(7) and (11)

Repeal the subsections.

4 Paragraph 59(4)(d)

Omit “an Act of the State, another State or the Commonwealth”, substitute “a Territory enactment, an Act of Queensland (as in force in Queensland or as in force in the Territory of Norfolk Island), or an Act of another State or the Commonwealth”.

5 Chapters 3 and 4A

Repeal the Chapters.

6 Section 113 (paragraph (c) of the definition of *place*)

Repeal the paragraph, substitute:

(c) a place in waters within the Territory of Norfolk Island;

7 Paragraph 132(5)(b)

Omit “the court of the relevant Magistrates Court”, substitute “the Court of Petty Sessions of Norfolk Island”.

8 Subsection 132(8)

Repeal the subsection.

9 Subsections 150(1) and 152(1)

Omit “State”, substitute “Commonwealth”.

10 Subdivision 5 of Division 2 of Part 4 of Chapter 5 (heading)

Omit “State”, substitute “Commonwealth”.

11 Section 154 (heading)

Omit “State”, substitute “Commonwealth”.

12 Section 154

Omit “State” (wherever occurring), substitute “Commonwealth”.

13 Subsections 155(1) and 163(1)

Omit “State”, substitute “Commonwealth”.

14 Paragraphs 167(1)(a) to (d)

Repeal the paragraphs.

15 Section 178

Omit “*Justices Act 1886*”, substitute “*Court of Petty Sessions Act 1960 (NI)*”.

16 Subsection 188(2) (paragraph (b) of the definition of *official*)

Omit “inspector; or”, substitute “inspector.”.

17 Subsection 188(2) (paragraphs (c) and (d) of the definition of *official*)

Repeal the paragraphs.

18 Subsection 194(2)

Omit “State”, substitute “Commonwealth”.

19 Subsection 194(4) (paragraph (c) of the definition of *prescribed person*)

Repeal the paragraph.

20 Subsection 194(4) (subparagraphs (d)(v) and (vi) of the definition of *prescribed person*)

Repeal the subparagraphs.

21 Division 3 of Part 2 of Chapter 9

Repeal the Division.

22 Schedule 1 (subparagraph (c)(i) of the definition of *information notice*)

Omit “within 20 business days after the person receives the notice”.

Schedule 7B—Amendments of the Further Education and Training Regulation 2014 (Qld)

Further Education and Training Regulation 2014 (Qld)

1 Subsection 3(2) (example)

Repeal the example.

Schedule 8—Amendments of the Hospital and Health Boards Act 2011 (Qld)

Hospital and Health Boards Act 2011 (Qld)

1 After section 4

Insert:

4A Application of Act—Norfolk Island

- (1) This Act applies in relation to the Territory of Norfolk Island subject to, and does not exclude or limit the operation of, the following Acts:
 - (a) the *Health Services Act 1997* (NSW) (NI);
 - (b) the *Public Health Act 2010* (NSW) (NI).
- (2) To remove any doubt, until the Commonwealth Minister has, by legislative instrument, declared otherwise:
 - (a) NIHRACS does not, and is not taken to, provide a public sector health service within the meaning of this Act; and
 - (b) 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* (NI)) is not, and is not taken to be, a public sector health service facility or a public sector hospital within the meaning of this Act.

2 Section 139

Before “In this Part”, insert “(1)”.

3 Section 139

Add at the end:

- (2) A reference to a public sector health service in the definition of *confidential information* is, for the purposes of Subdivision 2 of Division 2 of this Part, taken to include a reference to a health service provided by or through NIHRACS.

4 Section 139A

Add at the end:

- (3) For the purposes of Division 2 of this Part, a *designated person* includes:
 - (a) NIHRACS; and
 - (b) an employee of NIHRACS; and
 - (c) a person who was an employee of NIHRACS.

5 Schedule 2

Insert:

NIHRACS means the Norfolk Island Health and Residential Aged Care Service within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* (NI).

Schedule 9—Amendments of the Industrial Relations Act 2016 (Qld)

Industrial Relations Act 2016 (Qld)

1 Section 115 (definition of *show holiday*)

Repeal the definition.

2 Schedule 5 (definition of *public holiday*)

Repeal the definition, substitute:

public holiday means a public holiday within the meaning of the *Employment Act 1988* (NI).

3 Schedule 5 (definition of *show holiday*)

Repeal the definition.

Schedule 10—Amendments of the Public Health Act 2005 (Qld)

Public Health Act 2005 (Qld)

1 After section 5

Insert:

5A Modifications for Norfolk Island

- (1) The provisions of this Act and laws made under 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 apply in relation to the Territory of Norfolk Island:
 - (a) Part 3 of Chapter 2 of this Act;
 - (b) Part 3 of Chapter 3 of this Act;
 - (c) Chapter 8 (except Part 7B) of this Act;
 - (d) Chapter 9 of this Act;
 - (e) the other provisions of this Act so far as they relate to the provisions mentioned in paragraphs (a) to (d);
 - (f) the provisions of the *Public Health Regulation 2018* so far as they relate to the provisions mentioned in paragraphs (a) to (e).
- (3) To avoid any doubt, this Act and laws made under this Act (other than the provisions mentioned in subsection (2)) apply in relation to the Territory of Norfolk Island subject to, and do not exclude or limit the operation of, the following Acts:
 - (a) the *Health Services Act 1997* (NSW) (NI);
 - (b) the *Public Health Act 2010* (NSW) (NI).

2 Section 315 (definition of COVID-19 emergency)

Omit the definition, substitute:

COVID-19 emergency means any public health emergency declared for the Territory of Norfolk Island because of the coronavirus disease 2019 (Covid-19) caused by the novel coronavirus SARS-CoV-2.

3 Subparagraph 322(b)(ii)

Omit “regulation”, substitute “declaration”.

4 Section 323

Repeal the section, substitute:

323 Extending declared public health emergency

- (1) The Norfolk Island Minister may, by declaration, extend, or from time to time further extend, the period of a declared public health emergency.
- (2) A declaration under this section commences on the day it is made.
- (3) A declaration extending or further extending the period of a declared public health emergency:
 - (a) must state the period, of not more than 90 days, by which the declared public emergency is extended or further extended; and
 - (b) expires at the end of the stated period unless the declared public health emergency is sooner ended under section 324.
- (4) Section 321 applies to a declaration made under this section as if the declaration were a public health emergency order.

5 Subsection 324(3)

Repeal the subsection.

6 Schedule 2, definition of *health service employee*

Omit the definition, substitute:

health service employee means:

- (a) a person appointed as a health service employee under section 67 of the *Hospital and Health Boards Act 2011*; or
- (b) an employee 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* (NI)).

Schedule 10A—Amendments of the Public Sector Act 2022 (Qld)

Public Sector Act 2022 (Qld)

1 Section 48 (definition of *suitability directive*)

Repeal the definition, substitute:

suitability directive means the suitability of employment directive in Schedule 3.

2 Section 48 (after the definition of *suitability directive*)

Insert:

Support Staff means any public sector employee who is engaged to perform duties at the Norfolk Island Central School other than a registered teacher. This can include, but not limited to, learning support officers, administrative staff and engagement officers.

3 After subsection 50(2) (before the notes)

Insert:

- (3) Subsection 50(2) does not apply to Support Staff.
- (4) Despite subsection 50(2), the chief executive of a public sector entity may decide under the suitability directive that the duty performed by a Support Staff is a relevant duty, because of the nature of the duty, it may be necessary to have regard to the criminal history of any person engaged to perform the duty to ensure the person is suitable to perform the duty.

4 After section 52

Insert:

52A Chief executive may decide to obtain criminal history of Support Staff

- (1) This section applies if the chief executive of a public sector entity decides under the suitability directive that the duty performed by Support Staff is a relevant duty.
- (2) If the chief executive of a public sector entity engages, or proposes to engage, a person to perform the duty of Support Staff, the chief executive may, under the suitability directive, ask the person for written consent for the chief executive to obtain the person's criminal history.

5 After section 55(b)

Insert:

- (c) for section 52A(1) — the person's suitability for the engagement to perform the relevant duty.

6 Part 5, Division 4 (Heading)

Omit “*Further assessment of persons issued with working with children authority*”, substitute “*Further assessment of Support Staff*”.

7 Paragraph 64(1)(b)

Repeal the paragraph, substitute:

- (b) the chief executive has previously assessed the person’s suitability under section 55; and

8 Paragraph 64(1)(c)

Repeal the paragraph, substitute:

- (c) the chief executive considers that a further assessment of the person may be needed to decide whether the person should be engaged to perform the prescribed duty.

9 Subsection 64(2)

Repeal the subsection.

10 Subsection 64(3)

Repeal the subsection.

11 Section 80

Repeal the section.

12 At the end of the Act

Add:

Schedule 3 Suitability for employment directive

1. Purpose

1.1 Appropriately assessing a person’s suitability for employment helps to ensure the integrity of the Queensland public sector and maintain public confidence. In addition, appropriate assessment ensures safety and security for the Norfolk Island community, particularly children.

1.2 This directive assists public sector entities to:

- (a) conduct suitability assessments of persons employed, or proposed to be employed
- (b) implement a risk management strategy for entities performing child-related duties.

2. Definitions

Unless otherwise provided, the terms in this directive have the meaning prescribed in the *Public Sector Act 2022 (Qld)* (the Act).

Adverse decision has the meaning provided for under section 80(3) of the Act.

CCE directive means a directive issued by the Public Service Commission, Commission Chief Executive under the now repealed *Public Service Act 2008* (Qld).

Chief executive (Working with Children) has the meaning provided for under section 64(3) of the Act.

Child-related duty/duties has the meaning provided for under section 57 of the Act.

Commissioner has the meaning provided for under section 212 of the Act.

Prescribed duty/duties has the meaning provided for under section 63 of the Act.

Procedural fairness is a concept used interchangeably with natural justice and is a right recognised and defined by law that involves two key elements: the hearing rule (the parties shall be given adequate notice of the case against them, and a right to respond) and the bias rule (everyone is entitled to a decision by a disinterested and unbiased adjudicator).

Reframing entity has the meaning provided for under section 20 of the Act.

Regulated employment refer to Schedule 2 Dictionary of the Act.

Relevant duty/duties has the meaning provided for under section 50 of the Act.

Second refer to Schedule 2 Dictionary for the Act.

Serious disciplinary action has the meaning provided for under section 70 of the Act.

Support staff has the meaning provided for under section 48 of the Act.

3. Application

3.1 This directive applies to:

- (a) public sector employees as provided for in section 12 of the Act.
- (b) public sector entities as provided for in section 8 of the Act
- (c) chief executives as provided for in sections 16 and 17 of the Act, in their capacity as the chief executive of a public sector entity or of public sector employees.

3.2 Unless otherwise stated, clauses 7, 8.1, 8.3, 9, 11 and 13 apply to volunteers, contractors and students engaged in a public sector entity.

3.3 This directive does not limit or otherwise replace any other law that provides for screening of a person and where relevant, a chief executive must comply with screening requirements under Commonwealth and State legislation (e.g. screening for regulated employment (blue cards), screening under the *Disability Services Act 2006* (Qld), security clearances and other background checking) which are not covered by the Act, or this directive.

3.4 Screening for regulated employment is provided for under the *Working with Children (Risk Management and Screening) Act 2000* (Qld) (WWC (RM&S) Act) and not the Act or this directive.

3.5 Section 229 of the Act outlines the relationship between a directive and industrial instrument including how to deal with inconsistencies.

4. Principles

4.1 Chief executives are responsible for making decisions under the provisions of chapter 3, part 5 of the Act.

4.2 Chief executives are required to act in a way that is compatible with the main purpose of the Act by:

- (a) treating public sector employees fairly
- (b) providing for the employment and administration of the public service
- (c) providing for the key rights, obligations and employment arrangements of public sector employees
- (d) ensuring a high-performing and diverse workforce, through fair and transparent, merit-based selection processes
- (e) maintaining accountability, impartiality and integrity, while supporting the public interest, and when giving advice to the government.

4.3 Under the *Human Rights Act 2019* (Qld) (HR Act) decision makers have an obligation to:

- (a) act and make decisions in a way that is compatible with human rights
- (b) give proper consideration to human rights when making a decision under the Act and Public Sector Commissioner (Commissioner) directives.

4.4 Under chapter 1, part 3 of the Act reframing entities have a unique role in supporting the Queensland government in reframing its relationship with Aboriginal peoples and Torres Strait Islander peoples by fulfilling certain responsibilities. Under section 21, the chief executive of a reframing entity is responsible for ensuring the entity fulfils this role. Chief executives must consider these responsibilities when applying and making decisions under the Act and Commissioner directives.

4.5 Under chapters 2 and 3 of the Act, chief executives of public sector entities have a duty to promote equity and diversity in relation to employment matters, including in the application of, and making decisions under, the Act and Commissioner directives.

4.6 In addition to any specific requirements in this directive, chief executives of public sector entities are required to consider ways to support accessibility and inclusion for employees when undertaking processes, or applying provisions, under this directive.

Directions

5. Interpretation of directions

5.1 Chapter 3, part 5 of the Act sets out requirements and a framework for assessing a person's suitability for employment.

5.2 A decision maker, when considering a person's suitability for employment, must comply with the relevant sections of the Act.

5.3 These directions:

- (a) provide for procedural fairness requirements, noting that requirements in this directive do not reduce the obligations on the entity at common law
- (b) provide for the circumstances in which a chief executive may decide it is necessary to obtain the criminal history of a person and request a notice of serious disciplinary action
- (c) provide guidance for determining relevant duties
- (d) establish factors that a chief executive must or may consider when assessing a person's suitability for employment following criminal history screening or declaration of serious disciplinary action
- (e) provide for the types of places a chief executive may decide are places at which services are provided only, or mainly, to a child or children
- (f) provide for the types of roles a chief executive may decide involve providing services only, or mainly, to a child or children
- (g) provide for the duties that involve contact with a child or children that is of a type, or happens in a context, that may create an unacceptable level of risk for a child or children
- (h) establish the information that must be included in a risk management strategy for child-related duties
- (i) establish the minimum information that must be included in a notice disclosing serious disciplinary action
- (j) should be read in conjunction with the relevant sections of the Act.

5.4 The requirements set out in these directions are binding and must be followed.

6. Reframing the relationship with Aboriginal peoples and Torres Strait Islander peoples

6.1 Chief executives of reframing entities must consider the responsibilities under section 21 of the Act relating to supporting a reframed relationship with Aboriginal peoples and Torres Strait Islander peoples, including but not limited to:

- (a) promoting cultural safety and cultural capability at all levels of the public sector
- (b) working in partnership with Aboriginal peoples and Torres Strait Islander peoples to actively promote, include and act in a way that aligns with their perspectives, when making decisions directly affecting them
- (c) promoting a fair and inclusive public sector that supports a sense of dignity and belonging for Aboriginal peoples and Torres Strait Islander peoples

(d) supporting the aims, aspirations and employment needs of Aboriginal peoples and Torres Strait Islander peoples and the need for their greater involvement in the public sector.

6.2 In the context of promoting cultural safety in suitability for employment processes, the matters a chief executive may consider include, but is not limited to:

- (a) recognising culturally significant connections for Aboriginal peoples and Torres Strait Islander peoples involved in the process
- (b) ensuring support and communication is appropriate, including during a procedural fairness process
- (c) considering any elements of conscious or unconscious bias that may impact an assessment of suitability, including mitigation strategies
- (d) consideration of the cultural rights of Aboriginal peoples and Torres Strait Islander peoples under the HR Act.

7. General provisions relating to suitability for employment

7.1 A chief executive can assess a person's suitability through a range of mechanisms, including but not limited to:

- (a) criminal history (for relevant duties and prescribed duties (which includes child-related duties))
- (b) child-related duties
- (c) serious disciplinary action.

7.2 The directive relating to recruitment and selection provides that applicants for public sector roles must be informed of any suitability assessments that may be required to determine the person's suitability for employment as a public sector employee.

7.3 A chief executive must take reasonable steps to inform contractors, students and volunteers of any suitability assessments that may be required.

7.4 Costs associated with obtaining criminal history reports under chapter 3, part 5, division 2 or 4, are to be met by the requesting entity.

7.5 Costs associated with screening for child-related duties under chapter 3, part 5, division 3 of the Act may be met by the entity at the discretion of the chief executive.

8. Procedural fairness

8.1 Where a chief executive obtains information in connection with clause 9 (criminal history) or clause 11 (child-related duties) of this directive, prior to making an adverse decision about the person's suitability for employment, the chief executive must:

- (a) provide the person a copy of the information obtained,

(b) invite the person to make written representations about the information obtained, including why the person believes the information obtained should not render them unsuitable for employment,

(c) provide the person with a reasonable opportunity to make written representations under clause 8.1(b).

8.2 Where a chief executive obtains information in connection with clause 12 (serious disciplinary action) of this directive that may be adverse to the interests of the person's employment as a public sector employee (adverse information), the chief executive must:

(a) provide the adverse information to the person

(b) invite the person to make submissions about the adverse information prior to the chief executive making a decision about whether the person is suitable to be employed

(c) set a reasonable timeframe for the person to make submissions under clause 8.2(b).

8.3 A reasonable timeframe under clause 8.1(c) and 8.2(c) is generally 14 days unless the nature and degree of the information necessitates a longer period.

9. Criminal history

9.1 Chapter 3, part 5, divisions 2 and 4 of the Act provide requirements and obligations in relation to criminal history checks.

9.2 A chief executive of a public sector entity may obtain a person's criminal history in the following two circumstances:

(a) Assessment of a person's suitability for employment in relation to relevant duties (chapter 3, part 5, division 2 of the Act)

Requirements

(i) the chief executive has determined a role includes a particular duty that is a relevant duty, in accordance with this directive, and

(ii) the chief executive engages, or proposes to engage, a person to perform relevant duties; or the chief executive changes, or proposes to change, the duties of a public sector employee to include a relevant duty.

(b) Further assessment of Support Staff (chapter 3, part 5, division 4 of the Act)

Requirements

(i) the chief executive of a public sector entity engages, proposes to engage, or has engaged, a person to perform a prescribed duty (which includes child-related duties) in the entity, and

(ii) the chief executive has previously assessed the person's suitability under section 55, and

(iii) the chief executive considers that a further assessment of the person may be needed to decide whether the person should be engaged to perform the prescribed duty.

9.4 A Where the requirements in clause 9.2 are met in the respective circumstances, the chief executive may ask the person for written consent for the chief executive to obtain the person's criminal history.

9.5 If the criminal history check is being undertaken as part of pre-employment screening, written consent can be sought at any time during the selection process for public sector roles but can only be conducted on the person(s) the chief executive proposes to employ.

9.6 Sections 53 and 67 of the Act relevantly provide how to manage the situation where a person does not consent or withdraws their consent for the chief executive to obtain the person's criminal history.

9.7 If the person does provide their consent, sections 54 and 68 of the Act relevantly provide how a chief executive may obtain a report about the person's criminal history.

Assessment of suitability based on criminal history

9.8 Upon receipt of a person's criminal history report, a chief executive must assess the person's suitability to perform the duties which require screening.

9.9 Such an assessment must be made on a case-by-case basis taking into account the particular facts of the matter. An assessment of a person's suitability for employment must not be decided merely on the existence of a criminal history record. An assessment of suitability for employment based on criminal history must comply with the Act and this directive.

9.10 In making the assessment, the chief executive must consider:

- (a) the nature of the offence/s and relevance to the nature of the duties to be performed
- (b) any response provided to the chief executive by the person or the person's representative in accordance with clause 8 of this directive, relating to procedural fairness
- (c) whether the person can meet the inherent requirements of the role, in light of the offence/s.

9.11 Further to clause 9.10 the chief executive may also consider:

- (a) the seriousness and frequency of any relevant offence
- (b) the amount of time elapsed since any relevant offence happened and the penalty imposed
- (c) whether the classification of any relevant offence has changed (for example, is it still a crime?)
- (d) any relevant work history of the person
- (e) any relevant risks contained in the entities risk management strategy under clause 11.9 of this directive, or another relevant risk management strategy.

Decision on suitability following criminal history screening

9.12 Where a chief executive is proposing to employ a person to perform relevant or prescribed duties, and the person is determined by the chief executive to be unsuitable to perform those duties as a result of their criminal history, the chief executive is not required to consider the person for employment to perform the duties that required screening.

9.13 Where a current public sector employee is determined by the chief executive to be unsuitable to perform relevant or prescribed duties as a result of criminal history, the chief executive must ensure the employee does not perform the duties that required screening.

9.14 If the employee mentioned in clause 9.13 is an existing public sector employee employed in the entity of the chief executive who requested the screening, the employee is to be placed in another role at their substantive classification level or rate of remuneration.

Change in criminal history

9.15 Sections 73 and 74 of the Act set out obligations for public sector employees to disclose any charge or conviction for indictable offences and for a prosecuting authority to disclose committals, convictions, and other information.

10. Determining relevant duties

10.1 It is the responsibility of the chief executive to determine that a particular duty is a relevant duty, however a duty is not a relevant duty if it is likely to involve child-related duties or regulated employment.

10.2 Determining that a duty is a relevant duty must be based on the nature of the duty.

10.3 Considerations of the nature of the duty can include the type of work being performed. Examples may include:

- (a) nature of interactions with customers, including customers that could be considered vulnerable
- (b) degree to which the role is a leadership role within the entity
- (c) access to personal/confidential information and associated systems
- (d) access to security related information
- (e) access to drugs and/or weapons
- (f) degree of access and/or involvement in finance and procurement matters.

10.4 Where a duty has been identified as a relevant duty under section 50 of the Act and clause 10.2 of this directive, a chief executive may decide it is necessary to obtain the criminal history of a person in circumstances where employing a person with a criminal history would create a risk to the entity, including the work, service delivery, security, reputation and/or confidence in the integrity of the public sector.

10.5 A chief executive of an entity who determines their entity performs relevant duties must document the roles and duties deemed to be relevant duties in the entity. Roles can be documented in an entity's policy, for example.

11. Child-related duties

11.1 Chapter 3, part 5, division 3 of the Act provides requirements and obligations in relation to screening for child-related duties.

11.2 Deciding that a duty is a child-related duty is a decision for the chief executive.

11.3 In making a decision under clause 11.2, the duty is a child-related duty if:

(a) the chief executive decides the duty:

- (i) is to be performed at a place at which services are provided only or mainly to children; or
- (ii) is to be performed in a role involving providing services only or mainly to children; or
- (iii) involves contact with children that is of a type, or happens in a context, that may create an unacceptable level of risk for children; and

(b) the chief executive decides it is necessary to conduct child-related employment screening.

11.4 Further to clause 11.3, in deciding that a duty is a child-related duty, the chief executive may consider:

(a) the frequency of contact with children the duties have

(b) the level and degree of supervision of children

(c) whether a child is likely to be alone with the person

(d) whether the person is in a position of trust or authority

(e) whether the child is particularly vulnerable (for example, does the child have a disability, is the child in custody or care under the *Child Protection Act 1999* (Qld)).

11.5 A chief executive of an entity performing child-related duties must document the kinds of places, roles and duties deemed to be child-related duties by the entity. Documentation can be through an entity's policy, for example.

11.6 In accordance with the Act, where a chief executive decides a duty is a child related duty and it is necessary to conduct child-related employment screening, the screening is to be undertaken in accordance with chapter 8 of the WWC (RM&S) Act.

11.7 Following screening for child-related duties, if the person is unsuitable to perform child-related duties in accordance with sections 58 to 62 of the Act, the chief executive must ensure the person does not perform, or does not continue to perform, child-related duties.

11.8 If the person mentioned in clause 11.7 is an existing public sector employee employed in the entity of the chief executive who determined the screening was required, the employee is to be placed in another role at their substantive classification level or rate of remuneration.

Risk management strategies for child-related duties

11.9 The chief executive of an entity that performs child-related duties must:

- (a) develop, implement and maintain a child and youth risk management strategy¹ that aims to identify potential risks of harm to children and young people and to implement strategies to minimise these risks
- (b) review the risk management strategy on at least an annual basis
- (c) ensure that the risk management strategy complies with the minimum requirements specified in the WWC (RM&S) Act
- (d) ensure that the action taken to implement a risk management strategy is included in the entities annual report.

12. Serious disciplinary action

12.1 Where a chief executive is proposing to employ a person, or second a person, to the entity, who has been assessed as the person best suited to the position in accordance with the directive relating to recruitment and selection, the chief executive may decide that it is necessary to consider any serious disciplinary action taken against the person.

12.2 In making a decision to request a notice of serious disciplinary action, a chief executive may consider:

- (a) the nature of the position to be undertaken
- (b) any previous notices provided by the person regarding serious disciplinary action
- (c) the time elapsed since any previous notices were provided
- (d) whether further disclosure will provide additional, relevant information
- (e) the organisational or occupational values and code of conduct applying to the position
- (f) the perception of public and client confidence in the performance of the position and the entity.

12.3 A decision made under clause 12.1 must be documented, including justification for the decision, even where a decision is made not to request a notice of serious disciplinary action.

12.4 The person must comply with a request to provide a notice stating the particulars of serious disciplinary action to the chief executive. At a minimum, the notice must include:

- (a) information about discipline finding/s (including grounds for discipline) that gave rise to the serious disciplinary action

¹ This provision applies only to the extent that entities are not otherwise legislatively required to implement a risk management strategy under the Working with Children (Risk Management and Screening) Act 2000.

(b) details of any substantiated allegations that gave rise to the finding/s and ground for discipline

(c) the date and/or timing of the conduct and disciplinary process

(d) details of any serious disciplinary action taken as a result of the finding/s made.

12.5 Where a chief executive decides to request a notice from a person regarding serious disciplinary action, the chief executive is responsible for determining a reasonable time for the notice to be submitted and the format and mode for the person to submit the notice.

Assessment of suitability based on serious disciplinary action

12.6 On receipt of a notice disclosing particulars of serious disciplinary action taken against a person, the chief executive must consider the person's suitability for employment in or secondment to the public sector entity.

12.7 In determining the persons suitability for employment, the chief executive must consider:

(a) the nature of any serious disciplinary action taken against the person and its relevance to the nature of the duties to be performed

(b) any response provided to the chief executive by the person or the person's representative in accordance with clause 8 of this directive, relating to procedural fairness

(c) the amount of time elapsed since the serious disciplinary action was taken against the person

(d) whether the serious disciplinary action impacts on the person's suitability for the role.

12.8 Further to clause 12.7, the chief executive may consider:

(a) the nature, seriousness and timeframe of the conduct related to the serious disciplinary action

(b) whether the notice identifies a pattern of behaviour

(c) any relevant risk contained in the entity's risk management strategy under clause 11.9 of this directive or another relevant risk management strategy

(d) any relevant work history of the person

(e) any impacts on the duties and responsibilities of the role applied for.

13. Human rights

13.1 When a chief executive is making a decision not to employ or continue a person's employment, due to the person being unsuitable for employment because of their criminal history record or notice of serious disciplinary action, the chief executive should ensure a human rights assessment of the decision is undertaken and documented appropriately in accordance with the HR Act.

Appeals

14. Appeals

14.1 A current public sector employee may be able to lodge a grievance about a chief executive's decision not to employ them or to make changes to their employment arrangements as a result of an assessment of suitability for employment. The directive relating to individual employee grievances should be referenced for further information about employee grievances.

14.2 A current public sector employee who is aggrieved by a decision relating to their suitability for employment may be able to lodge a fair treatment appeal in the Queensland Industrial Relations Commission in accordance with chapter 3, part 10 of the Act.

14.3 Time limits for starting an appeal are provided for in the *Industrial Relations Act 2016* (Qld) and the Commissioner directive relating to appeals.

Governance and transitional provisions

15. Records

15.1 Information obtained through screening activities must be managed in accordance with chapter 8, part 3 of the Act and other relevant legislation including the *Information Privacy Act 2009* (Qld).

15.2 Any documents, notices, reports or other information obtained through screening activities must be retained and disposed of in accordance with the retention and disposal schedule approved by the relevant chief executive, or the Queensland Government General Retention and Disposal Schedule.

15.3 Once documents, notices, reports or other information are no longer required in accordance with clause 15.2, they must be destroyed in accordance with section 79 of the Act.

16. Transitional provisions

16.1 Sections 300 and 303 of the Act provide for transitional arrangements in relation to existing requirements to disclose previous history of serious disciplinary action and existing consents to obtain criminal history.

Schedule 11—Amendments of the Statutory Instruments Act 1992 (Qld)

Statutory Instruments Act 1992 (Qld)

1 At the end of section 14

Add:

- (4) To the extent that it is amended by Schedule 2 to the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* of the Commonwealth, the *Acts Interpretation Act 1954* (Qld) (NI) applies to a statutory instrument (whether or not the statutory instrument is an applied law or an adopted law) in the same way as it applies to an Act.

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 how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021	17 Dec 2021 (F2021L01821)	1 Jan 2022 (s 2(1) item 1)	
Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2021	24 Dec 2021 (F2021L01903)	1 Jan 2022 (s 2(1) item 1)	—
Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2022	27 Jan 2022 (F2022L00076)	28 Jan 2022 (s 2(1) item 1)	—
Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment (Further Education and Training) Ordinance 2022	18 Aug 2022 (F2022L01089)	19 Aug 2022 (s 2(1) item 1)	—
Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment (Education) Ordinance 2023	3 Feb 2023 (F2023L00081)	4 Feb 2023 (s 2(1) item 1)	—
Norfolk Island Applied Laws (Queensland) Amendment (Norfolk Island Central School Support Staff Checks) Rules 2025	7 July 2025 (F2025L00830)	8 July 2025 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2.....	rep LA s 48D
s 6A.....	ad F2021L01903
Schedule 1	
item 1	am F2022L01089 ed C4
Schedule 2	
item 1A	ad F2021L01903
item 1AB.....	ad F2022L00076
item 2A	ad F2021L01903
item 3AA	ad F2022L00076
item 3AAA	ad F2022L00076
item 3A	ad F2021L01903
item 3B	ad F2021L01903
item 3C	ad F2021L01903
item 3D	ad F2021L01903
item 5B	ad F2021L01903 am F2022L01089
item 5C	ad F2022L00076 ed C2
item 6	am F2022L01089
item 6A	ad F2021L01903
item 6B	ad F2021L01903
item 6C	ad F2021L01903
item 6CA.....	ad F2022L00076
item 6D	ad F2021L01903
item 6DA	ad F2022L00076
item 6DB.....	ad F2022L00076
item 6DC.....	ad F2022L00076
item 6E.....	ad F2021L01903
item 6EA.....	ad F2022L00076 am F2022L01089
item 6F	ad F2021L01903
item 6G	ad F2021L01903
item 6H	ad F2021L01903 am F2022L01089
Schedule 3	
Schedule 3.....	ad F2021L01903

Endnote 4—Amendment history

Provision affected	How affected
item 1	ad F2021L01903
item 2	ad F2021L01903
item 3	ad F2021L01903
item 4	ad F2021L01903
item 5	ad F2021L01903
item 6	ad F2021L01903
item 7	ad F2021L01903
item 7A	ad F2022L00076
item 8	ad F2021L01903
item 9	ad F2021L01903
item 10	ad F2021L01903
item 11	ad F2021L01903
item 12	ad F2021L01903
item 13	ad F2021L01903
item 14	ad F2021L01903
item 15	ad F2021L01903
item 16	ad F2021L01903
item 17	ad F2021L01903
item 18	ad F2021L01903
item 19	ad F2021L01903
item 20	ad F2021L01903
item 20A	ad F2022L00076
item 20B	ad F2022L00076
item 20C	ad F2022L00076
item 20D	ad F2022L00076
item 20E	ad F2022L00076
item 21	ad F2021L01903
item 22	ad F2021L01903
item 23	ad F2021L01903
item 24	ad F2021L01903
item 25	ad F2021L01903
	rs F2022L00076
	ed C2
item 26	ad F2021L01903
item 26A	ad F2023L00081
item 26B	ad F2023L00081
item 27	ad F2021L01903
item 28	ad F2021L01903
item 28A	ad F2023L00081
item 28B	ad F2023L00081

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Endnote 4—Amendment history

Provision affected	How affected
item 28C	ad F2023L00081
item 28D	ad F2023L00081
item 28E.....	ad F2023L00081
item 28F.....	ad F2023L00081
item 28G	ad F2023L00081
item 28H	ad F2023L00081
item 28J.....	ad F2023L00081
item 29	ad F2021L01903
item 30	ad F2021L01903
item 31	ad F2021L01903
item 32	ad F2021L01903
item 33	ad F2021L01903
item 34	ad F2021L01903
item 35	ad F2021L01903
item 36	ad F2021L01903
item 36A	ad F2023L00081
item 37	ad F2021L01903
item 38	ad F2021L01903
item 39	ad F2021L01903
item 40	ad F2021L01903
item 41	ad F2021L01903
item 42	ad F2021L01903
item 43	ad F2021L01903
item 44	ad F2021L01903
item 45	ad F2021L01903
item 46	ad F2021L01903
item 46A	ad F2022L00076
item 47	ad F2021L01903
item 48	ad F2021L01903
item 49	ad F2021L01903
item 50	ad F2021L01903
item 51	ad F2021L01903
item 52	ad F2021L01903
item 53	ad F2021L01903
item 54	ad F2021L01903
item 55AA (prev item 55 first occurring)	
item 55 (first occurring).....	ad F2021L01903
	renum
	ed C2

Endnote 4—Amendment history

Provision affected	How affected
item 55A	ad F2022L00076 ed C2
item 55B	ad F2022L00076 ed C2
item 55 (second occurring).....	ad F2021L01903
item 57	ad F2021L01903
item 58	ad F2021L01903 rep F2023L00081
item 59	ad F2021L01903 rep F2023L00081
item 60	ad F2021L01903 rep F2023L00081
item 61	ad F2021L01903
item 62	ad F2021L01903 rep F2023L00081
item 63	ad F2021L01903
item 64	ad F2021L01903
item 65	ad F2021L01903
item 66	ad F2021L01903
item 67	ad F2021L01903
item 68	ad F2021L01903
item 69	ad F2021L01903
item 70	ad F2021L01903
item 71	ad F2021L01903 rs F2022L00076 rep F2023L00081
item 71AA	ad F2023L00081
item 71A	ad F2022L00076
item 72	ad F2021L01903
item 73	ad F2021L01903
item 74	ad F2021L01903
item 75	ad F2021L01903
item 76	ad F2021L01903
item 77	ad F2021L01903
item 78	ad F2021L01903
item 79	ad F2021L01903
item 80	ad F2021L01903
item 80A	ad F2022L00076
item 80B	ad F2022L00076
item 81	ad F2021L01903

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
item 82	ad F2021L01903
item 83	ad F2021L01903
item 83A	ad F2022L00076
item 84	ad F2021L01903
item 84A	ad F2022L00076
item 85	ad F2021L01903
item 85A	ad F2022L00076
item 85B	ad F2022L00076
item 85C	ad F2023L00081
item 86	ad F2021L01903
item 87	ad F2021L01903
item 87A	ad F2022L00076
item 87B	ad F2022L00076
item 88	ad F2021L01903
item 89	ad F2021L01903
item 89AA	ad F2023L00081
item 89A	ad F2022L00076
item 90	ad F2021L01903
item 91	ad F2021L01903
item 92	ad F2021L01903
item 93	ad F2021L01903
item 94	ad F2021L01903
item 95	ad F2021L01903
Schedule 4	
Schedule 4.....	ad F2021L01903
item 1	ad F2021L01903
item 1A	ad F2022L00076
item 1B	ad F2022L00076
item 1C	ad F2022L00076
item 1D	ad F2022L00076
item 1E.....	ad F2023L00081
item 2	ad F2021L01903
item 3	ad F2023L00081
Schedule 5	
Schedule 5.....	ad F2021L01903
item 1AA	ad F2023L00081
item 1AB.....	ad F2023L00081
item 1AC.....	ad F2023L00081
item 1AD	ad F2023L00081
item 1AE.....	ad F2023L00081

Endnote 4—Amendment history

Provision affected	How affected
item 1	ad F2021L01903
item 1B	ad F2023L00081
item 1C	ad F2023L00081
item 1D	ad F2023L00081
item 1E	ad F2023L00081
item 1F	ad F2023L00081
item 1G	ad F2023L00081
item 1H	ad F2023L00081
item 1J	ad F2023L00081
item 2	ad F2021L01903
item 3	ad F2021L01903
item 4	ad F2021L01903
item 5	ad F2021L01903
item 5A	ad F2022L00076
item 5B	ad F2022L00076
item 5C	ad F2022L00076
	rs F2023L00081
item 5D	ad F2022L00076
item 6	ad F2021L01903
item 7	ad F2021L01903
item 8	ad F2021L01903
item 9	ad F2021L01903
Schedule 6	
Schedule 6	ad F2021L01903
item 1	ad F2021L01903
Schedule 7	
Schedule 7	ad F2021L01903
item 1A	ad F2023L00081
item 1B	ad F2023L00081
item 1	ad F2021L01903
Schedule 7A	
Schedule 7A	ad F2022L01089
item 1	ad F2022L01089
item 2	ad F2022L01089
item 3	ad F2022L01089
item 4	ad F2022L01089
item 5	ad F2022L01089
item 6	ad F2022L01089
item 7	ad F2022L01089
item 8	ad F2022L01089

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
item 9	ad F2022L01089
item 10	ad F2022L01089
item 11	ad F2022L01089
item 12	ad F2022L01089
item 13	ad F2022L01089
item 14	ad F2022L01089
item 15	ad F2022L01089
item 16	ad F2022L01089
item 17	ad F2022L01089
item 18	ad F2022L01089
item 19	ad F2022L01089
item 20	ad F2022L01089
item 21	ad F2022L01089
item 22	ad F2022L01089
Schedule 7B	
Schedule 7B.....	ad F2022L01089
item 1	ad F2022L01089
Schedule 8	
Schedule 8.....	ad F2021L01903
item 1	ad F2021L01903
item 2	ad F2021L01903
item 3	ad F2021L01903
item 4	ad F2021L01903
	rs F2022L00076
item 5	ad F2021L01903
Schedule 9	
Schedule 9.....	ad F2021L01903
item 1	ad F2021L01903
item 2	ad F2021L01903
item 3	ad F2021L01903
Schedule 10	
Schedule 10.....	ad F2021L01903
item 1	ad F2021L01903
item 2	ad F2021L01903
item 3	ad F2022L00076
item 4	ad F2022L00076
item 5	ad F2022L00076
item 6	ad F2022L00076
Schedule 10A	
Schedule 10A.....	ad F2025L00830

Endnote 4—Amendment history

Provision affected	How affected
item 1	ad F2025L00830
item 2	ad F2025L00830
item 3	ad F2025L00830
item 4	ad F2025L00830
item 5	ad F2025L00830
item 6	ad F2025L00830
item 7	ad F2025L00830
item 8	ad F2025L00830
item 9	ad F2025L00830
item 10	ad F2025L00830
item 11	ad F2025L00830
item 12	ad F2025L00830
Schedule 11	
Schedule 11.....	ad F2021L01903
item 1	ad F2021L01903