



Coral Sea Islands Act 1969

Act No. 58 of 1969 as amended

This compilation was prepared on 25 November 2008
taking into account amendments up to Act No. 117 of 2008

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to provide for the Government of certain Islands acquired by the Commonwealth

Preamble

All the islands in the following areas are territories acquired by the Commonwealth:

- (a) the area the boundary of which commences at the point of the intersection of the line following the outer edge of the Great Barrier Reef by the parallel of Latitude $12^{\circ} 00'$ South and runs:
 - (i) then south-easterly along the geodesic to the point of Latitude $16^{\circ} 00'$ South, Longitude $156^{\circ} 06'$ East; and
 - (ii) then south along the meridian of Longitude $156^{\circ} 06'$ East to its intersection by the parallel of Latitude $24^{\circ} 00'$ South; and
 - (iii) then west along that parallel to its intersection by the meridian of Longitude $154^{\circ} 00'$ East; and
 - (iv) then north along that meridian to its intersection by the parallel of Latitude $22^{\circ} 00'$ South; and
 - (v) then west along that parallel to its intersection by the line following the outer edge of the Great Barrier Reef; and
 - (vi) then generally north-westerly along that line to the point of commencement; and
- (b) the area the boundary of which commences at the point of Latitude $29^{\circ} 21'$ South, Longitude $158^{\circ} 59'$ East and runs:
 - (i) then east along the parallel of Latitude $29^{\circ} 21'$ South to its intersection by the meridian of Longitude $159^{\circ} 14'$ East; and
 - (ii) then south-westerly along the geodesic to the point of Latitude $30^{\circ} 3'$ South, Longitude $159^{\circ} 10'$ East; and
 - (iii) then west along the parallel of Latitude $30^{\circ} 3'$ South to its intersection by the meridian of Longitude $158^{\circ} 55'$ East; and
 - (iv) then north-easterly along the geodesic to the point of commencement.

It is desirable to make provision for the government of those islands as one Territory.

BE IT THEREFORE enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

1 Short title [see Note 1]

This Act may be cited as the *Coral Sea Islands Act 1969*.

2 Interpretation

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

Act does not include an enactment.

enactment has the same meaning as in the *Australian Capital Territory (Self-Government) Act 1988*.

Ordinance means an Ordinance made under this Act.

the Territory means the Coral Sea Islands Territory.

- (2) Where, for the purposes of this Act, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position must be determined by reference to the Geocentric Datum of Australia (GDA) as defined in the *Gazette* No. GN 35, 6 September 1995.

3 Coral Sea Islands Territory

The Coral Sea Islands, that is to say, the islands described in the Preamble, are declared to be a Territory by the name of Coral Sea Islands Territory.

4 Continuance of laws

Subject to this Act, the laws in force in the Coral Sea Islands at the commencement of this Act continue in force, but may be altered or repealed by Ordinance made in pursuance of this Act.

5 Ordinances

- (1) The Governor-General may make Ordinances for the peace, order and good government of the Territory.

- (2) Notice of the making of an Ordinance shall be published in the *Gazette*, and an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice.

6 Application of Commonwealth Acts

- (1) An Act or a provision of an Act (whether passed before or after the commencement of this Act) is not in force as such in the Territory unless it is expressed to extend to the Territory.
- (2) An Ordinance shall not be made so as to affect the application of its own force in, or in relation to, the Territory of an Act or a provision of an Act.

7 Tabling of Ordinances

- (1) An Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the making of the Ordinance, and, if it is not so laid before each House of the Parliament, ceases to have effect.
- (2) If either House of the Parliament, in pursuance of a motion of which notice has been given within 15 sitting days after an Ordinance has been laid before that House, passes a resolution disallowing the Ordinance or a part of the Ordinance, the Ordinance or part so disallowed thereupon ceases to have effect.
- (3) If, at the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament, being notice given within 15 sitting days after the Ordinance has been laid before that House:
 - (a) the notice has not been withdrawn and the motion has not been called on; or
 - (b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;the Ordinance or part, as the case may be, specified in the motion shall thereupon be deemed to have been disallowed.
- (4) If, before the expiration of 15 sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament:

- (a) the House of Representatives is dissolved or expires, or the Parliament is prorogued; and
 - (b) at the time of the dissolution, expiry or prorogation, as the case may be:
 - (i) the notice has not been withdrawn and the motion has not been called on; or
 - (ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of;
- the Ordinance shall, for the purposes of subsections (2) and (3), be deemed to have been laid before that first-mentioned House on the first sitting day of that first-mentioned House after the dissolution, expiry or prorogation, as the case may be.
- (5) Where an Ordinance is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (1), the disallowance of the Ordinance or the operation of subsection (1) in relation to the Ordinance, as the case may be, has the same effect as a repeal of the Ordinance.
- (5A) Where:
 - (a) an Ordinance (in this subsection referred to as the ***relevant Ordinance***) is disallowed, or is deemed to have been disallowed, under this section or ceases to have effect by virtue of the operation of subsection (1); and
 - (b) the relevant Ordinance repealed, in whole or in part, another Ordinance or any other law that was in force immediately before the relevant Ordinance came into operation;
- the disallowance of the relevant Ordinance or the operation of subsection (1) in relation to the relevant Ordinance, as the case may be, has the effect of reviving that other Ordinance or law, as the case may be, from and including the date of the disallowance or the date on which the relevant Ordinance ceased to have effect by virtue of that operation of subsection (1), as the case may be, as if the relevant Ordinance had not been made.
- (5B) A reference in subsection (5) or (5A) to an Ordinance shall be read as including a reference to a part of an Ordinance, and a reference in subsection (5A) to a law has a corresponding meaning.

7A Ordinance not to be re-made while required to be tabled

- (1) Where an Ordinance (in this section called the *original Ordinance*) has been made, no Ordinance containing a provision being the same in substance as a provision of the original Ordinance shall be made during the period defined by subsection (2) unless both Houses of the Parliament by resolution approve the making of an Ordinance containing a provision the same in substance as that provision of the original Ordinance.
- (2) The period referred to in subsection (1) is the period starting on the day on which the original Ordinance was made and ending at the end of 7 days after:
 - (a) if the original Ordinance has been laid, in accordance with subsection 7(1), before both Houses of the Parliament on the same day—that day;
 - (b) if the original Ordinance has been so laid before both Houses on different days—the later of those days; or
 - (c) if the original Ordinance has not been so laid before both Houses—the last day on which subsection 7(1) could have been complied with.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has not effect.

7B Ordinance not to be re-made while subject to disallowance

- (1) Where notice of a motion to disallow an Ordinance has been given in a House of the Parliament within 15 sitting days after the Ordinance has been laid before that House, no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (a) the notice has been withdrawn;
 - (b) the Ordinance is deemed to have been disallowed under subsection 7(3);
 - (c) the motion has been withdrawn or otherwise disposed of; or
 - (d) subsection 7(4) has applied in relation to the Ordinance.
- (2) Where:
 - (a) because of subsection 7(4), an Ordinance is deemed to have been laid before a House of the Parliament on a particular day; and

- (b) notice of a motion to disallow the Ordinance has been given in that House within 15 sitting days after that day;
no Ordinance containing a provision being the same in substance as a provision of the first-mentioned Ordinance shall be made unless:
 - (c) the notice has been withdrawn;
 - (d) the Ordinance is deemed to have been disallowed under subsection 7(3);
 - (e) the motion has been withdrawn or otherwise disposed of; or
 - (f) subsection 7(4) has applied again in relation to the Ordinance.
- (3) If a provision of an Ordinance is made in contravention of this section, the provision has no effect.
- (4) This section does not limit the operation of section 7A or 7C.
- (5) In this section:

Ordinance includes a part of an Ordinance.

7C Disallowed Ordinance not to be re-made unless resolution rescinded or House approves

If an Ordinance or a part of an Ordinance is disallowed, or is deemed to have been disallowed, under section 7, and an Ordinance containing a provision being the same in substance as a provision so disallowed, or deemed to have been disallowed, is made within 6 months after the date of the disallowance, that provision has no effect, unless:

- (a) in the case of an Ordinance, or a part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or a part of an Ordinance, deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow the Ordinance or part was given has approved, by resolution, the making of a provision the same in substance as the provision deemed to have been disallowed.

7D Regulations, rules and by-laws

- (1) All regulations made under an Ordinance shall be laid before each House of the Parliament within 15 sitting days of that House after the day on which the regulations are made and, if they are not so laid before each House of the Parliament, have no effect.
- (2) Subsections 7(2) to (5B), inclusive, and sections 7A, 7B and 7C apply in relation to regulations laid before a House of the Parliament as if, in those provisions, references to an Ordinance were references to regulations and references to a provision of an Ordinance were references to a regulation.
- (3) In this section, *regulations* includes rules and by-laws.

8 Courts having jurisdiction in the Territory

- (1) Subject to subsection (3), the courts of Norfolk Island have jurisdiction in and in relation to the Territory.
- (2) In the exercise of its jurisdiction under this section a court of Norfolk Island may sit in the Territory, in Norfolk Island or in Australia.
- (3) Subsection (1) does not confer jurisdiction on the courts of Norfolk Island in relation to matters arising under or by virtue of the provisions of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

Table of Acts**Notes to the *Coral Sea Islands Act 1969*****Note 1**

The *Coral Sea Islands Act 1969* as shown in this compilation comprises Act No. 58, 1969 amended as indicated in the Tables below.

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|--|-----------------|----------------|--|--|
| <i>Coral Sea Islands Act 1969</i> | 58, 1969 | 2 Sept 1969 | 30 Sept 1969 | |
| <i>Statute Law Revision Act 1973</i> | 216, 1973 | 19 Dec 1973 | 31 Dec 1973 | Ss. 9(1) and 10 |
| <i>Petroleum (Submerged Lands—Miscellaneous Amendments) Act 1981</i> | 79, 1981 | 18 June 1981 | Parts III and IV (ss. 9–16): 14 Feb 1983 (see s. 2(2) and <i>Gazette</i> 1983, No. S29) Remainder: Royal Assent | — |
| <i>Statute Law (Miscellaneous Amendments) Act (No. 1) 1982</i> | 26, 1982 | 7 May 1982 | Part XIX (ss. 146, 147): 4 June 1982 (a) | — |
| as amended by | | | | |
| <i>Statute Law (Miscellaneous Amendments) Act (No. 2) 1982</i> | 80, 1982 | 22 Sept 1982 | Part LXXI (ss. 262, 263): (b) | — |
| <i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1983</i> | 39, 1983 | 20 June 1983 | S. 3: 18 July 1983 (c) | — |
| <i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1984</i> | 72, 1984 | 25 June 1984 | S. 3: 23 July 1984 (d) | S. 5(1) |
| <i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i> | 65, 1985 | 5 June 1985 | S. 3: 3 July 1985 (e) | — |
| <i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1986</i> | 168, 1986 | 18 Dec 1986 | S. 3: Royal Assent (f) | — |
| <i>Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988</i> | 99, 1988 | 2 Dec 1988 | 2 Dec 1988 | — |
| <i>A.C.T. Self-Government (Consequential Provisions) Act 1988</i> | 109, 1988 | 6 Dec 1988 | S. 32 (in part): 11 May 1989 (see <i>Gazette</i> 1989, No. S164) (g) | — |

Table of Acts

| Act | Number and year | Date of Assent | Date of commencement | Application, saving or transitional provisions |
|---|-----------------|----------------|---|--|
| <i>Environment, Sport and Territories Legislation Amendment Act 1997</i> | 118, 1997 | 7 July 1997 | Schedule 1 (items 20, 21): Royal Assent (<i>h</i>) | — |
| <i>Offshore Petroleum (Repeals and Consequential Amendments) Act 2006</i> | 17, 2006 | 29 Mar 2006 | Schedule 2 (item 12): 1 July 2008 (see s. 2(1) and F2008L02273) | — |
| <i>Offshore Petroleum Amendment (Greenhouse Gas Storage) Act 2008</i> | 117, 2008 | 21 Nov 2008 | Schedule 3 (item 4): 22 Nov 2008 | — |

Act Notes

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- (a) The *Coral Sea Islands Act 1969* was amended by Part XIX (sections 146 and 147) only of the *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982*, subsection 2(12) of which provides as follows:
- (12) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (b) The *Statute Law (Miscellaneous Amendments) Act (No. 1) 1982* was amended by Part LXXI (sections 262 and 263) only of the *Statute Law (Miscellaneous Amendments) Act (No. 2) 1982*, subsection 2(11) of which provides as follows:
- (11) Parts LXIX and LXXI shall be deemed to have come into operation on 4 June 1982.
- (c) The *Coral Sea Islands Act 1969* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1983*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (d) The *Coral Sea Islands Act 1969* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1984*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (e) The *Coral Sea Islands Act 1969* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (f) The *Coral Sea Islands Act 1969* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1986*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (g) The *Coral Sea Islands Act 1969* was amended by section 32 (in part) only of the *A.C.T. Self-Government (Consequential Provisions) Act 1988*, subsection 2(3) of which provides as follows:
- (3) The remaining provisions of this Act (including the amendments made by Schedule 5) commence on a day or days to be fixed by Proclamation.
- (h) The *Coral Sea Islands Act 1969* was amended by Schedule 1 (items 20 and 21) only of the *Environment, Sport and Territories Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|--------------------|---|
| Preamble | am. No. 216, 1973 rs. No. 72, 1984; No. 118, 1997 |
| S. 2 | am. No. 72, 1984; No. 109, 1988; No. 118, 1997 |
| S. 3 | am. No. 216, 1973; No. 72, 1984; No. 65, 1985 |
| S. 7 | am. No. 26, 1982 (as am. by No. 80, 1982); No. 39, 1983; No. 65, 1985; No. 168, 1986; No. 99, 1988 |
| Ss. 7A–7D | ad. No. 99, 1988 |
| S. 8 | am. No. 79, 1981; No. 17, 2006; No. 117, 2008 |