



Christmas Island Administration (Miscellaneous Amendments) Act 1984

No. 120 of 1984

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SCHEDULE

FORMAL AMENDMENTS OF CHRISTMAS ISLAND ACT 1958



Christmas Island Administration (Miscellaneous Amendments) Act 1984

No. 120 of 1984

**An Act to amend certain laws in connection with reforms of the
administration of the Territory of Christmas Island and for
other purposes**

[Assented to 18 October 1984]

BE IT ENACTED by the Queen, and the Senate and the House of
Representatives of the Commonwealth of Australia, as follows:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Christmas Island Administration
(Miscellaneous Amendments) Act 1984*.

Commencement

2. (1) Subject to this section, this Act shall come into operation on the day
on which it receives the Royal Assent.

(2) Part VIII shall come into operation, or be deemed to have come into
operation, as the case requires, on 1 October 1984.

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PART II—AMENDMENTS OF CHRISTMAS ISLAND ACT 1958

Principal Act

3. The *Christmas Island Act 1958*¹ is in this Part referred to as the Principal Act.

4. After section 11 of the Principal Act the following section is inserted:

Registries and Registrars

“11A. Without limiting the provision that may otherwise be made by Ordinance in relation to the Supreme Court, provision may be made by Ordinance for or in relation to—

- (a) the establishment and operation of registries of that Court at places outside the Territory; and
- (b) where a power or duty is conferred or imposed by law on a person who holds an office in relation to that Court—the exercise of that power or the performance of that duty at a place outside the Territory.”

5. After section 21 of the Principal Act the following section is inserted:

Disposal of land

“21A. (1) The application of the *Lands Acquisition Act 1955* in relation to land in the Territory does not prevent or affect the making or operation of a provision of an Ordinance or other law of the Territory (including the operation of a provision of an Ordinance or other law made before the commencement of this section) by virtue of which—

- (a) lands in the Territory acquired by or vested in the Commonwealth may be disposed of or otherwise dealt with;
- (b) instruments, receipts and other documents in relation to any such lands may be executed; or
- (c) rights, duties and liabilities in relation to any such lands are or may be acquired, conferred or imposed.

“(2) Any ordinances or other laws of the Territory referred to in sub-section (1) which provide for the acquisition of land shall provide that such land shall not be acquired otherwise than on just terms.”

Formal amendments

6. The Principal Act is amended as set out in the Schedule.

**PART III—AMENDMENTS OF COMMONWEALTH ELECTORAL
ACT 1918**

Principal Act

7. The *Commonwealth Electoral Act 1918*² is in this Part referred to as the Principal Act.

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Interpretation

8. Section 4 of the Principal Act is amended—

- (a) by inserting in the definition of “Northern Territory” in sub-section (1) “and the Territory of Christmas Island” after “Islands”;
- (b) by inserting after the definition of “Approved” in sub-section (1) the following definition:

“ ‘Australia’ includes the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island;” and
- (c) by adding at the end of sub-section (6) “and to the Territory of Christmas Island”.

Assistant Divisional Returning Officers

9. Section 34 of the Principal Act is amended by omitting from sub-section (2) “the District” and substituting “a District”.

Subdivisions

10. Section 79 of the Principal Act is amended by adding at the end of sub-section (2) “and the Territory of Christmas Island shall be one District of the Division of that Territory”.

PART IV—AMENDMENTS OF HEALTH INSURANCE ACT 1973

Principal Act

11. The *Health Insurance Act 1973*³ is in this Part referred to as the Principal Act.

Interpretation

12. Section 3 of the Principal Act is amended—

- (a) by adding at the end of the definition of “Australia” in sub-section (1) “and the Territory of Christmas Island”; and
- (b) by omitting from paragraph (c) of the definition of “recognized hospital” in sub-section (1) “and the Territory of Cocos (Keeling) Islands” and substituting “, the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island”.

External Territories

13. Section 7A of the Principal Act is amended by adding at the end thereof “and to the Territory of Christmas Island”.

Medicare benefit not payable where compensation, &c., payable

14. Section 18 of the Principal Act is amended by omitting from paragraph (1) (b) “, or the Territory of Cocos (Keeling) Islands” and substituting “, the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island”.

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PART V—AMENDMENTS OF NATIONAL HEALTH ACT 1953

Principal Act

15. The *National Health Act 1953*⁴ is in this Part referred to as the Principal Act.

External Territories

16. Section 6A of the Principal Act is amended by adding at the end thereof “and to the Territory of Christmas Island”.

Interpretation

17. Section 58D of the Principal Act is amended by inserting in paragraph (b) of the definition of “registered nurse” “or the Territory of Christmas Island” after “Islands”.

Interpretation

18. Section 66 of the Principal Act is amended by inserting in sub-section (7) “and the Territory of Christmas Island” after “Islands”.

Reinsurance Account in health benefits fund

19. Section 73BB of the Principal Act is amended by adding at the end of the definition of “Australia” in sub-section (11) “and the Territory of Christmas Island”.

Interpretation

20. Section 84 of the Principal Act is amended by inserting after sub-section (3) the following sub-section:

“(3A) A reference in this Part to the governing body, in relation to a public hospital in the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island, shall be read as a reference to the Administrator of the relevant Territory.”.

Effect of prosecution for offence

21. Section 133 of the Principal Act is amended by omitting “or of a State or Territory” and substituting “, of a State, of an internal Territory, of the Territory of Cocos (Keeling) Islands or of the Territory of Christmas Island,”.

Right of Commonwealth officers to practise

22. Section 135 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) In sub-section (1), ‘Territory’ includes the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.”.

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**PART VI—AMENDMENT OF NORTHERN TERRITORY
(SELF-GOVERNMENT) ACT 1978**

Principal Act

23. The *Northern Territory (Self-Government) Act 1978⁵* is in this Part referred to as the Principal Act.

Qualification of electors

24. Section 14 of the Principal Act is amended by adding at the end of sub-section (2) “or by the provisions of Part III of the *Christmas Island Administration (Miscellaneous Amendments) Act 1984*”.

**PART VII—AMENDMENTS OF REFERENDUM (MACHINERY
PROVISIONS) ACT 1984**

Principal Act

25. The *Referendum (Machinery Provisions) Act 1984⁶* is in this Part referred to as the Principal Act.

Interpretation

26. Section 3 of the Principal Act is amended—

- (a) by inserting after the definition of “Assistant Returning Officer” in sub-section (1) the following definition:

“ ‘Australia’ includes the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island;”;
- (b) by adding at the end of the definition of “Northern Territory” in sub-section (1) “and the Territory of Christmas Island”; and
- (c) by adding at the end of sub-section (3) “and to the Territory of Christmas Island”.

PART VIII—AMENDMENTS OF SOCIAL SECURITY ACT 1947

Principal Act

27. The *Social Security Act 1947⁷* is in this Part referred to as the Principal Act.

Interpretation

28. Section 6 of the Principal Act is amended—

- (a) by adding at the end of the definition of “Australia” in sub-section (1) “and the Territory of Christmas Island”; and
- (b) by adding at the end of the definition of “external Territory” in sub-section (1) “or the Territory of Christmas Island”.

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External Territories

29. Section 6C of the Principal Act is amended by adding at the end of sub-section (1) "and to the Territory of Christmas Island".

Interpretation

30. Section 17 of the Principal Act is amended by omitting the definition of "remote area" from sub-section (1) and substituting the following definition:

" 'remote area' means—

- (a) those parts of Australia referred to in paragraphs 1 and 2 of Part I of Schedule 2 to the *Income Tax Assessment Act 1936*;
- (b) the Territory of Cocos (Keeling) Islands; and
- (c) the Territory of Christmas Island;"

Claims for pensions, &c., before 1 January 1985

31. Where, as a result of the amendments made to the Principal Act by this Part—

- (a) a person becomes qualified or eligible to receive a pension, benefit or allowance under the *Social Security Act 1947* before 1 January 1985; and
- (b) the person makes a claim for a pension, benefit or allowance after the person became qualified or eligible to receive that pension, benefit or allowance but before 1 January 1985,

the Director-General of Social Security may determine that the claim shall be taken, for the purposes of that Act, to have been lodged on the day on which the person became so qualified or eligible.

PART IX—AMENDMENT OF STUDENT ASSISTANCE ACT 1973

Principal Act

32. The *Student Assistance Act 1973*⁸ is in this Part referred to as the Principal Act.

Interpretation

33. Section 5 of the Principal Act is amended by adding at the end thereof the following sub-section:

"(2) For the purposes of the definitions of 'advanced education institution', 'technical college', 'tertiary education institution' and 'university' in sub-section (1), a reference to 'Australia' includes a reference to the Territory of Christmas Island."

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SCHEDULE

Section 6

FORMAL AMENDMENTS OF CHRISTMAS ISLAND ACT 1958

Section 4, definition of “the proclaimed date”—

Omit “sub-section (2) of section 2”, substitute “sub-section 2 (2)”.

Sub-sections 17 (1) and 17 (3)—

Omit “*Public Service Act 1922-1958*”, substitute “*Public Service Act 1922*”.

Sub-section 18 (3)—

Omit “*Removal of Prisoners (Territories) Act 1923-1957*”, substitute “*Removal of Prisoners (Territories) Act 1923*”.

Sub-section 19 (2)—

Omit “*Currency Act 1965*”, substitute “*Currency Act 1965*”.

Paragraph 19 (3) (a)—

Omit “*Reserve Bank Act 1959*”, substitute “*Reserve Bank Act 1959*”.

Paragraph 19 (3) (b)—

Omit “*Banking Act 1959*” (twice occurring) and “*Banking (Transitional Provisions) Act 1959*”, substitute “*Banking Act 1959*” and “*Banking (Transitional Provisions) Act 1959*” respectively.

NOTES

1. No. 41, 1958, as amended. For previous amendments, see No. 9, 1959; No. 21, 1963; No. 131, 1965; No. 93, 1966; No. 216, 1973; No. 37, 1976; No. 174, 1980; Nos. 26 and 80, 1982; No. 39, 1983; and No. 72, 1984.
2. No. 27, 1918, as amended. For previous amendments, see No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; Nos. 48 and 70, 1965; Nos. 32 and 93, 1966; No. 7, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 38, 1974; No. 56, 1975; Nos. 14 and 116, 1977; No. 19, 1979; Nos. 102 and 155, 1980; No. 176, 1981 (as amended by No. 26, 1982); No. 80, 1982; Nos. 39 and 144, 1983; and Nos. 45 and 46, 1984.
3. No. 42, 1974, as amended. For previous amendments, see No. 58, 1975; Nos. 59, 91, 101 and 109, 1976; No. 75, 1977; Nos. 89 and 133, 1978; Nos. 53 and 123, 1979; No. 132, 1980; No. 118, 1981; Nos. 49 and 112, 1982; Nos. 54 and 139, 1983; and Nos. 15, 46 and 63, 1984.
4. No. 95, 1953, as amended. For previous amendments, see No. 68, 1955; Nos. 55 and 95, 1956; No. 92, 1957; No. 68, 1958; No. 72, 1959; No. 16, 1961; No. 82, 1962; No. 77, 1963; No. 37, 1964; Nos. 100 and 146, 1965; No. 44, 1966; Nos. 14 and 100, 1967; No. 100, 1968; No. 102, 1969; No. 41, 1970; No. 85, 1971; No. 114, 1972; Nos. 49 and 202, 1973; No. 37, 1974; Nos. 1, 13 and 93, 1975; Nos. 1, 60, 91, 99, 108, 157 and 177, 1976; Nos. 98 and 100, 1977; Nos. 36, 88, 132 and 189, 1978; Nos. 54, 91 and 122, 1979; Nos. 117 and 131, 1980; Nos. 40, 74, 118 and 176, 1981; Nos. 49 and 112, 1982; Nos. 35, 54 and 139, 1983; and Nos. 46, 63 and 72, 1984.
5. No. 58, 1978, as amended. For previous amendments, see No. 130, 1982; and Nos. 10 and 46, 1984.

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6. No. 44, 1984.
7. No. 26, 1947, as amended. For previous amendments, see Nos. 38 and 69, 1948; No. 16, 1949; Nos. 6 and 26, 1950; No. 22, 1951; Nos. 41 and 107, 1952; No. 51, 1953; No. 30, 1954; Nos. 15 and 38, 1955; Nos. 67 and 98, 1956; No. 46, 1957; No. 44, 1958; No. 57, 1959; No. 45, 1960; No. 45, 1961; Nos. 1 and 95, 1962; No. 46, 1963; Nos. 3 and 63, 1964; Nos. 57 and 152, 1965; No. 41, 1966; Nos. 10 and 61, 1967; No. 65, 1968; No. 94, 1969; Nos. 2 and 59, 1970; Nos. 16 and 67, 1971; Nos. 1, 14, 53 and 79, 1972; Nos. 1, 26, 48, 103 and 216, 1973; Nos. 2, 23 and 91, 1974; Nos. 34, 56, 101 and 110, 1975; Nos. 26, 62 and 111, 1976; No. 159, 1977; No. 128, 1978; No. 121, 1979 (as amended by Nos. 37 and 98, 1982); No. 130, 1980; Nos. 61 and 170, 1981; No. 159, 1981 (as amended by No. 98, 1982); Nos. 37, 98 and 148, 1982; Nos. 4, 36 and 69, 1983; and Nos. 46 and 78, 1984.
8. No. 155, 1973, as amended. For previous amendments, see No. 26 1982; and No. 72, 1984.