



# Norfolk Island Continued Laws Ordinance 2015

**Ordinance No. 2, 2015**

made under section 19A of the

*Norfolk Island Act 1979*

## Compilation No. 34

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Norfolk Island Continued Laws Ordinance 2015* that shows the text of the law as amended and in force on 10 July 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## 1 Name

This is the *Norfolk Island Continued Laws Ordinance 2015*.

## 3 Authority

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

## 4 Simplified outline of this Ordinance

Under sections 16 and 16A of the *Norfolk Island Act 1979*, certain laws that were in force immediately before the interim transition time (18 June 2015) continue in force and form part of the law of the Territory. In this Ordinance, these laws are called “continued laws”. The continued laws include laws of the Legislative Assembly and laws made under Legislative Assembly laws

Continued 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 a continued law for a period.

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

The items are to be read together with the continued laws in order to understand the operation of the continued 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.

## 4A Definitions

In this Ordinance:

***continued law*** means:

- (a) a law continued in force in the Territory by section 16 of the *Norfolk Island Act 1979*; or
- (b) a Legislative Assembly law, or a law made under a Legislative Assembly law, continued in force in the Territory by section 16A of that Act.

## 5 Interpretation

The *Acts Interpretation Act 1901* does not apply to Schedules 1 and 2.

Note: The *Interpretation Act 1979* (Norfolk Island), as amended by this Ordinance, applies instead (because this Ordinance is an enactment for the purposes of that Act).

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## 6 Rules

- (1) The Minister may, by legislative instrument, make rules amending this Ordinance:
  - (a) so as to amend or repeal a continued law; or
  - (b) to make application, saving or transitional provision in relation to any amendments or repeals of continued laws.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;
  - (c) impose a tax.

## 7 Schedules

- (1) Each continued 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 and repeals, and any 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 a continued law; and
  - (b) the item is amended or repealed;then the continued law as in force immediately before 18 June 2015 continues in force in the Territory in accordance with section 16 or 16A of the *Norfolk Island Act 1979* (as the case may be) and this Ordinance as amended.

## **Schedule 1—Amendments**

### **Part 1—Amendments**

#### ***Absentee Landowners Levy Act 1976 (Norfolk Island)***

##### **1AAAA Subsection 2(1) (definition of *levy day*)**

After “year”, insert “other than 2017 or a later year”.

##### **1AAAB At the end of subsection 5(1)**

Add:

Note: The last levy day in respect of which the levy is imposed is 15 September 2016: see the definition of *levy day* in subsection 2(1).

##### **1A At the end of subparagraphs 6A(2)(b)(i) and (ii)**

Add “and”.

##### **1B Subparagraph 6A(2)(b)(iii)**

Repeal the subparagraph.

##### **1C Paragraph 21A(1)(b)**

Omit “holds office or is employed under the *Public Service Act 1979*,”, substitute “is employed by the Norfolk Island Regional Council;”.

#### ***Administration Act 1936 (Norfolk Island)***

##### **1D Paragraph 8(1)(d)**

After “officer”, insert “appointed under paragraph (c)”.

##### **1E After subsection 8(2)**

Insert:

(2A) In addition to persons appointed as gaolers under paragraph (1)(c), a person who is a member of the police force, for the purposes of the *Police Act 1931*, is also a gaoler for the purposes of this Act.

#### ***Administration and Probate Act 2006 (Norfolk Island)***

##### **1F Subsection 5(3)**

Repeal the subsection.

##### **1G Subsection 5(5)**

Omit “even if he or she is not qualified in accordance with subsection (3)”.

## 1 Subsection 83(3)

Repeal the subsection.

## *Administrative Review Tribunal Act 1996 (Norfolk Island)*

### 1AAA Subsection 3(1)

Insert:

**enactment** means:

- (a) a section 19A Ordinance (within the meaning of the *Norfolk Island Act 1979* of the Commonwealth); or
- (b) an Ordinance continued in force by section 16 or 16A (disregarding subsection 16A(4)) of that Act, as the Ordinance is in force from time to time; or
- (c) a Legislative Assembly law continued in force by section 16A (disregarding subsection 16A(3)) of that Act, as the law is in force from time to time; or
- (d) a New South Wales law as in force in Norfolk Island under section 18A of that Act.

### 1AA Subsection 13(1)

Omit “employed or appointed under the *Public Sector Management Act 2000*”, substitute “employed by the Norfolk Island Regional Council”.

### 1AB At the end of subsection 15(1)

Add “(other than a decision made in the exercise of a power, function or duty vested in the Commonwealth Minister by section 18B of the *Norfolk Island Act 1979* of the Commonwealth)”.

## 2 After subsection 15(1)

Insert:

- (1A) To avoid doubt, an enactment made before the interim transition time does not contravene subsection (1) merely because of the effect of Schedule 1 to the *Interpretation Act 1979* on the enactment.

Note: At and after the interim transition time, that Schedule has the effect that the Commonwealth Minister may make under an enactment a decision that, before that time, could only be made by a Minister or the Administrator. That Schedule does not prevent such a decision made by the Commonwealth Minister from being reviewable by the Tribunal.

### 2A Subsection 24(4)

Omit “officer or employee of the Norfolk Island Public Service”, substitute “employee of the Norfolk Island Regional Council”.

### ***Adoption of Children Act 1932 (Norfolk Island)***

#### **2AA Subsection 9(5)**

Omit “, and the provisions of sections 73, 74 and 75 of the *Crimes Act 1900* of the State of New South Wales, in its application to Norfolk Island, as amended by any law of Norfolk Island for the time being in force,”.

### ***Airport Act 1991 (Norfolk Island)***

#### **2B Section 2 (definition of *authorised officer*)**

Omit “Minister”, substitute “Chief Executive Officer”.

#### **2BA Section 2 (definition of *charge*)**

Repeal the definition.

#### **2BB Section 2 (definition of *outstanding amount*)**

Repeal the definition, substitute:

***outstanding amount***, in relation to an aircraft, means all approved fees in respect of the aircraft that have become due for payment but have not been paid.

#### **2BC Sections 3, 3A and 3B**

Repeal the sections, substitute:

### **3 Approved fees for landing, take-off and movement of aircraft**

- (1) The approved fees are payable for or in relation to the landing, take-off and movement of aircraft on or from the airport.
- (2) The Chief Executive Officer may enter into an arrangement with an aircraft operator for the deposit of an amount, in the form of a cash sum, a bank guarantee or other security, with the Norfolk Island Regional Council to be held by the Council as security for the payment of approved fees for or in relation to the landing, take-off or movement of aircraft on or from the airport.
- (3) The Chief Executive Officer may refuse to allow an aircraft to land at the airport if the aircraft operator has not entered into such an arrangement.

#### **2BD Subsection 3C(1)**

Omit “a charge”, substitute “an approved fee”.

#### **2C Sections 3D and 3F**

Omit “Minister” (wherever occurring), substitute “Chief Executive Officer”.

#### **2D Section 3FA**

Repeal the section.

**2E Paragraph 3G(2)(d)**

Repeal the paragraph.

**2F Schedule 2**

Repeal the Schedule.

***Airport Regulations 1992 (Norfolk Island)***

**2G Part 1 (heading)**

Repeal the heading, substitute:

**Part 1—Preliminary**

**2H Regulations 3 to 4**

Repeal the regulations.

**2J Before regulation 4A**

Insert:

**Part 1A—Seizure of aircraft**

**2K Regulation 4A**

Omit all the words before paragraph (b), substitute:

For the purposes of paragraph 3G(2)(da) of the Act, reasonable steps for the purpose of giving notice under subsection 3C(2) of the Act about the seizure of an aircraft are taken to have been made if an authorised officer:

- (a) gives notice of the seizure to the holder of the AOC (within the meaning of the *Civil Aviation Act 1988* of the Commonwealth) that authorises the operation of the aircraft at the last address notified to CASA in respect of that person; and

**2L Paragraph 4A(b)**

Omit “the *Civil Aviation Regulations 1988*”, substitute “regulations made for the purposes of paragraph 98(3)(a) of the *Civil Aviation Act 1988*”.

**2M Subparagraph 4A(d)(i)**

Omit “the *Civil Aviation Regulations 1988*”, substitute “regulations made for the purposes of paragraph 98(3)(a) of the *Civil Aviation Act 1988*”.

**2N Schedule**

Repeal the Schedule.



***Animals (Importation) Act 1983 (Norfolk Island)***

**2S Section 5**

Omit “Administrator may by instrument”, substitute “Chief Executive Officer may, by written instrument,”.

**2SA Paragraph 7(2)(c)**

Omit “prescribed fee”, substitute “approved fee”.

**2T Section 11**

Omit “and his powers under section 5”.

**2U Subsection 13(1)**

Omit “(1)”.

**2V Subsection 13(2)**

Repeal the subsection.

***Annual Reports Act 2004 (Norfolk Island)***

**3 Subsection 5(1)**

After “prepare”, insert “and give to the Commonwealth Minister”.

**3A Section 5 (notes)**

Repeal the notes.

**3B Subsection 6(1)**

After “prepare”, insert “and give to the Commonwealth Minister”.

**4 Section 7**

Repeal the section.

**5 Subsection 8(1)**

Omit “Minister”, substitute “Commonwealth Minister”.

**6 Subsection 8(2)**

Repeal the subsection.

**7 Paragraph 8(3)(e)**

Omit “responsible Minister for the report”, substitute “Commonwealth Minister”.

**8 Subsections 8(4) and (5)**

Repeal the subsections.

**9 Parts 3 and 4**

Repeal the Parts.

**10 Subsections 14(1) and (2)**

Omit “Minister”, substitute “Commonwealth Minister”.

**11 Subsection 14(3)**

Repeal the subsection.

**12 Subsection 15(2)**

Omit “, and presentation of the report to the Legislative Assembly, is taken to comply with the requirements of this Act about the preparation and presentation”, substitute “complies with the requirements of this Act about the preparation”.

**13 Section 17**

Repeal the section.

**14 Section 18 (paragraph (c) of the definition of *annual report*)**

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

**15 Section 18 (paragraph (d) of the definition of *annual report*)**

Repeal the paragraph.

**16 Section 18 (definition of *financial year*)**

Repeal the definition, substitute:

*financial year* means a period from 1 July in a year to the following 30 June.

Note: See also subsection 6(3).

**17 Section 18 (paragraph (c) of the definition of *public sector agency*)**

Omit “agency”, substitute “agency.”.

**18 Section 18 (definition of *public sector agency*)**

Omit “and includes the Public Service Board.”.

**19 Section 18 (definition of *responsible Minister*)**

Repeal the definition.

**20 Section 18 (definition of *Speaker*)**

Repeal the definition.

**21 Section 18 (paragraph (a) of the definition of *territory instrumentality*)**

After “are”, insert “or were”.

**21A Section 18 (paragraph (b) of the definition of *territory instrumentality*)**

Omit “an Minister”, substitute “the Commonwealth Minister”.

***Apiaries Act 1935 (Norfolk Island)***

**21B Section 3**

Omit “Minister may appoint such inspectors and other officers”, substitute “Chief Executive Officer may, by written instrument, appoint such inspectors”.

**21BA Paragraph 4(1)(a)**

Omit “prescribed steps”, substitute “steps approved by the Chief Executive Officer”.

**21BB Paragraph 4(1)(b)**

Omit “prescribed manner”, substitute “manner approved by the Chief Executive Officer”.

**21BC Subsection 12(5)**

Omit “made to the Minister in accordance with the prescribed form”, substitute “given to the Chief Executive Officer in accordance with a form approved by the Chief Executive Officer”.

**21BD Section 17**

Repeal the section.

**21C Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Section 2 (definition of <i>disease</i> )	Minister	Chief Executive Officer
2	Paragraph 3A(1)(c)	Minister	Chief Executive Officer
3	Subsections 4(2), (3) and (4)	Minister	Chief Executive Officer
4	Section 5	Minister	Chief Executive Officer
5	Subsections 7(1), 8(2) and (3) and 12(6)	Minister	Chief Executive Officer
6	Section 14	Minister	Chief Executive Officer

***Associations Incorporation Act 2005 (Norfolk Island)***

**21D Subsection 4(1)**

Omit “Minister may, by instrument in writing, appoint a public sector employee under the *Public Sector Management Act 2000*,”, substitute “Chief Executive Officer may, by instrument in writing, appoint a public sector employee”.

**21E Subsections 4(2) and 5(1), (3), (4) and (5)**

Omit “Minister”, substitute “Chief Executive Officer”.

**21F After section 52**

Insert:

**52A Services for which approved fees may be charged**

Approved fees may be charged for the making, giving, publishing, issuing, filing or inspecting of any application, notice, declaration, certificate or other document under this Act or the regulations under this Act.

**21G Paragraph 53(g)**

Repeal the paragraph.

***Associations Incorporation Regulations 2005 (Norfolk Island)***

**21H Subregulations 10(1) and (2)**

Omit “fee specified in Schedule 3”, substitute “approved fee”.

**21J Regulation 11**

Repeal the regulation.

**21K Schedule 3**

Repeal the Schedule.

***Auctioneers Act 1926 (Norfolk Island)***

**21L Sections 12 and 13**

Omit “prescribed fee”, substitute “approved fee”.

**21M Section 17**

Repeal the section, substitute:

**17 Approved fee for general licence**

The approved fee is payable for the issue of a general licence.

**21N Subsection 18(1)**

Omit “fee mentioned in subsection 18(4)”, substitute “approved fee”.

**21P Subsection 18(4)**

Repeal the subsection.

***Bail Act 2005 (Norfolk Island)***

**22AAA Subsection 3(1) (definition of *Crimes Act*)**

Repeal the definition.

**22AA Subsection 3(1) (definition of *Crown Law Officer*)**

Repeal the definition.

**22AAAA Subsection 3(1)**

Insert:

*firearm* has the same meaning as in the *Firearms and Prohibited Weapons Act 1997*.

*military-style weapon* has the same meaning as in the *Weapons Prohibition Act 1998 (NSW)* as in force at the commencement of the *Norfolk Island Legislation Amendment (Criminal and Civil Matters) Ordinance 2021*.

*pistol* has the same meaning as in the *Firearms and Prohibited Weapons Act 1997*.

*scheduled firearm* has the same meaning as in the *Firearms and Prohibited Weapons Act 1997*.

*sexual intercourse* has same meaning as in Part 3.6 of the *Criminal Code 2007*.

**22AAA Paragraph 6(1)(d)**

Repeal the paragraph, substitute:

- (d) the period between:
  - (i) the making of an order under section 18 of the *Criminal Procedure Act 2007* relating to the accused person; and
  - (ii) the Tribunal (within the meaning of that section) determining whether or not the person is fit to plead to the charge;

**22AAAAB Paragraphs 8(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) the offence of murder;
- (b) an offence that is punishable by imprisonment for life;
- (c) an offence punishable by imprisonment for 5 years or more that involves:
  - (i) sexual intercourse with a person aged under 16 years by a person who is aged 18 years or older; or
  - (ii) the infliction of actual bodily harm with intent to have sexual intercourse with a person aged under 16 years by a person who is aged 18 years or older;
- (d) an offence against Chapter 3 of the *Criminal Code 2007* that is punishable by imprisonment for 14 years or more;

- (e) an offence against a law of the Commonwealth, a State or a Territory that is similar to an offence referred to in paragraph (d);
- (f) an offence involving wounding or the infliction of grievous bodily harm if the accused person has previously been convicted of:
  - (i) an offence referred to in paragraph (d); or
  - (ii) an offence against a law of the Commonwealth, a State or a Territory that is similar to an offence referred to in paragraph (d);
- (g) an offence against Chapter 3 of the *Criminal Code 2007* that is punishable by imprisonment for 5 years or more and that involves the use of a firearm;
- (h) an indictable offence that involves the unlawful possession of a pistol or scheduled firearm in a public place;
- (i) an offence against Chapter 3 of the *Criminal Code 2007* that is punishable by imprisonment for 5 years or more and that involves the use of a military-style weapon;
- (j) an indictable offence that involves the unlawful possession of a military-style weapon;
- (k) an offence against the *Criminal Code 2007* that involves the cultivation, supply, possession, manufacture or production of a commercial quantity of a controlled drug or controlled plant (all within the meaning of Chapter 6 of that Code);
- (l) an offence against the *Dangerous Drugs Act 1927* punishable by imprisonment for 5 years or more;
- (m) an offence against Part 9.1 of the *Criminal Code* of the Commonwealth that involves the possession, trafficking, cultivation, sale, manufacture, importation, exportation or supply of a commercial quantity of a serious drug (all within the meaning of that Part);
- (n) an offence punishable by imprisonment for 5 years or more that is committed by the accused person:
  - (i) while on bail (whether granted under this Act or a law of the Commonwealth, a State or a Territory); or
  - (ii) while on parole (whether granted under a law of Norfolk Island, the Commonwealth, a State or a Territory);
- (o) an offence punishable by imprisonment for 5 years or more that is committed by the accused person while the person is the subject of a warrant that authorises the person's arrest and that is issued under:
  - (i) this Act; or
  - (ii) the *Court of Petty Sessions Act 1960*; or
  - (iii) the *Criminal Procedure Act 2007*; or
  - (iv) the *Sentencing Act 2007*; or
  - (v) the *Supreme Court Act 1960*.

## **22AAAAC Subsection 8(2)**

Omit "satisfies", substitute "shows cause to".

**22AAAAD After subsection 8(2)**

Insert:

- (2A) If a person shows cause to a court as described in subsection (2) and the court makes an order granting bail to the person, the court must include in the order a statement of reasons for granting bail.

**22AAAB Paragraph 9(1)(b)**

Omit “section 54 of the *Crimes Act*”, substitute “section 77 or 78 of the *Criminal Code 2007*”.

**22AAAC Paragraph 9(1)(c)**

Omit “part 3A of the *Crimes Act*”, substitute “Part 3.6 of the *Criminal Code 2007*”.

**22AAAD Paragraph 9(1)(d)**

Repeal the paragraph, substitute:

- (d) against section 14 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI);

**22AAAE Subsection 9(1)**

Omit “section 54, 59, 61 93D, or 93E, of the *Crimes Act*”, substitute “section 77, 78, 80, 81, 82, 83, 84, 109, 110, 111, 112, 113 or 114 of the *Criminal Code 2007*”.

**22AAAF Paragraph 9(2)(a)**

Omit “23”, substitute “25”.

**22AAAG Section 9 (note)**

Repeal the note.

**22AAAH After section 16**

Insert:

**16A Bail for domestic violence offence**

- (1) This section applies to a person accused of a domestic violence offence.
- (2) An authorised member must not grant bail to the person unless satisfied that the person poses no danger to a protected person while released on bail.
- (3) However, even if the authorised member is satisfied as described in subsection (2), the member must refuse bail if satisfied that the refusal is justified after considering the matters mentioned in section 25 (criteria to be considered in bail applications).
- (4) If an authorised member grants bail to the person, the member must include, with the entry in the book, or the information stored on a computer, under section 18, a statement about why the member is satisfied that the person poses no danger to any protected person.

(5) In this section:

**domestic violence offence** has the meaning given by section 11 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

**protected person**, in relation to a person accused of a domestic violence offence, means:

- (a) a person against whom the alleged conduct constituting the offence was directed; or
- (b) a person with whom the accused person has a domestic relationship as defined in section 5 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

#### **22AAAI Paragraph 25(1)(d)**

Omit “*Domestic Violence Act 1995*”, substitute “*Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI)”.

#### **22AB Subsection 26(3)**

Omit “Crown Law Officer or a person authorised by a Crown Law Officer in writing in that behalf”, substitute “member of the police force”.

#### **22B Subsection 28(5)**

Omit “administering the *Immigration Act 1980*”.

#### **22BAA Section 35**

Omit “shall not review a decision in relation to bail except a decision made by himself or an authorised person”, substitute “must not review a decision in relation to bail except a decision made by the Chief Magistrate or an authorised member”.

#### **22BAB Subsection 37(4)**

After “revoked, a”, insert “Judge or”.

#### **22BAC Subsection 37(5)**

After “imposed, a”, insert “Judge or”.

#### **22BA Paragraph 48(3)(a)**

Omit “Crown Law Officer or a person authorised by him or her in writing in that behalf”, substitute “member of the Police Force”.

#### **22BB Paragraph 48(4)(c)**

Repeal the paragraph.

#### **22BC Subsection 54(1) (definition of *accused person*)**

Repeal the definition, substitute:

**accused person** means an accused person who is the subject of an order under Chapter 2 of the *Criminal Procedure Act 2007*.



## ***Bankruptcy Act 2006 (Norfolk Island)***

### **22BD Section 3**

Insert:

***COVID-19 period*** means the period beginning on 21 July 2020 and ending on 31 December 2020.

***statutory minimum*** means:

- (a) during the COVID-19 period—\$20,000; or
- (b) otherwise—\$10,000.

***statutory period*** means:

- (a) with respect to a notice issued, or a petition presented, during the COVID-19 period—6 months; or
- (b) otherwise—21 days.

### **22BE Subparagraph 23(1)(g)(i)**

Omit “\$2000.00”, substitute “the statutory minimum”.

### **22BF At the end of section 25**

Add:

- (3) The notice must specify a period for compliance with the notice. That period must be the statutory period, commencing on the day the debtor is served with the notice.

### **22BG Subsection 26(1)**

Omit “21 days of service of the notice upon him or her”, substitute “the statutory period, commencing on the day the debtor is served with the notice,”.

### **22BH After subsection 27(2)**

Insert:

- (2A) Despite subsection (2), a petition must not be presented to the Court during the COVID-19 period unless the debt or total of debts due by a debtor amounts to no less than the statutory minimum.

### **22C Paragraph 121(1)(c)**

Omit “(other than a person employed under an employment contract under the *Employment Act 1988*) in the employment of the bankrupt”, substitute “in the employment of the bankrupt (other than wages or salary the person is or was entitled to under a governing instrument, within the meaning of the *Fair Entitlements Guarantee Act 2012* of the Commonwealth, for the employment)”.

**22D Paragraph 121(1)(d)**

Omit “employed under an employment contract under the *Employment Act 1988*”, substitute “under a governing instrument, within the meaning of the *Fair Entitlements Guarantee Act 2012* of the Commonwealth, for employment”.

**22E Form 2 in Schedule (paragraph 3)**

Omit “21 days after”, substitute “the statutory period, commencing on the day of”.

**22F Form 2 in Schedule (after paragraph 8)**

Insert:

Note: For notices served before 1 January 2021, that is, during the COVID-19 period, the statutory minimum is \$20,000 and the statutory period is 6 months, commencing on the day the debtor is served with the notice. For notices served from 1 January 2021, the statutory minimum is \$10,000 and the statutory period is 21 days, commencing on the day the debtor is served with the notice (see the *Bankruptcy Act 2006*, section 3).

***Bookmakers and Betting Exchange Act 1998 (Norfolk Island)***

**23AAA Subsection 4(1) (definition of Director of Gaming and Deputy Director of Gaming)**

Repeal the definition.

**23AA Subsection 4(1) (at the end of the definition of *licensed operations*)**

Add:

Note: A licence does not authorise a licensee to provide bookmaking or betting exchange services on or after 1 April 2017. However, on and after 1 April 2017 this Act continues to apply in relation to licensed operations engaged in before that day.

**23 Subsection 4(2)**

Omit “within the power of the Legislative Assembly”, substitute “possible”.

**23A Part 2 (heading)**

Repeal the heading, substitute:

**Part 2—Bookmaking**

**23B Division 1 of Part 2 (heading)**

Repeal the heading, substitute:

## **Division 1—Prohibition of bookmaking**

### **23C Section 6 (heading)**

Repeal the heading, substitute:

### **6 Prohibition of bookmaking**

### **23D Subsection 6(1)**

Omit “(1) A person must not operate as a bookmaker except in accordance with a licence”, substitute “A person must not, on or after 1 April 2017, operate as a bookmaker”.

### **23E Subsections 6(2) and (3)**

Repeal the subsections.

### **23F At the end of section 8**

Add “However, a licence must not be granted on or after 1 April 2017.”.

### **23G Subsection 9(1)**

Omit “(1)”.

### **23H Subsection 9(2)**

Repeal the subsection.

### **23J At the end of section 9**

Add:

Note:           However, a licence does not provide an exception to any offences in this Act on or after 1 April 2017.

## **24 Division 4 of Part 2**

Repeal the Division.

### **24AA Section 19A (heading)**

Repeal the heading, substitute:

### **19A Prohibition of betting exchanges**

### **24AB Subsection 19A(1)**

Omit “(1) A person must not carry on the business of a betting exchange except in accordance with a betting exchange licence”, substitute “A person must not, on or after 1 April 2017, carry on the business of a betting exchange”.

### **24AC At the end of subsection 19A(2)**

Add “However, a licence must not be issued on or after 1 April 2017.”.

**24AD Sections 19B and 19E**

Repeal the sections.

**24ADA Section 41**

Omit “a member of the Authority, the Director of Gaming, the Deputy Director of Gaming, or” (wherever occurring).

**24ADB Section 43**

Repeal the section.

**24AE Subsection 46(1)**

Omit “issue,”.

**24AF Section 48**

Repeal the section.

***Brands and Marks Act 1949 (Norfolk Island)***

**24FAA Subsection 5(2)**

Omit “a fee of .50 fee unit”, substitute “the approved fee”.

**24FAB Subsection 6(1)**

Omit “fee prescribed”, substitute “approved fee”.

**24FAC Subsection 7(1)**

After “prescribed form”, insert “, accompanied by the approved fee,”.

**24FAD Paragraph 8(1)(c)**

After “application”, insert “, accompanied by the approved fee,”.

**24FA Subsection 10(1)**

Omit “Minister may”, substitute “Chief Executive Officer may, by written instrument,”.

**24AFB Paragraph 19(b)**

Repeal the paragraph.

***Brands and Marks Regulations (Norfolk Island)***

**24AFC Regulation 8**

Repeal the regulation.

***Bores and Wells Act 1996 (Norfolk Island)***

**24AG Title**

Omit “until the commencement of Part 3 of the *Public Health Act 1996*”.

**24AH Subsection 6(1)**

Omit “(1)”.

**24AI Subsections 6(2) and 7(3) and (4)**

Repeal the subsections.

**24AJ Subsection 10(1)**

Omit “before the date of commencement of Part 3 of the *Public Health Act 1996*”.

***Building Act 2002 (Norfolk Island)***

**24AK Subsection 5(1) (paragraph (b) of the definition of *building work*)**

Omit “*Public Health Act 1996*”, substitute “*Environment Act 1990*”.

**24A Subsection 5(1) (definition of *Chief Executive Officer*)**

Repeal the definition.

**24AAA Subsection 5(1) (definition of *prescribed fee*)**

Repeal the definition.

**24AAB Paragraph 10(2)(c)**

Omit “prescribed fee”, substitute “approved fee”.

**24AAC Subsection 10(5)**

Repeal the subsection.

**24AAD Subsection 14(2)**

Omit “prescribed fee”, substitute “approved fee”.

**24AAE Paragraph 24(2)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**24AAF Subsection 25(2)**

Omit “prescribed fee”, substitute “approved fee”.

**24AAG Section 61**

Omit “Minister may, by instrument”, substitute “Chief Executive Officer may, by written instrument”.

**24B Subsection 62(3) (paragraph (e) of the definition of *official*)**

Omit “within the meaning of the *Public Sector Management Act 2000*”, substitute “in the public service”.

**24C Subsection 64(2)**

Omit “prescribed fee”, substitute “approved fee”.

***Building Regulations 2004 (Norfolk Island)***

**24D Regulations 17 and 18**

Repeal the regulations.

***Business Transactions (Administration) Act 2006 (Norfolk Island)***

**25 Section 2A (heading)**

Repeal the heading, substitute:

**2A Purpose**

**26 Subsection 2A(1)**

Omit “(1)”.

**27 Subsection 2A(2)**

Repeal the subsection.

***Business Transactions (Levy Imposition) Act 2006 (Norfolk Island)***

**28 Section 2A**

Repeal the section.

**28A Schedule 2 (at the end of the table)**

Add:

12. An instrument effecting or evidencing the conveyance of leviable property if:
- (a) the transfer does not involve a change in beneficial ownership; and
  - (b) the instrument is executed during the period starting on the day this item commences and ending on 30 June 2017.

***Child Welfare Act 2009 (Norfolk Island)***

**29 Subsection 15(1) (note)**

Omit “and see also *Interpretation Act 1979* s. 36”.

**29AAA At the end of Chapter 3**

Add:

## **23A General nature of proceedings under this Act**

- (1) Proceedings under this Act are not to be conducted in an adversarial manner.
- (2) Proceedings under this Act are to be conducted with as little formality and legal technicality as the circumstances of the case permit.
- (3) In proceedings under this Act, the court is not bound by the rules of evidence unless the court determines that the rules of evidence, or such of those rules as are specified by the court, are to apply to the proceedings or parts of the proceedings.
- (4) In proceedings under this Act, the standard of proof is proof on the balance of probabilities.
- (5) Without limiting subsection (4), any requirement under this Act that the court be satisfied as to a particular matter is a requirement that the court be satisfied on the balance of probabilities.
- (6) In this section:

*proceedings under this Act* does not include proceedings relating to an offence against this Act.

## **29AA Paragraph 24(1)(a)**

Repeal the paragraph, substitute:

- (a) The Commonwealth Minister may, by written instrument, appoint any of the following as the child welfare officer:
  - (i) an individual who the Minister is satisfied has suitable qualifications and experience to perform the functions of the child welfare officer;
  - (ii) an individual who holds a position in a body that specialises in providing, or facilitating the provision of, child welfare services if the Minister is satisfied that the position is sufficiently senior to perform the functions of the child welfare officer;
  - (iii) an SES employee or acting SES employee, or an individual who performs the duties of an office or position in a Department of State or other body that is a part, or authority, of the Commonwealth, if the office or position is at a level equivalent to or higher than that of an SES employee;
  - (iv) an individual who holds or performs the duties of an office or position in a Department of State or other body that is a part, or authority, of a State or Territory, if the office or position is at a level equivalent to or higher than that of an SES employee.

Note: For subparagraph (a)(iii) and (iv), *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901* of the Commonwealth (applying because of section 8A of the *Interpretation Act 1979*).

- (aa) However, the Commonwealth Minister may only make an appointment under subparagraph (a)(iv) if:
  - (i) the Department of State or other body has functions that include providing child welfare services; and

- (ii) the State or Territory agrees to the appointment.
- (ab) The Commonwealth Minister may determine the terms and conditions of an appointment under paragraph (a), including remuneration and allowances.

### **29AB Paragraph 24(1)(b)**

Repeal the paragraph, substitute:

- (b) The Commonwealth Minister may, by legislative instrument, give written directions to the child welfare officer about the exercise of his or her functions and powers under this Act.

Note: Section 42 (disallowance) and Part 4 of Chapter 3 (sunsetting) of the *Legislation Act 2003* (Commonwealth) do not apply to the directions (see regulations made for the purposes of paragraphs 44(2)(b) and 54(2)(b) of that Act).

- (ba) A direction under paragraph (b) must be of a general nature only.
- (bb) Subject to any direction given to the child welfare officer by the court, the child welfare officer must comply with a direction under paragraph (b).

### **29A Paragraphs 24(1)(c) and (d)**

Repeal the paragraphs, substitute:

- (c) The Commonwealth Minister may, by written notice, terminate the appointment of the child welfare officer at any time.

### **29B Subparagraph 24(1)(e)(v)**

Omit “Chief Executive Officer”, substitute “Commonwealth Minister”.

### **30 Subsection 24(2) (note)**

Repeal the note.

### **30AAA Subsection 26(1)**

Omit “public sector agency”, substitute “defined entity (within the meaning of subsection 27(11))”.

### **30AAB Subsection 26(2)**

Repeal the subsection, substitute:

- (2) The entity must promptly comply with the request if:
  - (a) the entity is covered by paragraph (c), (ca), (cb), (d), (e), (f), (g), (h) or (j) of the definition of **defined entity** in subsection 27(11); or
  - (b) the entity is covered by paragraph (k) of that definition, unless the entity is contracted as mentioned in that paragraph by a Department of State or other body that is a part, or authority, of a State or Territory.
- (3) Subsection (4) applies if a law of a State or Territory:
  - (a) limits disclosure of some or all of the information covered by the request by a Department of State or other body that is a part, or authority, of the State or Territory, or by a body or person acting on behalf of such a Department or other body; and



(b) exempts from the limitation a disclosure authorised by a law in force in Norfolk Island.

(4) For the purposes of the exemption, the Department or other body or person may disclose to the child welfare officer the information covered by the request.

**30AA After subsection 27(9)**

Insert:

(9A) If the child welfare officer furnishes information to a defined entity under this section, the defined entity is authorised, for the purposes of the *Privacy Act 1988* of the Commonwealth, to collect the information.

**30AB Subsection 27(10)**

After “give”, insert “or collect”.

**30ABA Subsection 27(11) (paragraph (c) of the definition of *defined entity*)**

Repeal the paragraph, substitute:

- (c) the public service;
- (ca) a territory instrumentality;
- (cb) a holder of an office established by an enactment;

**30AC Subsection 27(11) (paragraph (j) of the definition of *defined entity*)**

Repeal the paragraph, substitute:

- (j) a Department of State or other body that is a part, or authority, of the Commonwealth;
- (ja) a Department of State or other body that is a part, or authority, of a State or Territory;
- (k) a person contracted by a defined entity:
  - (i) to provide health care, welfare, education or residential services to children or young people; or
  - (ii) to assist the child welfare officer in exercising a function or power under this Act; or
  - (iii) to assist the defined entity in connection with the administration of this Act;
- (l) a body determined by the Commonwealth Minister under subsection (12).

A reference in this section to a defined entity includes a reference to any part (however described) of the defined entity.

**30AD At the end of section 27**

Add:

(12) The Commonwealth Minister may, by legislative instrument, determine a body (including an unincorporated body) for the purposes of paragraph (l) of the definition of *defined entity* in subsection (11).

### 30A Subsection 28(4)

Omit “Chief Executive Officer”, substitute “Commonwealth Minister”.

### 31 Section 32

Repeal the section, substitute:

### 32 Delegation by child welfare officer

- (1) The child welfare officer may delegate the child welfare officer’s functions or powers under this Act or an interstate law to:
- (a) an employee under the *Norfolk Island Health and Residential Aged Care Service Act 1985*; or
  - (b) a person with expertise in the provision of child welfare services who is approved, in writing, by the Commonwealth Minister; or
  - (c) an individual who:
    - (i) holds or performs the duties of an office or position in a Department of State or other body that is a part, or authority, of the Commonwealth or of a State or Territory, if the office or position is, or is equivalent to or higher than, an Executive Level 2 position in the Australian Public Service; and
    - (ii) has suitable qualifications and experience to perform the functions or exercise the powers under the Act or the interstate law; or
  - (d) if the child welfare officer was appointed under subparagraph 24(1)(a)(ii):
    - (i) an employee of the body mentioned in that subparagraph; or
    - (ii) an individual engaged by that body to provide child welfare services.

Note For the making of delegations and the exercise of delegated functions, see sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth applying because of section 8A of the *Interpretation Act 1979*.

- (2) If a function or power is delegated under subsection (1) to a person referred to in paragraph (1)(c), the person need not accept the function or power delegated.

### 31AAA Subsection 33(1) (subparagraph (c)(iv) of the definition of *abuse*)

Omit “domestic violence offence within the meaning of the *Domestic Violence Act 1995*, section 3,”, substitute “domestic violence offence as defined in section 11 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI)”.

### 31AA Paragraph 33(3)(c)

Omit “*Education Act 1931*”, substitute “*Education Act 1990* (NSW) (NI)”.

### 31A Subsection 43(1)

Repeal the subsection, substitute:

- (1) If the child welfare officer receives a report about a child or young person under section 40, 40A or 41, the child welfare officer must:
- (a) consider the report; and

- (b) after considering the report, take whatever action is necessary to safeguard or promote the safety, welfare and well-being of the child or young person.

### **31B After subsection 43(1)**

Insert:

- (1A) However, the child welfare officer may decide to take no action after considering the report if:
  - (a) the child welfare officer considers, on the basis of the information provided in the report, that there is insufficient reason to believe that the child or young person is in need of care and protection; or
  - (b) the child welfare officer considers that the circumstances that led to the report have been, or are being, adequately dealt with.

### **31C Subsection 43(3)**

After “this Act”, insert “, other than this section and section 44,”.

### **31D Paragraph 44(1)(b)**

Repeal the paragraph, substitute:

- (b) for each such report:
  - (i) the child welfare officer’s decision to take action, or to take no action, in relation to the report; and
  - (ii) the reasons for the decision; and
  - (iii) any action taken in relation to the report; and
  - (iv) any child protection appraisal made as a result of the report.

### **31DA Paragraph 47(3)(d)**

Omit “of or over the school-leaving age”, substitute “15 or over”.

### **31DB Paragraph 48(1)(d)**

Omit “of or over school-leaving age”, substitute “15 or over”.

### **31DC Section 49**

Omit “has reached the school-leaving age”, substitute “is 15 or over”.

### **31DD Section 49 (note)**

Repeal the note.

### **31DE Section 59 (definition of *final care and protection order*)**

Omit “a protection order or”, substitute “an”.

### **31DF Section 59**

Repeal the following definitions:

- (a) definition of *final protection order*;
- (b) definition of *interim protection order*.

**31DG Sections 70 to 73**

Repeal the sections.

**31E Subsections 85(4) and (5)**

Repeal the subsections.

**31EA After subsection 90(3)**

Insert:

- (3A) To avoid doubt, the premises and places in which a child or young person may be provided with care and protection under this section include premises and places outside Norfolk Island.

**31EB Subsections 92(4) and (5)**

Repeal the subsections.

**31F Paragraph 93(2)(a)**

Omit “2 working days”, substitute “3 working days”.

**31G Subsections 103(3) and (4)**

Repeal the subsections.

**31H Section 111**

Omit “Chief Executive Officer”, substitute “Commonwealth Minister”.

**31J Subsections 114(4) and (5)**

Repeal the subsections.

**31K Paragraph 116(2)(b)**

Omit “Chief Executive Officer”, substitute “Commonwealth Minister”.

**31KA Subsection 123(7)**

Omit “, or a protection order,”.

**31L Subsections 131(1) and (2)**

Repeal the subsections.

**32 Subsection 145(5)**

Repeal the subsection.

**32AA Paragraph 147(1)(a)**

Omit “of or over the school-leaving age”, substitute “who is 15 or over”.

**32AAA Subsection 170(4)**

Repeal the subsection, substitute:

- (4) A person may not appeal to the Supreme Court in relation to a matter arising under this Act except in accordance with this Act.

**32AB Subsection 185(3)**

Repeal the subsection.

**32AC Before subsection 186(1)**

Insert:

- (1A) A person who acquires information or a document under this Act may:
- (a) make a record of the information or document; or
  - (b) divulge or communicate the information or document to any person;
- if the recording, divulging or communication is for the purposes of this Act or as required by law.

**32AD Section 187**

After “welfare officer,”, insert “a delegate of the child welfare officer,”.

**32A After section 193**

Insert:

**193A Notifying child welfare officer of certain convictions**

- (1) If a person is convicted in the court of Petty Sessions of an offence covered by subsection (3), the Clerk of the court must, as soon as practicable, notify the child welfare officer of the conviction.
- (2) If a person is convicted in the Supreme Court of an offence covered by subsection (3), the Registrar of the court must, as soon as practicable, notify the child welfare officer of the conviction.
- (3) An offence is covered by this subsection if it is an offence against any of the following provisions of the *Criminal Code 2007* that is committed against or with a child or young person:
  - (a) Part 3.6 (sexual offences);
  - (b) Part 3.7 (child pornography);
  - (c) Part 3.9 (female genital mutilation);
  - (d) Part 3.10 (sexual servitude).

**33 Subsection 195(1)**

Omit “(1)”.

**34 Subsections 195(2) and 196(3)**

Repeal the subsections.

**35 Subsection 197(1) (note)**

Repeal the note.

**36 Dictionary (note 2)**

Omit “• disallowable instrument (see s 41A)”.

**37 Dictionary (note 3)**

Repeal the note.

**37AA Dictionary**

Repeal the following definitions:

- (a) definition of *final protection order*;
- (b) definition of *interim protection order*.

**37AAA Dictionary (definition of school)**

Repeal the definition, substitute:

*school* means a government school (within the meaning of the *Education Act 1990* (NSW) (NI)).

**37AAB Dictionary (definition of school-leaving age)**

Repeal the definition.

***Community Title Act 2015 (Norfolk Island)***

**37A Subsection 2(2)**

Omit “a day or days fixed by the Administrator”, substitute “the day after the *Norfolk Island Continued Laws Amendment (Community Title) Ordinance 2018* is registered on the Federal Register of Legislation”.

**37B Section 3 (heading)**

Repeal the heading, substitute:

**3 Binding the Crown**

**37C Subsection 3(1)**

Omit “and the Administration”, substitute “in each of its capacities”.

**37D Subsection 3(2)**

Omit “or the Administration”.

**37E Subsection 5(1)**

Insert:

*approved form* means a form approved by the Registrar.

**37EA Subsection 17(1)**

Omit “to the Norfolk Island Planning and Environment Board under section 44”, substitute “under subsection 44(1) or 44D(1)”.

**37F Paragraph 21(3)(g)**

Omit “form prescribed by regulation”, substitute “approved form”.

**37G Paragraph 21(3)(h)**

Omit “prescribed form”, substitute “approved form”.

**37H Paragraphs 35(3)(a) and 38(2)(e)**

Omit “form prescribed by regulation”, substitute “approved form”.

**37J Subsection 38(5)**

Repeal the subsection, substitute:

- (5) If the body corporate does not make any rules or revokes all of its rules, the model rules set out in Schedule 1A apply to it.
- (6) If the model rules set out in Schedule 1A provide for a matter and the rules of the body corporate do not provide for that matter, the model rules relating to that matter are taken to be included in the rules of the body corporate.

**37K Subsection 39(6)**

Omit “form prescribed by regulation”, substitute “approved form”.

**37L Paragraphs 49(2)(n) and 52(7)(a)**

Omit “form prescribed by regulation”, substitute “approved form”.

**37M Subparagraph 54(6)(e)(ii)**

Omit “form prescribed by regulation”, substitute “approved form”.

**37N Paragraphs 60(3)(d) and (e) and 62(3)(f) and (g)**

Omit “form prescribed by regulation”, substitute “approved form”.

**37P Subsection 141(4)**

Repeal the subsection.

**37Q Section 166**

Repeal the section, substitute:

**166 Regulations and other matters in Schedule 6**

- (1) This Act has effect as if regulations had been made in the terms of the provisions of Schedule 6 that are expressed to be made for the purposes of another provision of this Act.

- (2) Any other provision of Schedule 6 has effect according to its terms.

**37R Subparagraph 12(4)(b)(i) of Schedule 1**

Omit “form prescribed by regulation”, substitute “approved form”.

**37S After Schedule 1**

Insert:

**Schedule 1A—Model rules for body corporate**

Note: See subsections 38(5) and (6).

**Part 1—Health, safety and security**

**1 Health, safety and security of lot owners, occupiers of lots and others**

A lot owner or occupier must not use the lot, or permit it to be used, so as to cause a hazard to the health, safety and security of an owner, occupier or user of another lot.

**2 Storage of flammable liquids and other dangerous substances and materials**

- (1) Except with the approval in writing of the body corporate, an owner or occupier of a lot must not use or store on the lot or on the common property any flammable chemical, liquid or gas or other flammable material.
- (2) This rule does not apply to:
- (a) chemicals, liquids, gases or other material used or intended to be used for domestic purposes; or
  - (b) any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

**3 Waste disposal**

An owner or occupier must ensure that the disposal of garbage or waste does not adversely affect the health, hygiene or comfort of the occupiers or users of other lots.

**Part 2—Management and administration**

**4 Metering of services and apportionment of costs of services**

- (1) The body corporate must not seek payment or reimbursement for a cost or charge from a lot owner or occupier that is more than the amount that the supplier would have charged the lot owner or occupier for the same goods or services.
- (2) If a supplier has issued an account to the body corporate, the body corporate cannot recover from the lot owner or occupier an amount which includes any



amount that is able to be claimed as a concession or rebate by or on behalf of the lot owner or occupier from the relevant supplier.

- (3) Subrule (2) does not apply if the concession or rebate:
- (a) must be claimed by the lot owner or occupier and the body corporate has given the lot owner or occupier an opportunity to claim it and the lot owner or occupier has not done so by the payment date set by the relevant supplier; or
  - (b) is paid directly to the lot owner or occupier as a refund.

## **Part 3—Use of common property**

### **5 Use of common property**

- (1) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of the common property by any other person entitled to use the common property.
- (2) An owner or occupier of a lot must not, without the written approval of the body corporate, use for his or her own purposes as a garden any portion of the common property.
- (3) An approval under subrule (2) may state a period for which the approval is granted.
- (4) If the body corporate has resolved that an animal is a danger or is causing a nuisance to the common property, it must give reasonable notice of this resolution to the owner or occupier who is keeping the animal.
- (5) An owner or occupier of a lot who is keeping an animal that is the subject of a notice under subrule (4) must remove that animal.
- (6) Subrules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.

### **6 Vehicles and parking on common property**

An owner or occupier of a lot must not, unless in the case of an emergency, park or leave a motor vehicle or other vehicle or permit a motor vehicle or other vehicle:

- (a) to be parked or left in parking spaces situated on common property and allocated for other lots; or
- (b) on the common property so as to obstruct a driveway, pathway, entrance or exit to a lot; or
- (c) in any place other than a parking area situated on common property specified for that purpose by the body corporate.

## **7 Damage to common property**

- (1) An owner or occupier of a lot must not damage or alter the common property without the written approval of the body corporate.
- (2) An owner or occupier of a lot must not damage or alter a structure that forms part of the common property without the written approval of the body corporate.
- (3) An approval under subrule (1) or (2) may state a period for which the approval is granted, and may specify the works and conditions to which the approval is subject.
- (4) An owner or person authorised by an owner may install a locking or safety device to protect the lot against intruders, or a screen or barrier to prevent entry of animals or insects, if the device, screen or barrier is soundly built and is consistent with the colour, style and materials of the building.
- (5) The owner or person referred to in subrule (4) must keep any device, screen or barrier installed in good order and repair.

## **Part 4—Lots**

### **8 Change of use of lots**

An owner or occupier of a lot must give written notification to the body corporate if the owner or occupier changes the existing use of the lot in a way that will affect the insurance premiums for the body corporate.

Example: If the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes.

## **Part 5—Behaviour of persons**

### **9 Behaviour of owners, occupiers and invitees on common property**

An owner or occupier of a lot must take all reasonable steps to ensure that guests of the owner or occupier do not behave in a manner likely to unreasonably interfere with the peaceful enjoyment of any other person entitled to use the common property.

### **10 Noise and other nuisance control**

- (1) An owner or occupier of a lot, or a guest of an owner or occupier, must not unreasonably create any noise likely to interfere with the peaceful enjoyment of any other person entitled to use the common property.
- (2) Subrule (1) does not apply to the making of a noise if the body corporate has given written permission for the noise to be made.

## Part 6—Dispute resolution

### 11 Grievance procedure

- (1) The grievance procedure set out in this rule applies to disputes involving a lot owner, manager or occupier or the body corporate.
- (2) The party making the complaint must prepare a written statement in the approved form.
- (3) If there is a grievance committee of the body corporate, it must be notified of the dispute by the complainant.
- (4) If there is no grievance committee, the body corporate must be notified of any dispute by the complainant, regardless of whether the body corporate is an immediate party to the dispute.
- (5) The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the body corporate, within 14 business days after the dispute comes to the attention of all the parties.
- (6) A party to the dispute may appoint a person to act or appear on his or her behalf at the meeting.
- (7) If the dispute is not resolved, the grievance committee or body corporate must notify each party of his or her right to take further action under Part 14 of the *Community Title Act 2015*.
- (8) This process is separate from and does not limit any further action under Part 14 of the *Community Title Act 2015*.

### 37T At the end of the Act

Add:

## Schedule 6—Regulations and other matters

Note: See section 166.

## Part 1—Preliminary

### 1 Interpretation—definition of *special resolution*

For the purposes of subparagraph (b)(i) of the definition of *special resolution* in subsection 5(1), the reason for the proposed resolution is information that must be served in accordance with that subparagraph.

## 2 Interpretation—definition of *unanimous resolution*

For the purposes of paragraph (a) of the definition of *unanimous resolution* in subsection 5(1), the reason for the proposed resolution is information that must be served in accordance with that paragraph.

## Part 2—Requirements relating to schemes and plans

### 3 Scheme description—section 34

- (1) In order to comply with section 34 a scheme description must:
  - (a) be in a form approved by the Registrar; and
  - (b) identify the community parcel and the lots and common property into which the parcel is to be divided (this may be done by reference to the plan of community division with which the description will be filed); and
  - (c) describe the purpose or purposes for which the lots and common property may be used; and
  - (d) specify the standard of buildings and other improvements (if any) to be, or which may be, erected on or made to the lots or common property; and
  - (e) if the scheme is to be completed in stages:
    - (i) identify the part or parts of the community parcel (which may, in the case of a strata scheme, include a stratum or strata of space not defined by a building or other monument) to be developed in a subsequent stage or subsequent stages; and
    - (ii) provide a brief description of the nature and scope of the development to be undertaken in respect of each stage; and
    - (iii) state the time expected for the completion of each stage or, if it is not possible to estimate a time for completion, explain briefly why it is not possible to do so; and
  - (f) if the owner or owners of one or more of the community lots are to be under an obligation to develop the lot—include a brief description of the nature and scope of that development and the time for its completion or, if it is not possible to estimate a time for completion, explain briefly why it is not possible to do so; and
  - (g) if the developer is to make improvements to the common property or undertake any other development work on the common property—include a brief description of the nature and scope of those improvements or that work and the time expected for their completion or, if it is not possible to estimate a time for completion, explain briefly why it is not possible to do so; and
  - (h) if the division or other development of the land pursuant to the scheme is subject to conditions imposed by development approval under the *Planning Act 2002*—set out those conditions in full; and
  - (j) set out any other important features of the scheme; and

- (k) be endorsed with a certificate in the approved form from the person who prepared the scheme description certifying that the scheme description has been correctly prepared in accordance with this Act; and
  - (m) include any other information required by this Schedule.
- (2) The scheme description of a secondary scheme must not be inconsistent with the scheme description or the rules of the primary scheme and the scheme description of a tertiary scheme must not be inconsistent with the scheme description or the rules of the secondary or primary scheme.
- (3) A scheme description should be written as clearly as possible and should not include any unnecessary detail.
- (4) Before endorsing a scheme description, the Registrar may require modifications to it:
- (a) to add any information that is necessary or desirable in the opinion of the Registrar; or
  - (b) to clarify any part of the description; or
  - (c) to remove any unnecessary detail.

#### **4 Plans and maps to comply with guidelines**

A plan or map lodged with the Registrar must comply with any requirements specified in guidelines issued, from time to time, by the Registrar.

#### **5 Lot entitlements—subsection 26(3)**

The aggregate of the lot entitlements of all community lots defined on a plan of community divisions may be any whole number between 2 and 100,000 but must not be a number that exceeds 100,000.

#### **6 Minor amendment of plan—subsection 56(3)**

The minor amendment of the delineation of lots or common property referred to in subsection 56(3) is a change in the position of the boundary of a lot or the common property by 200 millimetres or less.

#### **7 Submission of outer boundary survey plan**

- (1) Subject to subclause (2), a person who intends making an application for the division of an allotment or allotments by a primary plan of community division must, before making the application, submit to the Registrar:
- (a) an outer boundary survey plan of the land to be divided in a form approved by the Registrar; and
  - (b) the appropriate fee prescribed by clause 45.
- (2) Subclause (1) does not apply in relation to an application for the division of land in respect of which the Registrar has determined that subclause (1) should not apply.

- (3) The Registrar must examine the outer boundary survey plan and must, if satisfied that the requirements of this Schedule have been met and the information on the plan appears to be adequate and accurate, send a copy of the plan to the applicant or the applicant's manager.

## **8 Examination of plans**

The Registrar must not accept the filing of a plan under this Act unless he or she has examined the plan and is satisfied with it.

## **9 Additional information as to applications**

The Registrar may require a person who has made an application to him or her under this Act to provide him or her with any information that the Registrar requires to consider the application.

## **10 Certification of irregular boundaries**

Where a plan shows land bounded by a watercourse, the sea or some other irregular boundary, the Registrar may require the accuracy of the boundary as shown on the plan to be certified by a licensed surveyor.

## **11 Notification on deposit of plan**

- (1) After the Registrar registers a plan under this Act he or she must notify the applicant or the applicant's manager in writing of the registration.
- (2) A notification or other document required to be given under this clause may be sent by electronic means.

## **12 Issue of certificates of title on deposit of plan**

Upon registering a plan of community division, the Registrar must issue a separate certificate of title for each lot and the common property created by the plan.

## **13 Application to Tribunal to amend or Supreme Court to cancel a community plan—sections 61 and 69**

- (1) For the purposes of subsection 61(4), in determining an application to amend a community plan, the Tribunal must have regard to the matters set out in subclause (3).
- (2) For the purposes of subsection 69(3), in determining an application to cancel a community plan, the Supreme Court must have regard to the matters set out in subclause (3).
- (3) The matters are:
  - (a) whether there is evidence that any owners object to the amendment or cancellation and, if so, how many owners object to it; and

- (b) whether there are to be any adverse consequences to owners if the application is granted and the extent to which those adverse consequences could be ameliorated or alleviated by court order or other action; and
- (c) whether there are to be any adverse consequences to owners if the application is refused and the extent to which those adverse consequences could be ameliorated or alleviated by court order or other action; and
- (d) any other reason why it is in the interests of justice that the application should be granted or refused.

## **Part 3—Administration of community schemes**

### **Division 1—General**

#### **14 Content of rules—subsection 38(3)**

For the purposes of subsection 38(3), the rules may:

- (a) regulate:
  - (i) the position, design, dimensions, methods and materials of construction and external appearance of buildings or other improvements on community lots; or
  - (ii) the maintenance and repair of buildings or other improvements on community lots; or
  - (iii) landscaping, including the establishment, care and maintenance of lawns, gardens and other areas on community lots; or
- (b) impose requirements or restrictions relating to the appearance of community lots or buildings or other improvements situated on community lots; or
- (c) regulate the use and enjoyment of community lots in order to prevent interference with the use and enjoyment of other lots.

#### **15 Body corporate managers—section 82**

- (1) For the purposes of paragraph 82(2)(b), a body corporate manager must provide the body corporate with a copy of the schedule to the policy of professional indemnity insurance maintained by the body corporate manager that sets out:
  - (a) the name of the body corporate manager; and
  - (b) the name of the insurer; and
  - (c) the nature of the policy; and
  - (d) the amount for which indemnity is provided under the policy.
- (2) For the purposes of paragraph 82(2)(c), a policy of professional indemnity insurance maintained by a body corporate manager must provide an indemnity of at least \$1.5 million per claim during a period of 12 months.
- (3) For the purposes of paragraph 82(3)(f), a contract between a body corporate manager and a body corporate must contain the following particulars:

- (a) a statement verifying that the body corporate manager is insured under a policy of professional indemnity insurance as required by this Act and an undertaking by the body corporate manager that the body corporate manager will maintain that insurance throughout the life of the contract;
  - (b) an undertaking by the body corporate manager that the body corporate manager will allow any member of the community corporation to inspect, at any time during ordinary business hours, the records of the community corporation in the possession or control of the body corporate manager and specifying how an inspection can be arranged.
- (4) For the purposes of subsection 82(8), the body corporate manager must ensure the availability of a copy of a pamphlet that sets out the role of the body corporate manager and the rights of the body corporate and its members, including:
- (a) the right to inspect records held by the manager; and
  - (b) the right to revoke the delegation of a particular function of the manager; and
  - (c) the right to appoint the manager as a proxy and revoke that appointment; and
  - (d) the right to be informed of any payment that the manager receives from another trader for placing the corporation's business; and
  - (e) the right to terminate the contract; and
  - (f) the right to apply to the Tribunal for a resolution of any dispute.

## **16 Return of records and trust money when delegations revoked—section 84**

- (1) For the purposes of subsection 84(6), records must:
- (a) be returned by mail sent by registered post; or
  - (b) be made available for collection;
- within 10 business days of the delegations being revoked.
- (2) For the purposes of subsection 84(6), trust money must:
- (a) be returned by electronic funds transfer; or
  - (b) be returned by cheque sent by registered post; or
  - (c) be made available for collection;
- within 10 business days of the delegations being revoked.
- (3) For the purposes of paragraph 84(7)(b), the maximum fee that may be charged for providing a copy of records of the body corporate is 0.05 fee units per page.

## **17 Matters to be addressed at first general meeting—paragraph 86(2)(e)**

The following are prescribed under paragraph 86(2)(e) as matters that must be addressed at the first general meeting of a body corporate:

- (a) whether the policies of insurance taken out by the developer are adequate;
- (b) whether the body corporate should establish a management committee;
- (c) the delegation of functions and powers by the body corporate;



- (d) whether the rules of the scheme need amendment.

### **18 Agenda for annual general meeting—subparagraph 87(6)(d)(vi)**

For the purposes of subparagraph 87(6)(d)(vi), the agenda for each annual general meeting must include:

- (a) the appointment of the presiding officer, treasurer and secretary of the body corporate; and
- (b) other appointments to be made or revoked by the body corporate at the meeting; and
- (c) the policies of insurance required by this Act to be held by the body corporate; and
- (d) the number of applications for relief made under Part 14 and the nature of the claims or disputes the subject of those applications; and
- (e) if it is proposed to enter into a contract, or renew or extend a contract, with a body corporate manager under section 82:
  - (i) the text of the resolution to enter into, or renew or extend, the contract; and
  - (ii) where and when a copy of the contract or proposed contract, and the pamphlet referred to in subclause 15(4), can be viewed or obtained by members of the body corporate; and
  - (iii) the matter of landscaping, including the establishment, care and maintenance of lawns, gardens and other areas on community lots; and
- (f) proposed controls on expenditure by delegates of the body corporate.

### **19 Procedure at meetings—Schedule 2**

- (1) For the purposes of subrule 1(4) of Schedule 2, if a member of the body corporate has given the body corporate manager or an employee of the body corporate manager a specific proxy or power of attorney to vote on the question of whether the manager or employee of the manager is to preside at a meeting of the body corporate, the manager or employee is entitled to vote on that question at the meeting as a proxy or attorney of the member in accordance with the terms of that specific proxy or power of attorney.
- (2) For the purposes of subrule 1(5) of Schedule 2, the following procedures must be followed at a meeting to which that subrule applies:
  - (a) the body corporate manager or employee of a body corporate manager must, at the outset of the meeting, inform the persons present and entitled to vote at the meeting of the proxies or powers of attorney that are held by him or her for the meeting and that those proxies or powers of attorney are available for inspection;
  - (b) the manager or employee of the manager must, at the outset of the meeting, also inform the persons present and entitled to vote at the meeting:
    - (i) that he or she may preside at the meeting only if the majority of persons present and entitled to vote agree to him or her presiding; and

- (ii) that he or she is not entitled to vote on the question of whether he or she should preside at the meeting except as a proxy or attorney of a member of the body corporate acting in accordance with the terms of a specific proxy or power of attorney given in relation to the question; and
    - (iii) that he or she has no right to prevent any person present and entitled to vote at the meeting from moving or voting on any question or motion;
  - (c) the manager or employee of the manager must make any proxies or powers of attorney held by him or her available for inspection by persons present and entitled to vote at the meeting.
- (3) For the purposes of subrule 1(9) of Schedule 2, a member of a body corporate may attend and vote at a meeting by a means of remote communication:
- (a) if:
    - (i) the rules of the body corporate make provision for attendance and voting at meetings by members by means of remote communication; and
    - (ii) the member complies with any applicable requirements specified in those rules; or
  - (b) if:
    - (i) the member makes a request in writing, given to the secretary of the body corporate, to attend and vote at the meeting by means of remote communication; and
    - (ii) the secretary of the body corporate makes the necessary arrangements to receive and record the member's attendance and voting at the meeting by remote communication; and
    - (iii) the member complies with any requirements of the secretary in relation to the request referred to in subparagraph (i).
- (4) For the purposes of rule 6 of Schedule 2, a notice setting out the text of a proposed special resolution must also set out the reasons for the proposed resolution.

## 20 Fidelity guarantee insurance—section 103

For the purposes of subsection 103(3):

- (a) a policy of fidelity guarantee insurance must insure a body corporate in the amount of:
  - (i) the maximum total balance of the body corporate's bank accounts at any time in the preceding 3 years; or
  - (ii) \$50,000;whichever is higher; and
- (b) the following kinds of bodies corporate are not required to maintain fidelity guarantee insurance:
  - (i) bodies corporate that have buildings and other improvements on their common property insured for a sum not exceeding \$100,000;

- (ii) 2 lot bodies corporate with no administrative or sinking funds.

## **21 Proof of insurance—subsection 105(2)**

For the purposes of subsection 105(2), a photocopy (including a copy made by digital means) of the current certificate of the insurance that includes reference to the matters in subsection 105(1), is required as evidence of compliance with that subsection.

## **22 Unanimous or special resolution for acquisition of property—paragraph 111(3)(b)**

For the purposes of paragraph 111(3)(b):

- (a) if the cost of the acquisition by a body corporate of property is \$5,000 or more the acquisition must be authorised by a unanimous resolution of the body corporate; and
- (b) if the cost of the acquisition by a body corporate of property is less than \$5,000 the acquisition must be authorised by a special resolution of the body corporate.

## **23 Statement of expenditure etc.—section 112**

- (1) For the purposes of paragraph 112(1)(a), the prescribed period is:
  - (a) in the case of a body corporate consisting of at least 7 but not more than 20 community lots—3 years; or
  - (b) in the case of a body corporate consisting of more than 20 community lots—5 years.
- (2) For the purposes of subsection 112(2), new information must be prepared for the purposes of paragraph 112(1)(a):
  - (a) if the proposed expenditure (other than recurrent expenditure) is for a period of 3 years—every 3 years; or
  - (b) if the proposed expenditure (other than recurrent expenditure) is for a period of 5 years—every 5 years.
- (3) The following are excluded from the operation of paragraphs 112(1)(a) and (b):
  - (a) bodies corporate consisting of 6 or less community lots;
  - (b) bodies corporate that have buildings and other improvements on their common property insured for a sum not exceeding \$100,000.

## **24 Interest on arrears of contributions by lot owners—paragraph 113(4)(b)**

For the purposes of paragraph 113(4)(b), a body corporate, when fixing interest payable by the owner of a community lot in respect of a contribution, or an instalment of a contribution, that is in arrears must not:

- (a) exceed a rate of 12% per annum; or
- (b) demand payment of interest on unpaid interest.

## **25 Notice for payment of contribution or instalment—paragraph 113(6)(a)**

For the purposes of paragraph 113(6)(a), a notice of a contribution, or of an instalment of a contribution, served by a body corporate on the owner of a lot must include the following information:

- (a) identification of the lot in relation to which the contribution or instalment is payable;
- (b) the amount of the contribution or instalment;
- (c) in the case of a contribution that is payable in instalments—the amount of each instalment and the day on which each instalment is payable;
- (d) the day on or before which the contribution or instalment must be paid (being a day not less than 14 days after the notice is served);
- (e) the total amount that the body corporate has decided to raise by way of contributions by the owners of community lots;
- (f) the purpose or purposes for which the money raised will be used;
- (g) the rate of interest payable in respect of a contribution or instalment that is in arrears;
- (h) the name of the person to whom the contribution or instalment should be sent or delivered.

## **26 Resolutions authorising expenditure—section 118**

For the purposes of section 118, expenditure by a body corporate:

- (a) of less than an amount that is equivalent to \$2,000 multiplied by the number of community lots in the scheme must be authorised by an ordinary resolution of the body corporate; and
- (b) of the amount referred to in paragraph (a) or more but less than an amount that is equivalent to \$5,000 multiplied by the number of community lots in the scheme must be authorised by a special resolution; and
- (c) of the larger of the 2 amounts referred to in paragraph (b) or more must be authorised by a unanimous resolution.

## **27 Register of owners of community lots—subsection 134(2)**

For the purposes of subsection 134(2), the period prescribed is 7 years.

## **28 Records—sections 135 and 136**

- (1) For the purposes of paragraph 135(h), the following documentary material is prescribed (as material that must be kept by a body corporate):
  - (a) receipts for the expenditure of money;
  - (b) passbooks, deposit books and all other documents providing evidence of the deposit or investment of money (including bank statements).
- (2) All documents and records kept by a body corporate must be kept in an orderly manner to enable them to be found easily for the purposes of inspection or copying.

- (3) The following periods are prescribed for the purposes of section 135 and subsection 136(2) as the period for which a body corporate must keep its records and documents:
- (a) minutes of meetings—30 years;
  - (b) accounting records—7 years;
  - (c) any statements of account—7 years;
  - (d) notices or orders served on the body corporate—7 years;
  - (e) correspondence—7 years;
  - (f) notices of meetings—7 years.

## **29 Audit—subsection 137(4)**

- (1) For the purposes of subparagraph 137(4)(a)(i), the prescribed amount (of the aggregate of the contributions made, or to be made, by members of the body corporate in respect of a year) is \$10,000.
- (2) For the purposes of subparagraph 137(4)(a)(ii), the prescribed amount (of the balance standing to the credit of the administrative fund and the sinking fund at the commencement of a year) is \$10,000 for each fund.

## **30 Fee for provision of information—subsection 138(4)**

- (1) The following fees are prescribed for the purposes of subsection 138(4):
- (a) in the case of an application for all or any of the information referred to in paragraph 138(1)(a):
    - (i) if the applicant is the owner of a community lot—no fee; and
    - (ii) in any other case—\$15 per application;
  - (b) in the case of an application for copies of all or any of the documentary material referred to in paragraph 138(1)(b):
    - (i) if the applicant is the owner of a community lot—\$5 per application; and
    - (ii) in any other case—\$15 per application, plus an additional fee of \$5 where the application is for, or includes a request for, a copy of current policies of insurance taken out by the body corporate;
  - (c) where an application is made to inspect all or any of the documentary material referred to in paragraph 138(1)(c):
    - (i) where the applicant is the owner of a community lot—no fee; and
    - (ii) in any other case—\$5 per application;
  - (d) in the case of an application for the documentary material referred to in subsection 138(2)—\$25 per application.
- (2) A body corporate may reduce or waive any fees prescribed by subclause (1).

## **31 Services provided by bodies corporate—section 151**

- (1) A body corporate may, under section 151, provide to the owner or occupier of a lot any kind of service that relates to the ownership or occupation of the lot.

- (2) The provision of a service under subclause (1) is subject to the following restrictions:
- (a) a service must not be provided to a person who has not agreed with the body corporate to accept the service;
  - (b) the cost of the service must be paid for by the persons who have agreed to accept it and must not be subsidised by the body corporate.

### **32 Functions of secretary and treasurer of body corporate**

- (1) The secretary of a body corporate has the following functions:
- (a) to prepare and distribute minutes of meetings of the body corporate and submit a motion for confirmation of the minutes of any meeting of the body corporate at the next such meeting;
  - (b) to give, on behalf of the members of the body corporate and the management committee, the notices required to be given under this Act;
  - (c) to answer communications addressed to the body corporate;
  - (d) to convene meetings of the management committee;
  - (e) to attend to matters of an administrative or secretarial nature in connection with the exercise, by the body corporate or the management committee, of its functions.
- (2) The treasurer of a body corporate has the following functions:
- (a) to notify owners of community lots of any contributions to be raised from them in accordance with this Act;
  - (b) to receive, acknowledge, bank and account for any money paid to the body corporate;
  - (c) to keep accounting records and prepare financial statements.

Note: The offices of secretary and treasurer can be held by the same person in certain circumstances—see section 78.

## **Division 2—Manager’s trust accounts**

### **33 Authorisation of fees, costs and disbursements—paragraph 122(b)**

- (1) A manager may withdraw money from a trust account held on behalf of a body corporate in satisfaction of a claim that the manager has against the body corporate for fees, costs or disbursements if the body corporate has agreed in writing to pay to the manager those fees, costs or disbursements.
- (2) A manager who becomes entitled to money held in the manager’s trust account in or towards satisfaction of the manager’s fees, costs or disbursements must, as soon as practicable (and in any event within 3 months), transfer the money to an account maintained by the manager for receipts other than trust money.

Maximum penalty: 5 penalty units.

### **34 Authorised trust accounts—section 123**

For the purposes of section 123:

- (a) a trust account approved by the Commonwealth Minister for the holding of trust money; and
- (b) a trust account of a legal practitioner under the *Legal Profession Act 1993*; are prescribed.

### **35 General duty with respect to electronic records**

If a manager uses a computer program to keep records under this Division, the manager must ensure that:

- (a) an electronic copy of all the records is made within 24 hours of any alteration of the records; and
- (b) at least once in each week, an electronic copy of all the records is made and kept in a safe place at a location other than the premises where the computer program is operating; and
- (c) before any information is deleted from the computer records, a hard copy of the information is made and kept by the manager as part of the manager's records; and
- (d) an up-to-date electronic copy of the computer program is made and kept in a safe place at a location other than the premises where the computer program is operating.

### **36 Cash books—paragraph 125(1)(c)**

- (1) For the purposes of paragraph 125(1)(c), the detailed accounts of receipts and disbursements of trust money to be compiled by a manager must comply with the following requirements:
  - (a) a cash receipts book must be kept in which the manager records the following information in respect of each receipt of trust money:
    - (i) the date and reference number of the receipt;
    - (ii) the name of the person from whom the money is received;
    - (iii) the name of the body corporate or reference to which the transaction relates;
    - (iv) brief particulars of the purpose of the receipt;
    - (v) the amount of the receipt;
  - (b) a cash payments book must be kept in which the manager records the following information in respect of each payment of trust money:
    - (i) the date and reference number of the cheque or electronic transfer of funds by which the payment was made;
    - (ii) the name of the payee;
    - (iii) the body corporate's name or reference to which the transaction relates;
    - (iv) brief particulars of the purpose of the payment;
    - (v) the amount of the cheque or electronic transfer of funds.

- (2) However, a manager need not keep a cash receipts book or a cash payments book as required by subclause (1) if the manager uses a computer program to record the information referred to in that subclause in respect of each receipt or payment of trust money and the program:
  - (a) requires input in each field of a data entry screen intended to receive information in respect of a receipt or payment so that all of the information referred to in subclause (1) is recorded in respect of each receipt and payment; and
  - (b) is capable, at any time, of producing:
    - (i) a report of the information in respect of receipts of trust money in the order in which they were received; and
    - (ii) a report of the information in respect of payments of trust money in the order in which they were made.
- (3) A manager who uses a computer program as referred to in subclause (2) must ensure that:
  - (a) at the end of each month, hard copies of each of the following reports are produced:
    - (i) a report of the information in respect of receipts of trust money received during that month in the order in which they were received;
    - (ii) a report of the information in respect of payments of trust money made during that month in the order in which they were made; and
  - (b) those hard copies are kept as part of the manager's records.
- (4) The records of receipts and payments must be made by the manager in accordance with this clause in the order in which they are received or made, each such record being made within 2 business days after the receipt or payment in question.
- (5) Subclause (4) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 business days after the manager receives official confirmation that the transfer has occurred.

### **37 Separate trust ledger accounts**

- (1) A manager must ensure that the manager's trust ledger accounts are kept separately:
  - (a) in respect of each of the manager's clients; and
  - (b) if the manager performs services for a body corporate in respect of a number of transactions between different parties—in respect of each such transaction.
- (2) The manager must record in each of the separate accounts the following details:
  - (a) the name and address of the body corporate to whom the accounts relate;
  - (b) a brief description of the service provided and the transaction to which the accounts relate;
  - (c) in respect of each receipt or disbursement of trust money:



- (i) the date and reference number of the receipt or disbursement; and
  - (ii) the name of the person from whom the money is received or to whom the money is disbursed; and
  - (iii) brief particulars of the purpose of the receipt or disbursement; and
  - (iv) the amount received or disbursed.
- (3) The manager must ensure that any changes in the details referred to in paragraph (2)(a) or (b) are recorded in a manner that enables the changes and the order in which they occurred to be identified.
- (4) If the manager transfers money between any of the separate accounts, the manager must clearly record the transfer:
  - (a) in both accounts; and
  - (b) in a transfer journal;in sufficient detail that the transfer may be clearly understood.
- (5) The records of receipts, disbursements and transfers must be made by the manager in accordance with this clause in the order in which the receipts, disbursements or transfers are received or made, each such record being made within 2 business days after the receipt, disbursement or transfer in question.
- (6) Subclause (5) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 business days after the manager receives official confirmation that the transfer has occurred.
- (7) If a manager uses a computer program to keep trust ledger accounts or a transfer journal, the manager must ensure that:
  - (a) the program is incapable of:
    - (i) recording a transaction that would result in a debit balance in a trust ledger account unless a separate contemporaneous record of the transaction is also made so that, at any time, a hard copy may be produced of all such transactions in chronological order; and
    - (ii) deleting from its records the information relating to a trust ledger account unless the balance of the account is nil and a hard copy of all of the information required under this Division relating to the account has been produced; and
    - (iii) changing existing information relating to a transaction otherwise than by making a further entry showing a separate transaction to effect the change; and
  - (b) the program automatically inserts consecutive page numbers into any hard copy report produced by use of the program; and
  - (c) the program requires input in each field of a data entry screen intended to receive information for the purposes of a trust ledger account or transfer journal so that the entry contains all of the information required by this clause; and

- (d) hard copies of the trust ledger accounts and transfer journal are produced within 2 business days of a request from the Commonwealth Minister or the manager's auditor.

### 38 Reconciliation statements

At the end of each month, reconciliation statements must be prepared:

- (a) reconciling the balance of the manager's cash books, or equivalent computer records, kept under clause 36 with the balance of the manager's trust account; and
  - (b) reconciling the balances of the ledgers comprised in the manager's trust ledger accounts with the balance of the manager's trust account;
- (but the manager is not required to set out in a statement a list of individual balances, or the names of the bodies corporate on whose behalf money is held).

### 39 Receipt of trust money

- (1) For the purposes of paragraph 125(2)(a), the receipt that a manager must make available to a person making a payment of trust money must:
  - (a) be legibly written on a form comprised in a series of consecutively pre-numbered duplicate receipt forms marked with the name of the manager and the words "Trust Account"; and
  - (b) contain the following information:
    - (i) in the case of a payment made by electronic transfer of funds into a manager's trust account—the date on which the manager makes out the receipt;
    - (ii) in any other case—the date of the payment;
    - (iii) the name of the person making the payment;
    - (iv) whether the payment is by cash, cheque, bank cheque or electronic transfer of funds into the manager's trust account and, if the payment is by cheque or bank cheque, the name of the drawer of the cheque;
    - (v) the name of the body corporate for whom the money is received;
    - (vi) brief particulars of the purpose of the payment;
    - (vii) the amount of the payment.
- (2) A manager need not comply with paragraph (1)(a) if the manager uses a computer program to make out the receipt and the program:
  - (a) automatically produces in chronological sequence consecutively numbered receipts marked with the name of the manager and the words "Trust Account"; and
  - (b) automatically makes a separate contemporaneous record of the receipt so that, at any time, a hard copy of the receipt may be produced; and
  - (c) requires input in each field of a data entry screen intended to receive information for the purposes of producing the receipt so that each receipt contains all of the information required by paragraph (1)(b).
- (3) A manager must make out a receipt in accordance with this clause:

- (a) in the case of a payment made by electronic transfer of funds into a manager's trust account—immediately the manager receives official confirmation that the payment has been made (whether that is by way of receipt by the manager of a statement from a financial institution or some other way, whichever occurs sooner); or
- (b) in any other case—immediately on receipt of payment.

#### **40 Payment of trust money**

- (1) A manager must not make a payment of trust money in cash.

Maximum penalty: 5 penalty units.

- (2) When a manager makes a payment of trust money by cheque, the manager:
- (a) must ensure that the cheque is marked with the name of the manager and the words "Trust Account"; and
  - (b) must:
    - (i) cause the cheque to be crossed and endorsed "Not negotiable"; or
    - (ii) obtain from the person receiving the cheque a receipt that complies with subclause (4) and keep the receipt as part of the manager's records.

Maximum penalty: 5 penalty units.

- (3) When a manager makes a payment of trust money by cheque, the manager must prepare and keep as part of the manager's records a cheque stub or voucher containing the following information:
- (a) the date and reference number of the cheque;
  - (b) the name of the payee;
  - (c) the client name or reference and brief particulars of the purpose of the payment;
  - (d) the amount of the cheque.
- (4) The receipt must be legible and contain the following information:
- (a) the date and reference number of the cheque;
  - (b) particulars identifying the trust account against which the cheque is drawn;
  - (c) the name of the payee;
  - (d) brief particulars of the purpose of the payment;
  - (e) the amount of the cheque.
- (5) When a manager authorises the payment of trust money by electronic transfer of funds, the manager:
- (a) must prepare and keep as part of the manager's records the following information:
    - (i) the date and reference number of the payment;
    - (ii) the name of the payee;
    - (iii) the body corporate name or reference and brief particulars of the purpose of the payment;

- (iv) the name or style of the account to which the payment is made, its number and the identifying numbers of the receiving bank or institution and its branch;
- (v) the amount of the payment; and
- (b) must, on receiving official written confirmation that the payment has been made, keep that confirmation as part of the manager's records.

#### **41 Audit of trust accounts—section 126**

- (1) For the purposes of paragraph 126(1)(a), the audit period in respect of which a manager must have the accounts and records audited is a financial year.
- (2) In carrying out an audit, the auditor must:
  - (a) make checks that will enable the auditor to give an opinion as to whether the manager has, during the period covered by the audit, complied with this Act relating to the manager's accounts and records; and
  - (b) ascertain what trust accounts were kept by the manager during that period; and
  - (c) make a general test examination of any trust account kept by the manager and of the passbooks and statements relating to any such account during that period; and
  - (d) make a comparison as to no fewer than 2 dates (1 to be the last day of the period of the audit and 1 other to be a date within that period selected by the auditor) between:
    - (i) the liabilities of the manager to the manager's clients as shown by the manager's trust ledger accounts and the records kept under this Schedule; and
    - (ii) the aggregate of the balances standing to the credit of the manager's trust account; and
  - (e) ask for such information and explanations as the auditor may require for the purposes of this clause.
- (3) For the purposes of paragraph 126(1)(b), the statement relating to the audit must be prepared by the auditor and must include all matters relating to the manager's accounts and records that should, in the auditor's opinion, be communicated to the body corporate and, in particular, deal with each of the following matters:
  - (a) whether the accounts and records appear to have been kept regularly and properly written up at all times;
  - (b) whether the accounts and records have been ready for examination at the periods appointed by the auditor;
  - (c) whether the manager has complied with the auditor's requirements;
  - (d) whether, at any time during the period of the audit, the manager's trust account was overdrawn and, if so, the full explanation for that given by the manager;
  - (e) whether the manager has, or has had, any debit balances in his or her trust account and the explanation or reason for such a debit given by the manager;

- (f) whether the auditor has received and examined the notice given to the auditor under clause 42 and the result of that examination;
  - (g) if the manager uses a computer program to keep the manager's accounts and records, whether the program allows for the accounts and records to be conveniently and properly audited.
- (4) The auditor must attach to the auditor's statement a copy of the manager's notice delivered to the auditor under subclause 42(1).
- (5) The auditor must verify the statement by statutory declaration and give a signed copy of the statement to the manager.
- (6) If the auditor in the course of auditing the manager's accounts and records discovers:
- (a) that they are not kept in a manner that enables them to be properly audited; or
  - (b) a matter that appears to the auditor to involve dishonesty or a breach of the law by the manager; or
  - (c) a loss or deficiency of trust money or a failure to pay or account for trust money; or
  - (d) a failure to comply with this Act;
- the auditor must, as soon as possible, give a report in respect of the discovery to the Commonwealth Minister and the manager concerned.
- Maximum penalty: 5 penalty units.
- (7) However, the auditor is not required to give a report to the Commonwealth Minister in respect of the discovery of a loss, deficiency or failure if the auditor is satisfied that:
- (a) bringing the discovery to the attention of the manager or body corporate will adequately deal with the matter; and
  - (b) the loss, deficiency or failure does not involve dishonesty or a breach of the law.
- (8) For the purposes of paragraph 126(2)(b), a manager must lodge an audit statement or declaration within 2 months after the end of each audit period.

## **42 Manager's statement**

- (1) A manager who is required to have accounts and records audited must, before the completion of the audit, certify:
- (a) under his or her hand; or
  - (b) in the case of a firm of managers—under the hands of not less than 2 partners of the firm; or
  - (c) in the case of a body corporate manager—under the hands of not less than 2 directors of the body corporate;
- and deliver to the auditor a notice setting out in detail, as of the last day of the period to which the audit relates, particulars of:

- (d) the names of all bodies corporate on whose behalf the manager is holding trust money and the amount of the credit of each such body corporate; and
- (e) all negotiable or bearer securities or deposit receipts in the name of the manager which represent money drawn from the manager's trust account and which were held by the manager on that day; and
- (f) the names of the trust accounts in which the balance of the manager's trust money is lodged and the balances on that date of those accounts; and
- (g) if the trust account balances are not in agreement with the balances of the manager's ledger accounts—a statement reconciling those balances.

Maximum penalty: 5 penalty units.

- (2) The notice must be verified by statutory declaration:
  - (a) of the manager; or
  - (b) in the case of a firm of managers—of not less than 2 partners of the firm; or
  - (c) in the case of a body corporate manager—of not less than 2 directors of the body corporate.
- (3) The manager must give the auditor making the next audit of the manager's accounts and records:
  - (a) at the request of the auditor, a copy of the notice, together with a signed copy of the auditor's statement of the last audit of the manager's accounts and records; or
  - (b) if the manager's accounts and records are being audited for the first time or, if for any other reason a copy of the notice cannot be produced for the purposes of the audit—before completion of the audit, a notice containing the same particulars as to money, negotiable or bearer securities and deposit receipts held on the first day of the period to which the audit relates.

Maximum penalty: 5 penalty units.

#### **43 Certain persons may not audit accounts and records of manager**

A person must not audit the accounts and records of a manager if the person:

- (a) is, or has been within 2 years, an employee or partner of the manager; or
- (b) is an employee or partner of another manager carrying on business as a manager; or
- (c) is a manager carrying on business as a manager.

Maximum penalty: 5 penalty units.

#### **44 Holding of deposit and other contract money when lot is pre-sold— section 149**

- (1) For the purposes of subsection 149(1), a provision of a contract of sale that provides for any consideration payable by the purchaser prior to the deposit of

- the plan to be held on trust by a specified legal practitioner, registered agent or registered conveyancer until the plan is deposited must:
- (a) be printed in bold in a font size of not less than 14 points; and
  - (b) be specifically brought to the attention of the purchaser by the vendor; and
  - (c) be initialled by, or on behalf of, both the vendor and the purchaser.
- (2) If a contract for the sale of a lot in a proposed community scheme specifies a period for the purposes of paragraph 149(4)(a), that provision of the contract must:
- (a) be printed in bold in a font size of not less than 14 points; and
  - (b) be specifically brought to the attention of the purchaser by the vendor; and
  - (c) be initialled by, or on behalf of, both the vendor and the purchaser.

## Part 4—Fees

### 45 Fees

There is payable to the Registrar for a matter set out in the following table the fee set out in the table for that matter.

Fees		
Item	Matter for which fee is payable	Fee (fee units)
1	Preliminary examination of plan to be lodged with application before application is lodged (section 152):	
	(a) for application for division of land by plan of community division (section 21):	
	(i) if there are 6 lots or less;	16
	(ii) if there are more than 6 lots;	32
	(b) for any other application	16
2	Application for division of land by plan of community division (section 21):	
	(a) for examination of application;	13
	(b) for examination of plan of community division not subject to prior approval under section 152:	
	(i) if there are 6 lots or less;	16
	(ii) if there are more than 6 lots;	32
	(c) for deposit of plan of community division;	4
	(d) for each lot requiring issue of certificate of title;	2
	(e) for filing of scheme description;	5
	(f) for filing of rules;	5
	(g) for filing of development contract	5
3	Application to amend schedule of lot entitlements (section 27)	5
4	Filing of copy of certified scheme description as amended (section 35)	5
5	Filing of certified copy of rules as varied (section 39)	5

**Schedule 1** Amendments  
**Part 1** Amendments

<b>Fees</b>		
<b>Item</b>	<b>Matter for which fee is payable</b>	<b>Fee (fee units)</b>
6	Maximum fee for purchase from body corporate of copy of rules (section 47)	1
7	Fee for purchase from Registrar of copy of rules filed with plan of community division (section 47)	2
8	Filing of certified copy of development contract as varied or agreement to terminate development contract (section 52)	5
9	Maximum fee for purchase from body corporate of copy of development contract (section 53)	1
10	Fee for purchase from Registrar of copy of development contract filed with plan of community division (section 53)	2
11	Application for amendment of deposited community plan (section 54):	
	(a) for examination of application;	10
	(b) for examination of plan to be substituted or sheets of plan to be substituted or added if plan not subject to prior approval under section 152;	16
	(c) for each lot requiring issue of certificate of title;	2
	(d) for filing of amended scheme description	5
12	Application for division of development lot in pursuance of development contract and consequential amendment of community plan (section 60):	
	(a) for examination of application;	10
	(b) for examination of plan to be substituted or sheets of plan to be substituted or added if plan not subject to prior approval under section 152;	16
	(c) for each lot requiring issue of certificate of title	2
13	Application for amalgamation of deposited community plans (section 62):	
	(a) for examination of application;	10
	(b) for examination of plan of community division not subject to prior approval under section 152;	16
	(c) for deposit of plan of community division;	4
	(d) for each lot requiring issue of certificate of title;	2
	(e) for filing of scheme description;	5
	(f) for filing of rules	5
14	Application for cancellation of deposited community plan (section 71):	
	(a) for examination of application;	10
	(b) if application is for cancellation of primary plan:	
	(i) for examination of plan that delineates outer boundaries of primary parcel;	16
	(ii) for filing of plan;	4
	(c) for each certificate of title to be issued	2
15	Application to note Court order for cancellation of community plan (sections 66 and 69):	
	(a) for noting the order;	10
	(b) if application is for cancellation of primary plan:	



<b>Fees</b>		
<b>Item</b>	<b>Matter for which fee is payable</b>	<b>Fee (fee units)</b>
	(i) for examination of plan that delineates outer boundaries of primary parcel;	16
	(ii) for filing of plan;	4
	(c) for each certificate of title to be issued	2
16	Filing of notice of appointment, removal or replacement of administrator (section 99)	5
17	Submission of outer boundary plan (clause 7):	
	(a) for examination of plan;	32
	(b) for filing of plan	4
18	Fee for re-examination of plan when amended after approval for deposit is given	4
19	Lodgement of any other document required by this Act	5

## ***Companies Act 1985 (Norfolk Island)***

### **38 Section 3**

Omit “the legislative powers of the Legislative Assembly permit,”, substitute “possible,”.

### **38A Section 6**

Insert:

***COVID-19 period*** means the period beginning on 21 July 2020 and ending on 31 December 2020.

***statutory minimum*** means:

- (a) during the COVID-19 period—\$20,000; or
- (b) otherwise—\$2,000.

***statutory period*** means:

- (a) with respect to demands served during the COVID-19 period—6 months;  
or
- (b) otherwise—21 days.

### **38B Paragraph 468(2)(a)**

Omit “\$1,000”, substitute “the statutory minimum”.

### **38C Paragraph 468(2)(a)**

Omit “21 days”, substitute “the statutory period”.

### **38D Paragraph 569(2)(a)**

Omit “\$1000”, substitute “the statutory minimum”.

**38E Paragraph 569(2)(a)**

Omit “3 weeks”, substitute “the statutory period”.

**39 Subsection 608F(3)**

Repeal the subsection.

**40 Subsection 608H(7)**

Omit “Such guidelines are a disallowable instrument for the purposes of section 41A of the *Interpretation Act 1979*.”.

**41 Subsection 608I(1)**

Omit “Such a notification is a disallowable instrument for the purposes of section 41A of the *Interpretation Act 1979*.”.

**42 Subsection 608I(4)**

Omit “Such an exemption is a disallowable instrument for the purposes of section 41A of the *Interpretation Act 1979*.”.

**42AA After section 645**

Insert:

**645A Offence relating to incurring of debts—temporary relief in response to the coronavirus**

- (1) Subsection 645(1) does not apply in relation to a person and a debt incurred by a company if the debt is incurred:
  - (a) in the ordinary course of the company’s business; and
  - (b) during the COVID-19 period; and
  - (c) before any appointment during that period of an administrator, or liquidator, of the company.
- (2) A person who wishes to rely on subsection (1) in proceedings against a person for an offence under subsection 645(1) bears an evidential burden in relation to that matter.
- (3) In this section:

*evidential burden*, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

**42AB After Part 29**

Insert:

## **Part 30—Meetings and company documents**

### **Division 1—Meetings**

#### **674 Provisions about meetings**

- (1) The operation of the provisions specified in subsection (2) is modified as follows, in relation to each class of persons in relation to whom the provisions apply, subject to the conditions set out in subsection (3):
- (a) a meeting may be held using one or more technologies that give all persons entitled to attend a reasonable opportunity to participate without being physically present in the same place, and paragraphs (b) to (e) of this subsection apply if the meeting is held in that way;
  - (b) all persons so participating in the meeting are taken for all purposes (for example, a quorum requirement) to be present at the meeting while so participating;
  - (c) a vote taken at the meeting must be taken on a poll, and not on a show of hands, by using one or more technologies to give each person entitled to vote the opportunity to participate in the vote in real time and, where practicable, by recording their vote in advance of the meeting;
  - (d) a requirement to allow an opportunity for persons attending the meeting to speak (for example, by asking questions) may be complied with by using one or more technologies that allow that opportunity;
  - (e) a proxy may be appointed using one or more technologies specified in the notice of the meeting;
  - (f) notice of a meeting may be given, and any other information to be provided with notice of a meeting, or at or in relation to a meeting, may be provided, using one or more technologies to communicate to those entitled to receive notice of the meeting:
    - (i) the contents of the notice and the other information; or
    - (ii) details of an online location where the items covered by subparagraph (i) can be viewed or from where they can be downloaded.
- Example: A company has email addresses for some of its members. Under this paragraph the company could send those members an email setting out or attaching notice of a meeting, and other material relating to the meeting, or providing a link to where the notice and other material can be viewed or downloaded. To the other members the company could send a letter or postcard setting out a URL for viewing or downloading the notice and other material.
- (2) The provisions specified are each provision of this Act, the regulations and the rules, that:
- (a) requires or permits a meeting to be held, or regulates giving notice of a meeting or the conduct of a meeting; or
  - (b) gives effect to, or provides a means of enforcing, a provision in the constitution of a company, or in any other arrangement, that requires or permits a meeting to be held, or regulates giving notice of a meeting or the conduct of a meeting.

- (3) The modifications in subsection (1) are subject to the following conditions:
- (a) the person required or permitted to give notice of a meeting that is held as mentioned in paragraph (1)(a) must include in the notice information about how those entitled to attend can participate in the meeting (including how they can participate in a vote taken at the meeting, and speak at the meeting, to the extent they are entitled to do so);
  - (b) if notice of the meeting had already been given before the commencement of this section, the person required or permitted to give notice of the meeting must, at least 7 days before the meeting is held, give a fresh notice of the meeting that includes the information referred to in paragraph (a) of this subsection;
  - (c) if a person (the *appointer*) is entitled to attend the meeting, or to vote at the meeting, by proxy, the person conducting the meeting must treat a duly appointed proxy in the same way as the appointer would be entitled or required to be treated if he or she attended the meeting in person.

## Division 2—Execution of company documents

### 675 Methods of executing document

- (1) The operation of section 111 of the Act is modified, as set out in this section, in relation to companies, directors of companies, company secretaries, and persons having dealings with companies.
- (2) In this section:
- document** includes a document in electronic form.
- (3) A company may also execute a document without using a common seal if 2 directors of the company, or a director and a company secretary of the company, as the case requires, either:
- (a) sign a copy or counterpart of the document that is in a physical form; or
  - (b) comply with subsection (4) of this section in relation to an electronic communication (within the meaning of the *Electronic Transactions Act 1999* of the Commonwealth).
- The copy, counterpart or electronic communication must include the entire contents of the document, but need not include the signature of another person signing the document nor any material included in the document because of subsection (4) of this section.
- (4) A person complies with this subsection if:
- (a) a method is used to identify the person in the electronic communication and to indicate the person's intention in respect of the contents of the document; and
  - (b) the method:
    - (i) is as reliable as appropriate for the purpose for which the company is executing the document, in light of all the circumstances, including any relevant agreement; or

- (ii) is proven in fact to have fulfilled the functions described in paragraph (a), by itself or together with further evidence.

#### **676 Assumptions that can be made about execution of document**

- (1) The operation of section 93 of the Act is modified, as set out in this section, in relation to companies and persons having dealings with companies.
- (2) A reference to a document appearing to have been duly sealed in accordance with paragraph 93(3)(e) of the Act includes a reference to a document (including a document in electronic form) appearing to have been executed in accordance with section 111 of the Act operating as modified by section 675.

### **Division 3—Miscellaneous**

#### **677 Effect of modified provisions**

Anything done in accordance with the modified operation of provisions modified by this Part is as valid and effective for all purposes as if it had been done in accordance with those provisions in their unmodified operation.

### ***Companies Regulations 1986 (Norfolk Island)***

#### **42A Paragraph 44(a)**

Repeal the paragraph, substitute:

- (a) a person who is a gaoler for the purposes of the *Administration Act 1936*;

### ***Conveyancing Act 1913 (Norfolk Island)***

#### **42B Subsection 4(1)**

Omit “Administrator”, substitute “Chief Executive Officer”.

### ***Coroners Act 1993 (Norfolk Island)***

#### **43 Paragraph 11(1)(m)**

Omit “, in accordance with the advice of the Executive Council,”.

#### **43A Subparagraph 11(1A)(b)(i)**

Omit “such as being a permanent resident or the holder of a permit under the *Immigration Act 1980*”.

#### **43AA Subsection 37(2)**

Omit “Minister determines”, substitute “Coroner directs”.

## ***Court of Petty Sessions Act 1960 (Norfolk Island)***

### **43AL Subsection 4(1)**

Insert:

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

***audio link*** means facilities (for example, telephone facilities) that enable audio communication between persons in different places.

### **43ALA Subsection 4(1) (definition of *capital offence*)**

Repeal the definition.

### **43ALB Subsection 4(1)**

Insert:

***continued law*** means:

- (a) a law continued in force in the Territory by section 16 of the *Norfolk Island Act 1979* of the Commonwealth; or
- (b) a Legislative Assembly law, or a law made under a Legislative Assembly law, continued in force in the Territory by section 16A of that Act.

***video link*** means facilities that enable audio and visual communication between persons in different places.

### **43AM After section 28**

Insert:

## **28A Exercise of powers etc. by Magistrate anywhere in Australia**

- (1) A Magistrate may, anywhere in Australia (whether in the Territory or not), exercise a power, or perform a function, that is conferred on him or her by or under a law in force in the Territory. It does not matter whether the power or function is conferred on the Magistrate as a judicial officer or in a personal capacity.

Note: Section 15 of the *Norfolk Island Act 1979* of the Commonwealth describes laws in force in the Territory.

- (2) If the power or function may be exercised or performed on application, the application may be made to the Magistrate when he or she is anywhere in Australia.
- (3) If the application is made to the Magistrate when either or both of the Magistrate and the applicant are outside the Territory, the application may be made by audio link, video link or any other means of communication (whether electronic or not).

- (4) If the exercise of the power, or the performance of the function, described in subsection (1) involves the Magistrate giving (however described) a document, the Magistrate may do so by post, fax or any other means of communication (whether electronic or not).
- (5) This section has effect despite:
  - (a) a continued law; and
  - (b) an applied law.

#### **43AN At the end of section 33**

Add:

- (4) This section does not limit section 33B (about sittings outside Norfolk Island).

#### **43AO Subsections 33B(1) to (7)**

Repeal the subsections, substitute:

- (1) For the purposes of hearing or determining a matter or conducting a proceeding, the Court may sit at a place in Australia outside the Territory, and at a time, that the Chief Magistrate thinks fit, if he or she is satisfied that the sitting of the Court at that place at that time is expedient and not contrary to the interests of justice.
- (2) At any time when a matter or proceeding is before the Court for hearing, determination or conduct at a sitting of the Court, the Chief Magistrate may order that the hearing, determination or conduct of the matter or proceeding be adjourned and continued at a sitting of the Court to be held at a specified place in Australia outside the Territory.

Note: The Court may sit in Australia outside the Territory only if the Chief Magistrate is satisfied as described in subsection (1).

- (3) At any time when a matter or proceeding is not before the Court for hearing, determination or conduct, the Chief Magistrate may:
  - (a) order:
    - (i) in any case—that the matter or proceeding be heard, determined, conducted or continued at a sitting of the Court to be held at a place that is in Australia outside the Territory and is specified in the order; or
    - (ii) if the Chief Magistrate had previously ordered that the matter or proceeding be heard, determined, conducted or continued at a sitting of the Court to be held at a place in Australia outside the Territory—that the matter or proceeding be heard, determined, conducted or continued at a sitting of the Court to be held in the Territory; and
  - (b) revoke any order previously made by the Chief Magistrate about the place of a sitting of the Court to be held for hearing, determining, conducting or continuing the matter or proceeding.

Note: The Court may sit in Australia outside the Territory only if the Chief Magistrate is satisfied as described in subsection (1).

- (4) If the Chief Magistrate makes an order under this section at the instance of a party to the matter or proceeding, the Chief Magistrate may give directions about serving a copy of the order on the other parties to the matter or proceeding.
- (5) The Court may allow a person to appear before it by audio link or video link if:
  - (a) the Court is sitting in the Territory and the person is outside the Territory;  
or
  - (b) the Court is sitting outside the Territory (whether the person is in the Territory or not).
- (6) If an order is made under this section affecting the place of a sitting of the Court, the Court's power to discharge a person upon entry into a recognisance to appear at a time and place specified in the recognisance extends to imposing a condition that the person appear at the place the Court is to sit (whether that place is in or outside the Territory).

**43AP Subsection 33B(9)**

Repeal the subsection, substitute:

- (9) This section has effect despite:
  - (a) a continued law; and
  - (b) an applied law.

**43AT Paragraph 45(a)**

Omit "the offence is a capital offence or".

**43AU Paragraph 45(a)**

After "in respect of the offence", insert "is imprisonment for life or".

**43AW Subsection 59(1)**

Omit "death or".

**43AX Sections 107, 116, 117 and 140**

Omit "\$10,000" (wherever occurring), substitute "\$60,000".

**43AY Subsection 221(1)**

Omit "(1)".

**43AZ Subsection 221(2)**

Repeal the subsection.

**43B Paragraph 246A(4)(d)**

Omit "Public Service of Norfolk Island", substitute "public service".



***Court Procedures Act 2007 (Norfolk Island)***

**44 Subsection 8(2) (note)**

Omit “s. 20B”.

**45 At the end of subsection 8(4)**

Add “for the purposes of section 41A of the *Interpretation Act 1979*”.

**46 Subsection 8(4) (note)**

Repeal the note.

**47 Subsection 10(3) (note)**

Omit “the *Interpretation Act 1979*, 23A, 23B and 24”, substitute “sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth applying because of section 8A of the *Interpretation Act 1979*”.

**48 Subsection 13(3)**

Repeal the subsection.

**48AA Subparagraph 15(2)(d)(i)**

Omit “under a Norfolk Island law”.

**48A Section 20 (definition of *Administration*)**

Repeal the definition, substitute:

*Administration* means:

- (a) the Norfolk Island Regional Council; or
- (b) the Commonwealth Minister exercising a power, or performing a function, relating to Norfolk Island; or
- (c) a territory instrumentality.

**48B Subsection 21(2)**

Repeal the subsection.

**48C Subsection 28(3) (definition of *territory instrumentality*)**

Repeal the definition.

**48D Sections 33 and 34**

Repeal the sections.

**49 Subsection 51(1) (note 1)**

Repeal the note.

**50 Subsection 51(1) (note 2)**

Omit “2”.

**51 Section 54 (note)**

Repeal the note.

**51A Paragraph 77(a)**

Omit “of such amount per week as is equal to the amount of the minimum rate for the time being determined under the *Employment Act 1988*”, substitute “equal to the national minimum wage applying to an award/agreement free employee in Norfolk Island under Part 2-6 of the *Fair Work Act 2009* of the Commonwealth”.

**51B Paragraph 77(b)**

Omit “such amount per week as is equal to  $\frac{3}{4}$  of the amount of the minimum rate for the time being payable determined under the *Employment Act 1988*”, substitute “ $\frac{3}{4}$  of the national minimum wage applying to an award/agreement free employee in Norfolk Island under Part 2-6 of the *Fair Work Act 2009* of the Commonwealth”.

**51C Dictionary at the end of the Act (definition of *Chief Executive Officer*)**

Repeal the definition.

**51D Dictionary at the end of the Act (definition of *public servant*)**

Repeal the definition.

***Crimes (Forensic Procedures) Act 2002 (Norfolk Island)***

**52 Paragraph (e) of Schedule 1**

Omit “Executive Council of Norfolk Island”, substitute “Commonwealth Minister”.

***Criminal Code 2007 (Norfolk Island)***

**52A Section 2**

Repeal the section.

**53 Subsection 4(1) (note)**

Omit “(2)(a)”.

**53A Section 5**

Repeal the section.

**53AA Subsection 6(1)**

After “The”, insert “main”.

**53AB Subsection 6(1)**

Omit “Norfolk Island laws”, substitute “Norfolk Island legislation”.

**53AC Subsection 6(2)**

Omit “It contains all the general principles of criminal responsibility that apply to any offence”, substitute “This Chapter contains all the general principles of criminal responsibility that apply to any offence against Norfolk Island legislation”.

**53AD Section 7**

Omit “Norfolk Island laws”, substitute “Norfolk Island legislation”.

**53AE At the end of section 7**

Add:

Note: Part 2.7 also applies to offences against applied NSW laws.

**53B Section 8**

Repeal the section, substitute:

**8 Certain provisions of this Chapter do not apply to certain pre-2008 offences**

- (1) Despite section 7, the provisions of this Chapter (other than the applied provisions) do not apply to a pre-2008 offence unless:
  - (a) the offence has been omitted and remade (with or without changes) on or after 1 January 2008; or
  - (b) an enactment, or a law made under an enactment, whether made before or after the commencement of this section, expressly provides for the provisions of this Chapter to apply to the offence.
- (2) In interpreting the applied provisions in relation to an offence, the other provisions of this Act may be considered.
- (3) In this section:

*omitted and remade*: an offence has not been omitted and remade if it has been amended without being omitted and remade.

*pre-2008 offence* means an offence that was in force before 1 January 2008.

**53BA Section 9**

Repeal the section.

**53C Section 10**

Repeal the section, substitute:

**10 Definition of *applied provisions***

In this Act:

*applied provisions* means the following provisions of this Chapter:

- (a) subsection 15(5) (Evidence of self-induced intoxication);
- (b) Division 2.3.1 (Lack of capacity—children);

- (c) Division 2.3.2 (Lack of capacity—mental impairment);
- (d) Division 2.3.3 (Intoxication);
- (e) Part 2.4 (Extensions of criminal responsibility);
- (f) Part 2.5 (Corporate criminal responsibility);
- (g) Part 2.6 (Proof of criminal responsibility);
- (h) Part 2.7 (Geographical application).

### **53CA Subsection 48(10)**

Omit “the Minister or”.

### **53CB At the end of subsection 62(1)**

Add:

Note: The definition of *offence* (together with the definition of *law*) in the dictionary at the end of this Act means that this subsection applies this Part to offences against Norfolk Island legislation (but not to offences against applied NSW laws). Subsection (1A) extends the application of this Part to offences against applied NSW laws.

### **53CC After subsection 62(1)**

Insert:

(1A) This Part also:

- (a) applies in relation to an offence against an applied NSW law in the same way as this Part applies in relation to an offence or an offence against a law; and
- (b) applies in relation to an applied NSW law in the same way as this Part applies in relation to a law.

Note: An offence against an applied NSW law is not covered by the definition of *offence* in the dictionary at the end of this Act. An applied NSW law is not covered by the definition of *law* in the dictionary at the end of this Act.

### **53CCA Section 85**

Repeal the section.

### **53CD Before paragraph 87(2)(a)**

Insert:

- (aa) chokes, suffocates or strangles another person; or

### **53D Subsection 105(6) (definition of *applied provisions*)**

Repeal the definition.

### **53DAAA Section 108**

Repeal the section, substitute:

## **108 Meaning of *sexual intercourse* in this Part**

- (1) In this Part, *sexual intercourse* means:

- (a) the penetration, to any extent, of the genitalia or anus of a person by any part of the body of another person; or
  - (b) the penetration, to any extent, of the genitalia or anus of a person, by an object, carried out by another person; or
  - (c) fellatio; or
  - (d) cunnilingus; or
  - (e) the continuation of any activity mentioned in paragraph (a), (b), (c) or (d).
- (2) In this Part, **sexual intercourse** does not include an act of penetration that:
- (a) is carried out for a proper medical or hygienic purpose; or
  - (b) is carried out for a proper law enforcement purpose.
- (3) In this section:

**genitalia** includes surgically constructed or altered genitalia.

**object** includes an animal.

#### **108A Meaning of *act of indecency* in this Part**

In this Part:

**act of indecency** means any act, other than sexual intercourse, that:

- (a) is of a sexual or indecent nature (including an indecent assault); and
  - (b) involves the human body, or bodily actions or functions;
- whether or not the act involves physical contact between people.

#### **53DAAB Subsection 113(1)**

Omit “17 years”, substitute “20 years”.

#### **53DAAC After section 113**

Insert:

#### **113A Sexual intercourse with person aged at least 16 but under 18—defendant in position of trust or authority**

- (1) A person (the **defendant**) commits an offence if:
- (a) the defendant engages in sexual intercourse with another person; and
  - (b) the other person is at least 16, but less than 18, years of age; and
  - (c) the defendant is in a position of trust or authority in relation to the other person for the purposes of the *Criminal Code* of the Commonwealth (see section 272.3 of that Code).

Penalty: Imprisonment for 10 years.

- (2) For the purposes of subsection (1):
- (a) absolute liability applies to paragraph (1)(b); and
  - (b) strict liability applies to paragraph (1)(c).

Note: For absolute liability, see section 24. For strict liability, see section 23.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that:
- (a) at the time of the alleged offence, there existed between the defendant and the other person a marriage that was valid, or recognised as valid, under a law in force in:
    - (i) the place where the marriage was solemnised; or
    - (ii) Norfolk Island; or
    - (iii) the place of the defendant's residence or domicile; and
  - (b) when the marriage was solemnised:
    - (i) the marriage was genuine; and
    - (ii) the other person was at least 16 years of age.

Note: A defendant bears a legal burden in relation to the matters in this subsection, see section 59.

- (4) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that, at the time of the alleged offence, the defendant believed on reasonable grounds that the other person was of or above the age of 18 years.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 59.

### **53DA At the end of section 114**

Add:

- (10) However, a person may be arrested for, charged with, or remanded in custody or granted bail for, an offence against subsection (2) before the consent has been given.

### **53DAA Subsection 118(1)**

Omit "5 years", substitute "7 years".

### **53DAB Subsection 118(2)**

Omit "7 years", substitute "9 years".

### **53DAC After section 119**

Insert:

### **119A Act of indecency with person aged at least 16 but under 18—defendant in position of trust or authority**

- (1) A person (the *defendant*) commits an offence if:
- (a) the defendant commits an act of indecency on, or in the presence of, another person; and
  - (b) the other person is at least 16, but less than 18, years of age; and

- (c) the defendant is in a position of trust or authority in relation to the other person for the purposes of the *Criminal Code* of the Commonwealth (see section 272.3 of that Code).

Penalty: Imprisonment for 7 years.

- (2) For the purposes of subsection (1):
  - (a) absolute liability applies to paragraph (1)(b); and
  - (b) strict liability applies to paragraph (1)(c).

Note: For absolute liability, see section 24. For strict liability, see section 23.

- (3) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that:
  - (a) at the time of the alleged offence, there existed between the defendant and the other person a marriage that was valid, or recognised as valid, under a law in force in:
    - (i) the place where the marriage was solemnised; or
    - (ii) Norfolk Island; or
    - (iii) the place of the defendant's residence or domicile; and
  - (b) when the marriage was solemnised:
    - (i) the marriage was genuine; and
    - (ii) the other person was at least 16 years of age.

Note: A defendant bears a legal burden in relation to the matters in this subsection, see section 59.

- (4) It is a defence to a prosecution for an offence against subsection (1) if the defendant proves that, at the time of the alleged offence, the defendant believed on reasonable grounds that the other person was of or above the age of 18 years.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 59.

### **53DB At the end of Part 3.6**

Add:

#### **121A Procuring a young person for a child sex offence**

- (1) A person (the *defendant*) commits an offence if:
  - (a) the defendant procures another person (the *young person*) for an act that constitutes, or would if it occurred in Norfolk Island constitute, a child sex offence (whether or not involving the defendant); and
  - (b) the young person is someone:
    - (i) who is under the age of 10 years; or
    - (ii) who the defendant believes to be under the age of 10 years; and
  - (c) the defendant is of or above the age of 18 years.

Penalty: Imprisonment for 15 years.

- (2) A person (the *defendant*) commits an offence if:

- (a) the defendant procures another person (the **young person**) for an act that constitutes, or would if it occurred in Norfolk Island constitute, a child sex offence (whether or not involving the defendant); and
- (b) the young person is someone:
  - (i) who is under the age of 16 years; or
  - (ii) who the defendant believes to be under the age of 16 years; and
- (c) the defendant is of or above the age of 18 years.

Penalty: Imprisonment for 12 years.

- (3) Absolute liability applies to subparagraph (1)(b)(i), paragraph (1)(c), subparagraph (2)(b)(i) and paragraph (2)(c).

Note: For absolute liability, see section 24.

- (4) A person may be found guilty of an offence against subsection (1) or (2) even if it is impossible for the act that constitutes or would constitute a child sex offence to take place.
- (5) For the purposes of subsections (1) and (2), it does not matter that the young person is a fictitious person represented to the defendant as a real person.
- (6) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that, at the time the defendant engaged in the conduct constituting the offence against subsection (2), he or she believed on reasonable grounds that the young person was of or above the age of 16 years.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 59.

- (7) It is not an offence to attempt to commit, or to incite the commission of, an offence against subsection (1) or (2).

## 121B Grooming a person for a child sex offence

- (1) A person (the **defendant**) commits an offence if:
  - (a) the defendant engages in conduct in relation to a person (the **groomed person**); and
  - (b) the defendant does so with the intention of making it easier to procure a person (the **young person**), who need not be the groomed person, for an act that constitutes, or would if it occurred in Norfolk Island constitute, a child sex offence (whether or not involving the defendant); and
  - (c) the young person is someone:
    - (i) who is under the age of 10 years; or
    - (ii) who the defendant believes to be under the age of 10 years; and
  - (d) the defendant is of or above the age of 18 years.

Penalty: Imprisonment for 15 years.

- (2) A person (the **defendant**) commits an offence if:



- (a) the defendant engages in conduct in relation to a person (the ***groomed person***); and
- (b) the defendant does so with the intention of making it easier to procure a person (the ***young person***), who need not be the groomed person, for an act that constitutes, or would if it occurred in Norfolk Island constitute, a child sex offence (whether or not involving the defendant); and
- (c) the young person is someone:
  - (i) who is under the age of 16 years; or
  - (ii) who the defendant believes to be under the age of 16 years; and
- (d) the defendant is of or above the age of 18 years.

Penalty: Imprisonment for 12 years.

- (3) Absolute liability applies to subparagraph (1)(c)(i), paragraph (1)(d), subparagraph (2)(c)(i) and paragraph (2)(d).

Note: For absolute liability, see section 24.

- (4) A person may be found guilty of an offence against subsection (1) or (2) even if it is impossible for the act that constitutes or would constitute a child sex offence to take place.
- (5) For the purposes of subsections (1) and (2), it does not matter that the groomed person or the young person is a fictitious person represented to the defendant as a real person.
- (6) It is a defence to a prosecution for an offence against subsection (2) if the defendant proves that, at the time the defendant engaged in the conduct constituting the offence against subsection (2), he or she believed on reasonable grounds that the young person was of or above the age of 16 years.

Note: A defendant bears a legal burden in relation to the matter in this subsection, see section 59.

- (7) It is not an offence to attempt to commit, or to incite the commission of, an offence against subsection (1) or (2).

## **121C Definitions for procuring and grooming offences**

In sections 121A and 121B:

***child sex offence*** means an offence against:

- (a) this Part; or
- (b) Part 3.7 (child pornography); or
- (c) Part 3.10 (sexual servitude).

***procure*** a person for an act that constitutes, or would constitute, a child sex offence includes:

- (a) encourage, entice or recruit the person in relation to such an act; or
- (b) induce the person (whether by threats, promises or otherwise) in relation to such an act.

**53DBA Subsection 125(6) (at the end of the definition of *act of a sexual nature*)**

Add “(both within the meaning of Part 3.6)”.

**53DBB Subsection 126(1)**

Omit “122, 123 (3) (b)”, substitute “112, 113(3)(b)”.

**53DC Subsection 129(5)**

Omit “or 120(1)”, substitute “, 120(1), 121A(1) or 121B(1)”.

**53DD Subsection 129(5)**

Omit “or 120(2)” (wherever occurring), substitute “, 120(2), 121A(2) or 121B(2)”.

**53DE At the end of section 129**

Add:

- (6) However, a person may be found guilty of an offence in accordance with this section only if the person has been accorded procedural fairness in relation to that finding of guilt.

**53DF Section 130**

Before “In an indictment”, insert “(1)”.

**53DG At the end of section 130**

Add:

- (2) In an indictment for an offence against section 113A, a count may be added for an offence against section 119A.

**53DH Section 131**

Omit “118 or 119”, substitute “118, 119 or 119A”.

**53E Subsection 196(3) (paragraph (a) of the definition of *Administration*)**

Omit “within the meaning of the *Public Service Act 2014*”.

**53F Subsection 196(3) (paragraph (c) of the definition of *Administration*)**

Omit “within the meaning of the *Public Service Act 2014*; or”, substitute “;”.

**53G Subsection 211(11)**

Omit “the Minister or”.

**53H Section 281 (definition of *controlled drug*)**

Repeal the definition, substitute:

*controlled drug* means a *prohibited drug* within the meaning of the NSW Drug Misuse and Trafficking Act.

**53J Section 281 (definition of *controlled plant*)**

Repeal the definition, substitute:

*controlled plant* means a *prohibited plant* within the meaning of the NSW Drug Misuse and Trafficking Act.

**53K Section 281**

Insert:

*NSW Drug Misuse and Trafficking Act* means the *Drug Misuse and Trafficking Act 1985* (NSW) as in force at the commencement of the *Norfolk Island Legislation Amendment (Criminal and Civil Matters) Ordinance 2021*.

**53L Subsection 282(1)**

Repeal the subsection, substitute:

(1) In this chapter:

*commercial quantity* of a controlled drug, or controlled plant, means the quantity specified for that drug or plant in column 4 of the table in Schedule 1 to the NSW Drug Misuse and Trafficking Act.

*large commercial quantity* of a controlled drug, or controlled plant, means the quantity specified for that drug or plant in column 5 of the table in Schedule 1 to the NSW Drug Misuse and Trafficking Act.

*trafficable quantity* of a controlled drug, or controlled plant, means the quantity specified for that drug or plant in column 1 of the table in Schedule 1 to the NSW Drug Misuse and Trafficking Act.

**54 Section 323 (note at the end of the definition of *sworn statement*)**

Omit “*Interpretation Act 1979*, s.12 (2)”, substitute “section 2B of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of the *Interpretation Act 1979*”.

**54A Subsection 349(1)**

Omit “the Minister or”.

**54AA Paragraph 353(2)(c)**

Omit “\$10 000”, substitute “\$60,000”.

**54B Subsection 375(1)**

Omit “a territory law”, substitute “Norfolk Island legislation or an applied NSW law”.

**54C Section 377**

After “prosecution”, insert “of an offence against Norfolk Island legislation or an applied NSW law”.

#### 54D Section 378

After “a trial”, insert “of an offence against Norfolk Island legislation or an applied NSW law”.

#### 55 Subsection 381(3)

Repeal the subsection.

#### 56 Section 382 (note)

Repeal the note.

#### 56AA Dictionary

Insert:

*applied NSW law* means a law in force in Norfolk Island in accordance with section 18A of the *Norfolk Island Act 1979* of the Commonwealth.

#### 56A Dictionary (definition of *Crown law officer*)

Repeal the definition.

#### 56B Dictionary (definition of *law*)

Repeal the definition, substitute:

*law* means Norfolk Island legislation or a provision of Norfolk Island legislation.

#### 56BA Dictionary (definition of *law of Norfolk Island*)

Repeal the definition, substitute:

*law of Norfolk Island* means a law in force in Norfolk Island in accordance with section 15 of the *Norfolk Island Act 1979* of the Commonwealth.

#### 56C Dictionary

Insert:

*Norfolk Island legislation* means an enactment or legislation made under an enactment, except so far as the enactment:

- (a) is a section 19A Ordinance; and
- (b) has the effect (directly or indirectly) of:
  - (i) amending an applied NSW law so that the applied NSW law (as amended) provides for an offence; or
  - (ii) ending the suspension of the operation in Norfolk Island of an applied NSW law that provides for an offence.

Note: A section 19A Ordinance may indirectly have the effect of amending an applied NSW law by amending another section 19A Ordinance (e.g. the *Norfolk Island Applied Laws Ordinance 2016*) so it amends an applied NSW law. Likewise, a section 19A Ordinance may indirectly have the effect of ending the suspension of operation of an applied NSW law by amending another section 19A Ordinance so that it no longer suspends the operation of the applied NSW law.

## **56D The Schedule**

Repeal the Schedule.

## ***Criminal Procedure Act 2007 (Norfolk Island)***

### **56E Section 3**

Repeal the section.

### **57 Subsection 5(1)**

Omit “the legislative power of the Legislative Assembly permits”, substitute “possible”.

### **57A Subsection 7(4)**

Repeal the subsection.

### **57AA Subsection 7(5)**

Insert:

*audiovisual link* means a system of 2-way communication linking different places so that a person at any of them can be seen and heard at the other places.

### **57AC Subsection 7(5) (definitions of *Chief Executive Officer* and *Crown law officer*)**

Repeal the definitions.

### **57AE Subsection 7(5)**

Insert:

*external place*, for a proceeding, means a place other than the courtroom where the proceeding is heard.

### **57AG Subsection 7(5)**

Repeal the following definitions:

- (a) definition of *public office*;
- (b) definition of *public sector* and *public sector agency*;
- (c) definition of *public service*.

### **57AH Section 41**

Before “not including”, insert “including bail proceedings but”.

### **57AI Paragraph 43(8)(c)**

Omit “person”, substitute “accused”.

### **57AJ At the end of subsection 43(8)**

Add:

; (d) that the accused be assessed by a medical practitioner or a psychiatrist.

**57AK Paragraph 53(4)(b)**

Omit “a protection order that is a domestic violence order under the *Domestic Violence Act 1995* has not been made”, substitute “an apprehended violence order has not been made under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI)”.

**57AL Section 54 (heading)**

Repeal the heading, substitute:

**54 Seizure of firearms—apprehended violence orders**

**57AM Subsection 54(1)**

Omit “In enforcing an order under the *Domestic Violence Act 1995*, section 15 (Protection orders-firearms)”, substitute “If a court has made an apprehended violence order against a person that prohibits, or restricts, under paragraph 35(2)(d) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI), the possession by the person of one or more firearms”.

**57AN Paragraph 54(1)(a)**

Omit “respondent named in the order”, substitute “person”.

**57AO Paragraph 54(1)(b)**

After “licence”, insert “or permit”.

**57AP Subsections 54(2), (3) and (4)**

Omit “or licence” (wherever occurring), substitute “, licence or permit”.

**57AQ Paragraph 54(5)(a)**

Omit “or licence”, substitute “, licence or permit”.

**57AR Paragraph 54(5)(a)**

Omit “for the purpose of enforcing an order mentioned in that subsection”.

**57AS Paragraph 54(5)(b)**

Omit “has not been cancelled or suspended under the *Domestic Violence Act 1995*, section 15”, substitute “or permit is not suspended or cancelled”.

**57AT Subsection 54(5)**

Omit “the firearm, ammunition or licence shall be returned to the licensee”, substitute “the firearm, ammunition, licence or permit must be returned to the licensee or permittee”.

**57AU Paragraph 54(5)(c)**

Repeal the paragraph, substitute:

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- (c) the licensee or permittee satisfies the registrar of firearms that the licensee or permittee may lawfully possess the firearm, ammunition, licence or permit; and

**57AV Paragraph 54(5)(d)**

Omit “or licence”, substitute “, licence or permit”.

**57AW Paragraph 54(5)(e)**

Omit “*Firearms Act 1997* to be in possession of the firearm, ammunition or licence”, substitute “*Firearms and Prohibited Weapons Act 1997* to possess the firearm, ammunition, licence or permit”.

**57AX Subsections 54(6) and (7)**

Omit “*Firearms Act 1997*”, substitute “*Firearms and Prohibited Weapons Act 1997*”.

**57AY Subsection 74(5) (definition of *domestic violence offence*)**

Repeal the definition, substitute:

*domestic violence offence* has the meaning given by section 11 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

**57B Section 110 (heading)**

Repeal the heading, substitute:

**110 Discharge of prisoner if case not to be proceeded with**

**57C Section 110**

Omit “Minister”, substitute “Crown law officer”.

**58 Subsection 112(1)**

Omit “(1)”.

**59 Subsection 112(2)**

Repeal the subsection.

**59D Chapter 6**

Repeal the Chapter, substitute:

**Chapter 6—Evidence of children**

**155 Definitions for this Chapter**

In this Chapter:

*court* means:

- (a) the Supreme Court; or

- (b) the Court of Petty Sessions; or
- (c) the Coroner's Court.

*proceeding* means a proceeding to which this Chapter applies.

### **155A Meaning of give evidence in a proceeding by audiovisual link for this Chapter**

In this Chapter:

*give evidence in a proceeding by audiovisual link* means to give evidence in the proceeding by audiovisual link from an external place which is linked to the courtroom by an audiovisual link.

### **155B Sworn or unsworn evidence**

For the purposes of this Chapter, it does not matter whether evidence is to be, or is being, given on oath or otherwise.

### **155C Proceedings to which this Chapter applies**

This Chapter applies to:

- (a) a proceeding in the Supreme Court:
  - (i) for a trial on indictment in relation to the alleged commission of an offence against a law in force in Norfolk Island; or
  - (ii) for the passing of sentence in relation to the commission of an offence against a law in force in Norfolk Island; or
  - (iii) by way of an appeal from a conviction, order, sentence or other decision of the Court of Petty Sessions in a proceeding in relation to which this Chapter applies; or
- (b) a proceeding in the Court of Petty Sessions on an information in relation to the alleged commission, or commission, of an offence against a law in force in Norfolk Island; or
- (c) a proceeding under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI); or
- (d) a proceeding under Chapter 5 or 6 of the *Child Welfare Act 2009*; or
- (e) a proceeding by way of an inquest or inquiry in the Coroner's Court.

### **155D Child giving evidence by audiovisual link**

- (1) This section applies if:
  - (a) a child is to give evidence in a proceeding; and
  - (b) the proceeding is to be heard in a courtroom; and
  - (c) the courtroom and an external place are linked by an audiovisual link.
- (2) The child's evidence must be given by audiovisual link unless the court otherwise orders.



- (3) However, the evidence of a child who is an accused person in a proceeding is not to be given by audiovisual link.
- (4) The court may make an order under subsection (2) only if satisfied that:
  - (a) the child prefers to give evidence in the courtroom; or
  - (b) if the order is not made:
    - (i) the proceeding may be unreasonably delayed; or
    - (ii) there is a substantial risk that the court will not be able to ensure that the proceeding is conducted fairly.
- (5) While the child is at the external place to give evidence, the place is taken to be part of the courtroom.

### **155E Representation of child**

- (1) This section applies if:
  - (a) a child is to give evidence in a proceeding by audiovisual link; and
  - (b) the child is not separately represented by someone else; and
  - (c) the court considers that the child should be separately represented by someone else.
- (2) The court may:
  - (a) order that the child be separately represented by someone else; and
  - (b) make any other order it considers necessary to arrange the separate representation.

### **155F Consequential orders**

- (1) This section applies if a child is to give evidence in a proceeding by audiovisual link.
- (2) The court may make any order it considers appropriate:
  - (a) to ensure that the proceeding is conducted fairly; or
  - (b) to allow the child to identify a person or thing; or
  - (c) to allow the child to take part in a view or to watch a demonstration or experiment; or
  - (d) to allow part of the proceeding to be heard somewhere other than in the courtroom.
- (3) The court may make any other order it considers appropriate, including, for example, an order stating:
  - (a) who may be with the child at the external place; or
  - (b) who must not be with the child at the external place; or
  - (c) who, in the courtroom, is to be able, or must not be able, to be heard, or seen and heard, by the child and people in the external place with the child; or
  - (d) who, in the courtroom, is to be able to see and hear the child and anyone else in the external place with the child; or

- (e) how the audiovisual link is to operate.
- (4) The court may order that a person be excluded from the external place while the child is giving evidence.
- (5) The court may direct that an order under this section apply only to a particular part of the proceeding.

### **155G Making of orders**

- (1) The court may make an order under this Chapter in a proceeding on its own initiative or on the application of:
  - (a) a party to the proceeding; or
  - (b) the child or a person acting on the child's behalf; or
  - (c) the child's parent or guardian.
- (2) For the purpose of making an order under this Chapter, the court is not bound by the rules of evidence and may inform itself as it considers appropriate.

### **155H Jury warning about inferences from child giving evidence by audiovisual link**

- (1) This section applies if:
  - (a) a child gives evidence in a proceeding by audiovisual link; and
  - (b) the proceeding is before a jury.
- (2) The judge must warn the jury to the effect that the jury should not draw any inference against an accused person in the proceeding from the fact that the child's evidence is given by audiovisual link.

### **155J Failure to comply with this Chapter**

- (1) If the evidence of a child is not given in accordance with this Chapter, the evidence is not inadmissible for that reason only.
- (2) Failure to comply with this Chapter in relation to a proceeding does not affect the validity of the proceeding.

### **155K Child turns 18 during proceeding**

If a child is to give evidence in a proceeding and the child turns 18 years old before the proceeding is finally disposed of, this Chapter continues to apply to the person for the proceeding.

## Chapter 6A—Evidence of witnesses with disabilities or vulnerabilities

### 160 Meaning of *proceeding* for this Chapter

In this Chapter:

*proceeding* means a proceeding to which this Chapter applies.

### 160A Meaning of *witness with a disability* for this Chapter

For this Chapter, a *witness with a disability* is a person who gives evidence in a proceeding and has a mental or physical disability that affects the person's ability to give evidence.

### 160B Proceedings to which this Chapter applies

This Chapter applies to:

- (a) a proceeding in the Supreme Court:
  - (i) for a trial on indictment in relation to the alleged commission of an offence against a law in force in Norfolk Island; or
  - (ii) for the passing of sentence in relation to the commission of an offence against a law in force in Norfolk Island; or
  - (iii) by way of an appeal from a conviction, order, sentence or other decision of the Court of Petty Sessions in a proceeding in relation to which this Chapter applies; or
- (b) a proceeding in the Court of Petty Sessions on an information in relation to the alleged commission, or commission, of an offence against a law in force in Norfolk Island; or
- (c) a proceeding under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI); or
- (d) a proceeding under Chapter 5 or 6 of the *Child Welfare Act 2009*; or
- (e) a proceeding by way of an inquest or inquiry in the Coroner's Court.

### 160C Child or witness with disability may have support person in court

- (1) This section applies to any of the following people (a *witness*) giving evidence in a proceeding:
  - (a) a child;
  - (b) a witness with a disability.
- (2) The court must, on application by a party that intends to call a witness, order that, while the witness gives evidence, the witness have a person (a *support person*) in the court who is:
  - (a) for a witness with a vision impairment—close enough to the witness for the court to be satisfied that the witness is aware of the person's presence; or

- (b) for any other witness—close to the witness and within the witness’s sight.
- (3) The court may order that a witness have more than one support person if it considers it is in the interests of justice.
- (4) The support person must not:
  - (a) speak for the witness during the proceeding; or
  - (b) otherwise interfere in the proceeding.
- (5) Unless the court otherwise orders, the support person must not be, or be likely to be, a witness or party in the proceeding.
- (6) If the proceeding is a trial by jury, the court must tell the jury that:
  - (a) a witness having a support person in the court while giving evidence is a usual practice; and
  - (b) the jury must not draw any inference against the accused person, or give the evidence more or less weight, because the support person is present.

#### **160D Witness with vulnerability may give evidence in closed court**

- (1) This section applies to a person (the *witness*) giving evidence in a proceeding if the court considers that the person has a vulnerability that affects the person’s ability to give evidence because of:
  - (a) the circumstances of the proceeding; or
  - (b) the person’s circumstances.

Note: The following are examples for subsection (1):

  - (a) the person is likely to suffer severe emotional trauma because of the nature of the alleged offence;
  - (b) the person is intimidated or distressed because of the person’s relationship to the accused person.
- (2) The court may order that the court be closed to the public while all or part of the witness’s evidence (including evidence under cross-examination) is given.
- (3) In deciding whether to order that the court be closed to the public, the court must consider whether:
  - (a) the witness wants to give evidence in open court; and
  - (b) it is in the interests of justice that the witness give evidence in open court.
- (4) However, an order under this section does not stop the following people from being in court when the witness gives evidence:
  - (a) a person nominated by the witness;
  - (b) a person who attends the proceeding to prepare a news report of the proceeding and is authorised to attend for that purpose by the person’s employer.

Note: Publishing certain information in relation to sexual offence proceedings is an offence (see section 167F).
- (5) In this section, a reference to a person giving evidence includes the person giving evidence by the playing of an audiovisual recording of the evidence at a hearing

under Subdivision C (sexual and violent offence proceedings: audiovisual recording of police interview admissible as evidence) of Division 2 of Chapter 7.

**160E Making of orders under this Chapter—court not bound by rules of evidence**

For the purpose of making an order under section 160C or 160D, the court is not bound by the rules of evidence and may inform itself as it considers appropriate.

**59E Chapter 7 (heading)**

Repeal the heading, substitute:

**Chapter 7—Evidence in sexual, violent and domestic violence proceedings**

**59F Divisions 1, 2 and 3 of Chapter 7**

Repeal the Divisions, substitute:

**Division 1—Preliminary**

**165 Failure to comply with this Chapter**

- (1) If the evidence of the complainant or a similar act witness is not given in accordance with this Chapter, the evidence is not inadmissible for that reason only.
- (2) Failure to comply with this chapter in relation to a proceeding does not affect the validity of the proceeding.

**165A Meaning of *relevant person* for this Chapter**

- (1) In this Chapter:

***relevant person***, in relation to a person (the ***original person***) means:

- (a) a spouse, de facto partner, or intimate partner, of the original person; or
- (b) a former spouse, former de facto partner, or former intimate partner, of the original person; or
- (c) a relative of the original person; or
- (d) a child of a spouse or de facto partner, or of a former spouse or former de facto partner, of the original person; or
- (e) a parent of a child of the original person.

- (2) In this section:

***intimate partner*** of a person means someone with whom the person has an intimate relationship (whether they are members of the same household or not), but does not include:

- (a) a spouse or de facto partner of the person; or

- (b) another person with whom the person has a relationship only because a service is provided between them:
  - (i) for fee or reward; or
  - (ii) on behalf of another person (including a government or corporation); or
  - (iii) on behalf of an organisation the principal objects or purposes of which are charitable or benevolent.
- (3) For the purposes of the definition of *intimate partner* in subsection (2), factors that indicate whether there is an intimate relationship between 2 people include, but are not limited to, the following:
  - (a) the extent to which each is personally dependent on the other;
  - (b) the extent to which each is financially dependent on the other (including any arrangements for financial support);
  - (c) the length of the relationship;
  - (d) the frequency of contact between each other;
  - (e) if there is, or has been, a sexual relationship;
  - (f) the extent to which each is involved in, or knows about, the other's personal life;
  - (g) the degree of mutual commitment to a shared life;
  - (h) if the 2 people share care or support for children or other dependents.

## 165B Meaning of *relative* for this Chapter

- (1) In this Chapter:

*relative* of a person (the *original person*):

- (a) means the original person's:
  - (i) parent, grandparent, step-parent, father-in-law or mother-in-law; or
  - (ii) child, grandchild, stepchild, son-in-law or daughter-in-law; or
  - (iii) sibling, half-sibling or step-sibling or
  - (iv) uncle, aunt, uncle-in-law or aunt-in-law; or
  - (v) nephew, niece or cousin; and
- (b) if the original person has or had a de facto partner—includes someone who would have been a relative mentioned in paragraph (a) if the original person had been married to the de facto partner; and
- (c) includes:
  - (i) someone who has been a relative mentioned in paragraph (a) or (b) of the original person; and
  - (ii) if the original person is an Indigenous person—the persons mentioned in subsection (3); and
  - (iii) someone regarded and treated by the original person as a relative; and
  - (iv) anyone else who could reasonably be considered to be, or have been, a relative of the original person.

- (2) In this section:

**Indigenous person** means a person who is:

- (a) a member of the Aboriginal race of Australia; or
  - (b) a descendant of an Indigenous inhabitant of the Torres Strait Islands.
- (3) For the purposes of subparagraph (c)(ii) of the definition of **relative** in subsection (1), the persons are as follows:
- (a) someone the original person has responsibility for, or an interest in, in accordance with the traditional laws and customs of the community of Indigenous persons to which the original person belongs;
  - (b) someone who has responsibility for, or an interest in, the original person in accordance with the traditional laws and customs of the community of Indigenous persons to which the original person belongs.

### **165C Meaning of other family relationship expressions for this Chapter**

- (1) In this Chapter:

**child**: without limiting who is a child of a person for the purposes of this Chapter, a person is the **child** of another person if the person is a child of the other person within the meaning of the *Family Law Act 1975* of the Commonwealth.

**de facto partner** has the meaning given by the *Acts Interpretation Act 1901* of the Commonwealth.

**parent**: without limiting who is a parent of another person for the purposes of this Chapter, a person is the **parent** of another person who is the person's child because of the definition of **child** in this subsection.

**stepchild**: without limiting who is a stepchild of another person for the purposes of this Chapter, a child of a de facto partner of the other person is the **stepchild** of the other person if the child would be the other person's stepchild except that the other person is not legally married to the partner.

**step-parent**: without limiting who is a step-parent of a person for the purposes of this Chapter, a de facto partner of a parent of the person is the **step-parent** of the person if the de facto partner would be the person's step-parent except that the de facto partner is not legally married to the person's parent.

- (2) For the purposes of this Chapter, if one person is the child of another person because of the definition of **child** in subsection (1), relationships traced to or through that person are to be determined on the basis that the person is the child of the other person.

### **165D Meaning of found guilty for this Chapter**

In this Chapter:

**found guilty** of an offence includes having an offence taken into account under section 143 of the *Sentencing Act 2007*.

### 165E Meaning of *intellectually impaired* for this Chapter

In this Chapter:

***intellectually impaired***: a person is *intellectually impaired* if the person has:

- (a) an appreciably below average general intellectual function; or
- (b) a cognitive impairment (including dementia or autism) arising from an acquired brain injury, neurological disorder or a developmental disorder; or
- (c) any other intellectual disability.

### 165F Meaning of *lawyer* for this Chapter

In this Chapter:

***lawyer*** means a person who is entitled to practise as a practitioner under sections 7, 8 and 9 of the *Legal Profession Act 1993*.

### 165G References to offences include related ancillary offences

- (1) A reference in a provision of this Chapter to a particular offence includes a reference to an offence against section 44 (attempt), 47 (incitement) or 48 (conspiracy) of the *Criminal Code 2007* that relates to that particular offence.
- (2) Subsection (1) does not apply if the provision is expressly or impliedly to the contrary effect.

Note: Sections 45 (complicity and common purpose) and 46 (agency) of the *Criminal Code 2007* operate as extensions of principal offences and are therefore not referred to in this section.

## Division 2—Evidence in sexual and violent offence proceedings

### Subdivision A—Preliminary

#### 166 Definitions for this Division

In this Division:

***less serious violent offence*** means:

- (a) an offence against any of the following provisions of the *Criminal Code 2007*:
  - (i) subsection 79(1) (wounding);
  - (ii) section 80 (assault with intent to commit certain indictable offences);
  - (iii) subsection 81(1) (inflicting actual bodily harm);
  - (iv) subsection 82(1) (assault occasioning actual bodily harm);
  - (v) section 83 (causing grievous bodily harm);
  - (vi) section 84 (common assault);
  - (vii) section 87 (acts endangering health etc);
  - (viii) subsection 88(3) or (4) (culpable driving of motor vehicle);



- (ix) section 90 (threat to inflict grievous bodily harm);
- (x) section 92 (possession of object with intent to kill, etc.);
- (xi) section 96 (abduction of young person);
- (xii) section 100 (exposing or abandoning child);
- (xiii) section 259 (damaging property); or
- (b) an offence against section 14 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) (contravening apprehended violence order).

**serious violent offence** means an offence against any of the following provisions of the *Criminal Code 2007*:

- (a) section 70 (murder);
- (b) section 73 (manslaughter);
- (c) section 77 (intentionally inflicting grievous bodily harm);
- (d) section 78 (recklessly inflicting grievous bodily harm);
- (e) subsection 79(2) (wounding);
- (f) subsection 81(2) (inflicting actual bodily harm);
- (g) subsection 82(2) (assault occasioning actual bodily harm);
- (h) section 86 (acts endangering life etc);
- (i) subsection 88(1) or (2) (culpable driving of motor vehicle);
- (j) section 89 (threat to kill);
- (k) section 91 (demands accompanied by threats);
- (l) section 93 (forcible confinement);
- (m) section 94 (stalking);
- (n) section 95 (torture);
- (o) section 97 (kidnapping);
- (p) section 99 (unlawfully taking child etc);
- (q) section 101 (child destruction);
- (r) section 102 (childbirth—grievous bodily harm);
- (s) section 147 (destroying or damaging property);
- (t) section 148 (arson);
- (u) section 186 (robbery);
- (v) section 187 (aggravated robbery);
- (w) section 188 (burglary);
- (x) section 189 (aggravated burglary).

**sexual offence** means an offence against any of the following provisions of the *Criminal Code 2007*:

- (a) Part 3.6 (sexual offences);
- (b) Part 3.9 (female genital mutilation);
- (c) Part 3.10 (sexual servitude).

**sexual or violent offence** means:

- (a) a sexual offence; or

- (b) a violent offence.

***sexual or violent offence proceeding*** means:

- (a) a sexual offence proceeding; or
- (b) a violent offence proceeding.

***similar act witness*** means a witness in a sexual or violent offence proceeding who gives, or intends to give, evidence in the proceeding that:

- (a) relates to an act committed on or in the presence of the witness by the accused; and
- (b) is tendency evidence or coincidence evidence under the *Evidence Act 2004*.

***violent offence*** means a serious violent offence or a less serious violent offence.

***witness with a disability*** means a person who gives, or intends to give, evidence in a proceeding and has a mental or physical disability that affects the person's ability to give evidence.

## **Subdivision B—Sexual and violent offence proceedings: general**

### **167 Meaning of *complainant* and *sexual offence proceeding* for this Subdivision**

- (1) For the purposes of this Subdivision, the ***complainant*** in relation to a sexual or violent offence proceeding, is the person, or any of the people, against whom a sexual or violent offence the subject of the proceeding is alleged, or has been found, to have been committed.
- (2) For the purposes of this Subdivision, a ***sexual offence proceeding*** is:
  - (a) a proceeding for a sexual offence; or
  - (b) a proceeding in relation to bail for a person charged with a sexual offence, whether or not the person is also charged with any other offence; or
  - (c) a sentencing proceeding for a person convicted or found guilty of a sexual offence, whether or not the person is also convicted or found guilty of any other offence; or
  - (d) an appeal or other review (whether by prerogative order or otherwise) arising out of a proceeding mentioned in paragraphs (a) to (c); or
  - (e) an interlocutory proceeding in, or a proceeding ancillary to, a proceeding mentioned in paragraphs (a) to (c).
- (3) For the purposes of paragraph (2)(a), a ***proceeding for a sexual offence*** includes:
  - (a) a proceeding for a sexual offence and any other offence; and
  - (b) a proceeding for a sexual offence and any other offence as an alternative to the sexual offence; and
  - (c) a proceeding for a sexual offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.
- (4) To remove any doubt, for the purposes of this section, a ***proceeding*** includes a committal hearing.

### **167A Meaning of *violent offence proceeding* for this Subdivision**

- (1) For the purposes of this Subdivision, a ***violent offence proceeding*** is:
  - (a) a proceeding for a violent offence; or
  - (b) a proceeding in relation to bail for a person charged with a violent offence, whether or not the person is also charged with any other offence; or
  - (c) a sentencing proceeding for a person convicted or found guilty of a violent offence, whether or not the person is also convicted or found guilty of any other offence; or
  - (d) an appeal or other review (whether by prerogative order or otherwise) arising out of a proceeding mentioned in paragraphs (a) to (c); or
  - (e) an interlocutory proceeding in, or a proceeding ancillary to, a proceeding mentioned in paragraphs (a) to (c).
- (2) For the purposes of paragraph (1)(a), a ***proceeding for a violent offence*** includes:
  - (a) a proceeding for a violent offence and any other offence; and
  - (b) a proceeding for a violent offence and any other offence as an alternative to the violent offence; and
  - (c) a proceeding for a violent offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.
- (3) To remove any doubt, for the purposes of this section, a ***proceeding*** includes a committal hearing.

### **167B Accused may be screened from witness in court**

- (1) This section applies to the complainant or a similar act witness (the ***witness***) giving evidence in:
  - (a) a sexual offence proceeding; or
  - (b) a violent offence proceeding in relation to a serious violent offence; or
  - (c) a violent offence proceeding in relation to a less serious violent offence if:
    - (i) the witness is a relevant person in relation to the accused person; or
    - (ii) the court considers that the witness has a vulnerability that affects the witness's ability to give evidence because of the circumstances of the proceeding or the witness's circumstances.

Note: The following are examples for subparagraph (c)(ii):

  - (a) the witness is likely to suffer severe emotional trauma because of the nature of the alleged offence;
  - (b) the witness is intimidated or distressed because of the witness's relationship to the accused person.
- (2) For the purposes of subparagraph (1)(c)(ii), the court is not bound by the rules of evidence and may inform itself as it considers appropriate.
- (3) The court may order that the courtroom be arranged in a way that, while the witness is giving evidence, the witness cannot see:
  - (a) the accused person; or

- (b) anyone else the court considers should be screened from the witness.
- (4) However, the witness must be visible to:
  - (a) the presiding judicial officer; and
  - (b) if the proceeding is a trial by jury—the jury; and
  - (c) the accused person; and
  - (d) the accused person’s lawyer; and
  - (e) if the court has ordered that someone should be screened from the complainant or similar act witness—the person; and
  - (f) the prosecutor.

### **167C Examination of witness by self-represented accused person—procedure**

- (1) This section applies to the complainant or a similar act witness (the *witness*) giving evidence in:
    - (a) a sexual offence proceeding; or
    - (b) a violent offence proceeding in relation to a serious violent offence; or
    - (c) a violent offence proceeding in relation to a less serious violent offence if:
      - (i) the witness is a relevant person in relation to the accused person; or
      - (ii) the court considers that the witness has a vulnerability that affects the witness’s ability to give evidence because of the circumstances of the proceeding or the witness’s circumstances.
- Note: The following are examples for subparagraph (c)(ii):
- (a) the witness is likely to suffer severe emotional trauma because of the nature of the alleged offence;
  - (b) the witness is intimidated or distressed because of the witness’s relationship to the accused person.
- (2) For the purposes of subparagraph (1)(c)(ii), the court is not bound by the rules of evidence and may inform itself as it considers appropriate.
  - (3) This section also applies to a child or witness with a disability (the *witness*) giving evidence for the prosecution in a sexual or violent offence proceeding.
  - (4) The witness must not be examined personally by the accused person but may be examined instead by:
    - (a) the accused person’s legal representative; or
    - (b) if the accused person does not have a legal representative—a person appointed by the court.
  - (5) If the accused person does not have a legal representative, the court must, as soon as practicable, tell the person:
    - (a) about the terms of subsection (4); and
    - (b) that the person may not present evidence from another witness in relation to a fact in issue to contradict the evidence of the witness in relation to the fact if the fact in the other witness’s evidence intended to contradict the witness’s evidence has not been put to the witness in cross-examination.

- (6) A person appointed by the court for the purposes of paragraph (4)(b) may ask the witness only the questions that the accused person asks the person to put to the witness, and must not independently give the accused person legal or other advice.

Note: If the court considers a question to be unduly annoying, harassing, intimidating etc, the court must disallow it or tell the witness that it need not be answered (see subsection 41(1) (improper questions) of the *Evidence Act 2004*).

- (7) If the accused person does not have a legal representative, the court may, if it considers it is in the interests of justice, do one or more of the following:
- (a) adjourn the proceeding to enable the person to obtain a legal representative to conduct the examination;
  - (b) make:
    - (i) an order that the person obtain legal representation; and
    - (ii) any other order the court considers necessary to secure legal representation for the person.
- (8) If the proceeding is a trial by jury, the court must tell the jury that:
- (a) the accused person may not examine the witness personally; and
  - (b) obtaining, or being provided with, legal representation to examine the witness, or having the accused person's questions put to the witness by a person appointed by the court, is a usual practice; and
  - (c) the jury must not draw any inference against the accused person, or give the evidence more or less weight, because the examination is not conducted personally by the accused person.
- (9) In this section:
- examine*** includes cross-examine and re-examine.

### **167D Sexual and violent offence proceeding—witness may have support person in court**

- (1) This section applies to the complainant or a similar act witness (the ***witness***) giving evidence in:
- (a) a sexual offence proceeding; or
  - (b) a violent offence proceeding in relation to a serious violent offence; or
  - (c) a violent offence proceeding in relation to a less serious violent offence if:
    - (i) the witness is a relevant person in relation to the accused person; or
    - (ii) the court considers that the witness has a vulnerability that affects the witness's ability to give evidence because of the circumstances of the proceeding or the witness's circumstances.

Note: The following are examples for subparagraph (c)(ii):

- (a) the witness is likely to suffer severe emotional trauma because of the nature of the alleged offence;
- (b) the witness is intimidated or distressed because of the witness's relationship to the accused person.

- (2) For the purposes of subparagraph (1)(c)(ii), the court is not bound by the rules of evidence and may inform itself as it considers appropriate.
- (3) The court must, on application by a party who intends to call a witness, order that the witness have a person (a **support person**) in the court close to, and within the witness's sight, while the witness gives evidence.
- (4) The court may order that a witness have more than one support person if it considers it is in the interests of justice.
- (5) The support person must not:
  - (a) speak for the witness during the proceeding; or
  - (b) otherwise interfere in the proceeding.
- (6) Unless the court otherwise orders, the support person must not be, or be likely to be, a witness or party in the proceeding.
- (7) If the proceeding is a trial by jury, the court must tell the jury that:
  - (a) a witness having a support person in the court while giving evidence is a usual practice; and
  - (b) the jury must not draw any inference against the accused person, or give the evidence more or less weight, because the support person is present.

#### **167E Sexual and violent offence proceeding—evidence to be given in closed court**

- (1) This section applies to the complainant or a similar act witness (the **witness**) giving evidence in:
  - (a) a sexual offence proceeding; or
  - (b) a violent offence proceeding in relation to a serious violent offence; or
  - (c) a violent offence proceeding in relation to a less serious violent offence if:
    - (i) the witness is a relevant person in relation to the accused person; or
    - (ii) the court considers that the witness has a vulnerability that affects the witness's ability to give evidence because of the circumstances of the proceeding or the witness's circumstances.

Note: The following are examples for subparagraph (c)(ii):

  - (a) the witness is likely to suffer severe emotional trauma because of the nature of the alleged offence;
  - (b) the witness is intimidated or distressed because of the witness's relationship to the accused person.
- (2) For subparagraph (1)(c)(ii), the court is not bound by the rules of evidence and may inform itself as it considers appropriate.
- (3) The court may order that the court be closed to the public while all or part of the witness's evidence (including evidence given under cross-examination) is given.
- (4) In deciding whether to order that the court be closed to the public, the court must consider whether:
  - (a) the witness wants to give evidence in open court; and

- (b) it is in the interests of justice that the witness give evidence in open court.
- (5) However, an order under this section does not stop the following people from being in court when the witness gives evidence:
  - (a) a person nominated by the witness;
  - (b) a person who attends the proceeding to prepare a news report of the proceeding and is authorised to attend for that purpose by the person's employer.

Note: Publishing certain information in relation to sexual offence proceedings is an offence (see section 167F).

- (6) In this section, a reference to a person giving evidence includes the person giving evidence by:
  - (a) the playing of an audiovisual recording of the evidence under Subdivision C (sexual and violent offence proceedings: audiovisual recording of police interview admissible as evidence); or
  - (b) audiovisual link under Subdivision D (sexual and violent offence proceedings: giving evidence by audiovisual link); or
  - (c) the playing of an audiovisual recording or an audio recording of the evidence, or the tendering of a transcript of the evidence, under Subdivision E or F (special provisions relating to retrials and subsequent trials of sexual offence proceedings).

### **167F Sexual offence proceedings—publication identifying complainants**

- (1) A person commits an offence if:
  - (a) the person publishes any matter; and
  - (b) the person does not have the leave of the court to publish the matter; and
  - (c) the matter identifies, or is likely to lead to the identification of, another person (the **identified person**) as a complainant in a sexual offence proceeding.

Penalty: Imprisonment for 12 months, or 60 penalty units, or both.

- (2) Subsection (1) does not apply if:
  - (a) the publication is in an official publication in the course of, and for the purpose of, the proceeding; or
  - (b) the publication is in a document prepared for use in particular legal proceedings (whether or not the legal proceedings are a sexual offence proceeding); or
  - (c) the identified person is aged 14 years or older and the publication is made with the consent of the identified person; or
  - (d) the publication happens after the death of the identified person.

Note: A defendant bears an evidential burden in relation to the matter in this subsection, see section 58 of the *Criminal Code 2007*.

- (3) The court may give leave to a person to publish the matter.
- (4) In deciding whether to give leave, the court is to have regard to:

- (a) any trauma to the identified person that the publication could cause; and
  - (b) any damage to the reputation of the identified person that the publication could cause; and
  - (c) any view of the identified person about the publication; and
  - (d) whether the publication is:
    - (i) for the purpose of supplying transcripts of the proceedings to persons with a genuine interest in the proceedings; or
    - (ii) for genuine research purposes; and
  - (e) whether the publication is in the public interest.
- (5) Leave may be given after the proceedings have finished. For this purpose, the court need not be constituted by the same judicial officers who constituted the court in the proceedings.
- (6) An application for leave under this section must be in writing.
- (7) A person who makes an application for leave under this section must take reasonable steps to give written notice of the application to each of the following:
- (a) the identified person;
  - (b) the prosecutor in the proceeding;
  - (c) each defendant in the proceeding;
  - (d) each other complainant in the proceeding.
- (8) If the identified person or a party referred to in paragraph (7)(d) is a child at the time the application is made, the notice must be given to a parent, guardian or legal representative of the identified person or the party, as the case may be.
- (9) A notice under subsection (7) must:
- (a) be given no later than 3 business days before the day the application is to be heard; and
  - (b) be accompanied by a copy of the application.
- (10) An application for leave under this section must not be determined unless the court:
- (a) is satisfied the applicant has taken reasonable steps to give notice of the application in accordance with subsections (7), (8) and (9); and
  - (b) has considered such submissions and other evidence as it thinks necessary for determining the application.

### **Subdivision C—Sexual and violent offence proceedings: audiovisual recording of police interview admissible as evidence**

#### **168 Meaning of *sexual offence* and *violent offence* for this Subdivision**

- (1) For the purposes of this Subdivision, a ***sexual offence*** includes an offence under section 14 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) in relation to another sexual offence.



- (2) For the purposes of this Subdivision, a **violent offence** includes an offence under section 14 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) in relation to another violent offence.

#### **168A Meaning of *sexual offence proceeding* for this Subdivision**

- (1) For the purposes of this Subdivision, a **sexual offence proceeding** is:
- (a) a proceeding for a sexual offence; or
  - (b) a sentencing proceeding for a person convicted or found guilty of a sexual offence, whether or not the person is also convicted or found guilty of any other offence; or
  - (c) an appeal arising out of a proceeding mentioned in paragraph (a) or (b).
- (2) For the purposes of paragraph (1)(a), a **proceeding for a sexual offence** includes:
- (a) a proceeding for a sexual offence and any other offence; and
  - (b) a proceeding for a sexual offence and any other offence as an alternative to the sexual offence; and
  - (c) a proceeding for a sexual offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.

#### **168B Meaning of *violent offence proceeding* for this Subdivision**

- (1) For the purposes of this Subdivision, a **violent offence proceeding** is:
- (a) a proceeding for a violent offence; or
  - (b) a sentencing proceeding for a person convicted or found guilty of a violent offence, whether or not the person is also convicted or found guilty of any other offence; or
  - (c) an appeal arising out of a proceeding mentioned in paragraph (a) or (b).
- (2) For the purposes of paragraph (1)(a), a **proceeding for a violent offence** includes:
- (a) a proceeding for a violent offence and any other offence; and
  - (b) a proceeding for a violent offence and any other offence as an alternative to the violent offence; and
  - (c) a proceeding for a violent offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.

#### **168C Meaning of *witness* for this Subdivision**

- (1) For the purposes of this Subdivision, a **witness** is a witness in a sexual or violent offence proceeding who:
- (a) is a child on the day an audiovisual recording is made; or
  - (b) is intellectually impaired; or
  - (c) is a complainant or similar act witness in the proceeding.

Note: For **intellectually impaired**, see section 165E.

- (2) In this section:

**complainant**, in a sexual or a violent offence proceeding, means the person, or any of the people, against whom a sexual or violent offence the subject of the proceeding is alleged, or has been found, to have been committed.

#### **168D Meaning of *audiovisual recording* for this Subdivision**

- (1) For the purposes of this Subdivision, an **audiovisual recording** is an audiovisual recording that is of a witness answering questions of a police officer in relation to the investigation of a sexual or violent offence.
- (2) The audiovisual recording must include the following:
  - (a) the date when, and the place where, the recording was made;
  - (b) the times when the recording started and ended;
  - (c) the times when any break in questioning started and ended, and the reason for the break;
  - (d) the name of each person present during any part of the recording;
  - (e) for each person present during any part of the recording—the part when the person was present.
- (3) The audiovisual recording must:
  - (a) be certified by a police officer as an accurate record of the witness answering the questions; and
  - (b) not be edited or changed, unless the court hearing the proceeding in which the recording is tendered otherwise orders.

Note: For paragraph (b), a court might, for example, order that the recording be edited to omit inadmissible material.

#### **168E Audiovisual recording may be admitted as evidence**

- (1) An audiovisual recording may:
  - (a) be played at the hearing of a proceeding for the sexual or violent offence to which it relates; and
  - (b) if the recording is played at the hearing—be admitted as the witness's evidence in chief in the proceeding as if the witness gave the evidence at the hearing in person.
- (2) However, the court may refuse to admit all or any part of the audiovisual recording.
- (3) The witness must not be in the courtroom, or visible to anyone in the courtroom by audiovisual link, when the audiovisual recording is played at the hearing.
- (4) This section is subject to section 168J.

#### **168F Audiovisual recording—notice**

- (1) This section applies if the prosecutor in a sexual or violent offence proceeding intends to tender an audiovisual recording as evidence.

- (2) The prosecutor must give to the accused person or the person's lawyer:
  - (a) written notice that the prosecutor intends to tender the audiovisual recording; and
  - (b) a copy of a transcript of the recording.
- (3) The notice must state the following:
  - (a) each audiovisual recording the prosecutor intends to tender;
  - (b) that the accused person and the person's lawyer are entitled to see and listen to each recording at a police station or somewhere else decided by the police officer in charge in Norfolk Island;
  - (c) the person responsible (the *responsible person*) for arranging access to each recording.
- (4) For the purposes of paragraph (3)(c), the notice must state the responsible person by:
  - (a) naming the person; or
  - (b) stating the occupant of a position.

#### **168G Audiovisual recording—notice for access**

- (1) The accused person, or the person's lawyer, must give written notice to the responsible person to have access to an audiovisual recording.
- (2) The notice must state the following:
  - (a) the name of the accused person, and the person's lawyer;
  - (b) each audiovisual recording for which access is required.

#### **168H Audiovisual recording—access to accused person**

- (1) This section applies if an accused person, or the person's lawyer, gives notice under section 168G requesting access to an audiovisual recording.
- (2) The responsible person must give the person who gave notice access to see and listen to the audiovisual recording as soon as practicable after receiving the notice under section 168G.
- (3) The person who gave notice may have access to an audiovisual recording more than once.
- (4) The accused person, and the person's lawyer, must not be given, or take a copy of, an audiovisual recording.

#### **168J Audiovisual recording—admissibility**

- (1) An audiovisual recording is admissible in a sexual or violent offence proceeding only if:
  - (a) notice is given under section 168F; and

- (b) a copy of a transcript of the recording is given to the accused person, or the person's lawyer, a reasonable time before the start of the hearing of the proceeding; and
  - (c) the accused person, and the person's lawyer, are given a reasonable opportunity to see and listen to the recording.
- (2) However, if the prosecutor fails to give notice under section 168F, the audiovisual recording is admissible if:
  - (a) a copy of a transcript of the recording is given to the accused person, or the person's lawyer, a reasonable time before the start of the hearing of the proceeding; and
  - (b) the accused person, and the person's lawyer, are given a reasonable opportunity to see and listen to the recording; and
  - (c) the court considers it is in the interests of justice to admit the recording.
- (3) This section does not prevent the parties consenting to the admission in evidence of an audiovisual recording.

#### **168K Audiovisual recording—jury trial**

- (1) This section applies if:
  - (a) a sexual or violent offence proceeding is a trial by jury; and
  - (b) an audiovisual recording is admitted in evidence in the proceeding.
- (2) The court must tell the jury that:
  - (a) admission of the audiovisual recording is a usual practice; and
  - (b) the jury must not draw any inference against the accused person, or give the evidence more or less weight, because the evidence is given in that way.
- (3) If the court considers that a transcript of the audiovisual recording would be likely to help the jury's understanding of the evidence, the court may order that the transcript be made available to the jury.

#### **168L Transcript of audiovisual recording—access to court**

If an audiovisual recording is admitted in evidence in a sexual or violent offence proceeding, the court may order that a transcript of the recording be made available to the court.

#### **168M Audiovisual recording—offences**

- (1) A person commits an offence if the person, without authority:
  - (a) possesses an audiovisual recording; or
  - (b) supplies, or offers to supply, an audiovisual recording to another person; or
  - (c) plays, copies or erases, or allows someone else to play, copy or erase, an audiovisual recording.

Penalty: Imprisonment for 12 months or 60 penalty units, or both.

- (2) For the purposes of this section, a person has **authority** in relation to an audiovisual recording only if the person possesses the recording, or does something with the recording, in connection with:
- (a) the investigation of, or a proceeding for, an offence in relation to which the recording is prepared; or
  - (b) a re-hearing, re-trial or appeal in relation to such a proceeding, including a proceeding in which the recording is or may be admitted in evidence under Subdivision E or F.

### **Subdivision D—Sexual and violent offence proceedings: giving evidence by audiovisual link**

#### **169 Definitions for this Subdivision**

In this Subdivision:

**give evidence in a proceeding by audiovisual link** means to give evidence in the proceeding by audiovisual link from an external place which is linked to the courtroom by an audiovisual link.

**proceeding** means a proceeding to which this Subdivision applies.

#### **169A Meaning of complainant and sexual offence proceeding for this Subdivision**

- (1) For the purposes of this Subdivision, the **complainant**, in relation to a sexual or violent offence proceeding, is the person, or any of the people, against whom a sexual or violent offence the subject of the proceeding is alleged, or has been found, to have been committed.
- (2) For the purposes of this Subdivision, a **sexual offence proceeding** is:
- (a) a proceeding for a sexual offence; or
  - (b) a sentencing proceeding for a person convicted or found guilty of a sexual offence, whether or not the person is also convicted or found guilty of any other offence; or
  - (c) a proceeding under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) in relation to a sexual offence;
  - (d) a proceeding by way of an inquest or inquiry in the Coroner's Court in relation to a sexual offence; or
  - (e) an appeal arising out of a proceeding mentioned in paragraphs (a) to (d).
- (3) For the purposes of paragraph (2)(a), a **proceeding for a sexual offence** includes:
- (a) a proceeding for a sexual offence and any other offence; and
  - (b) a proceeding for a sexual offence and any other offence as an alternative to the sexual offence; and
  - (c) a proceeding for a sexual offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.
- (4) To remove any doubt, for the purposes of this section, a **proceeding** includes a committal hearing.

### 169B Meaning of *violent offence proceeding* for this Subdivision

- (1) For the purposes of this Subdivision, a *violent offence proceeding* is:
  - (a) a proceeding for a violent offence; or
  - (b) a sentencing proceeding for a person convicted or found guilty of a violent offence, whether or not the person is also convicted or found guilty of any other offence; or
  - (c) a proceeding under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) in relation to a violent offence;
  - (d) an appeal arising out of a proceeding mentioned in paragraphs (a) to (c).
- (2) For the purposes of paragraph (1)(a), a *proceeding for a violent offence* includes:
  - (a) a proceeding for a violent offence and any other offence; and
  - (b) a proceeding for a violent offence and any other offence as an alternative to the violent offence; and
  - (c) a proceeding for a violent offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.
- (3) To remove any doubt, for the purposes of this section, a *proceeding* includes a committal hearing.

### 169C Proceedings to which this Subdivision applies

- (1) This Subdivision applies to the following proceedings:
  - (a) a sexual offence proceeding;
  - (b) a violent offence proceeding in relation to a serious violent offence;
  - (c) a violent offence proceeding in relation to a less serious violent offence if:
    - (i) the complainant or similar act witness (the *witness*) is a relevant person in relation to the accused person; or
    - (ii) the court considers that the witness has a vulnerability that affects the witness's ability to give evidence because of the circumstances of the proceeding or the witness's circumstances.

Note 1: For *relevant person*, see section 165A.

Note 2: The following are examples for subparagraph (c)(ii):

- (a) the witness is likely to suffer severe emotional trauma because of the nature of the alleged offence;
  - (b) the witness is intimidated or distressed because of the witness's relationship to the accused person.
- (2) For the purposes of this Subdivision, it does not matter whether evidence is to be, or is being, given on oath or otherwise.

### 169D Complainant or similar act witness giving evidence by audiovisual link

- (1) This section applies if:
  - (a) a complainant or similar act witness is to give evidence in a proceeding;and

- (b) the proceeding is to be heard in a courtroom; and
  - (c) the courtroom and an external place are linked by an audiovisual link.
- (2) The complainant's or similar act witness's evidence must be given by audiovisual link unless the court otherwise orders.
- (3) The court may make an order under subsection (2) only if satisfied:
  - (a) that:
    - (i) for the complainant—the complainant prefers to give evidence in the courtroom; and
    - (ii) for a similar act witness—the witness prefers to give evidence in the courtroom; or
  - (b) if the order is not made:
    - (i) the proceeding may be unreasonably delayed; or
    - (ii) there is a substantial risk that the court will not be able to ensure that the proceeding is conducted fairly.
- (4) While the complainant or similar act witness is at the external place to give evidence, the place is taken for all purposes (other than subsection 168E(3)) to be part of the courtroom.
- (5) While the complainant or similar act witness is at the external place to give evidence:
  - (a) the accused person must not be at the place; and
  - (b) the witness must not be able to see or hear the accused person; and
  - (c) the accused person must be able to see and hear the witness give evidence; and
  - (d) the accused person must be able to communicate with the person's lawyer.

### **169E Recording evidence given in sexual offence proceedings**

- (1) If a complainant or similar act witness gives evidence in a sexual offence proceeding by audiovisual link under section 169D, the evidence must be recorded as an audiovisual recording.
- (2) If a court makes an order under subsection 169D(2) in a sexual offence proceeding that evidence given by a complainant or similar act witness not be given by audiovisual link, the evidence may be recorded as an audiovisual recording.

### **169F Consequential orders**

- (1) This section applies if a complainant or similar act witness is to give evidence in a proceeding by audiovisual link.
- (2) The court may make any order it considers appropriate:
  - (a) to ensure that the proceeding is conducted fairly; or
  - (b) to allow the complainant or similar act witness to identify a person or thing; or

- (c) to allow the complainant or similar act witness to take part in a view or to watch a demonstration or experiment; or
  - (d) to allow part of the proceeding to be heard somewhere other than in the courtroom.
- (3) The court may make any other order it considers appropriate, including, for example, an order stating:
  - (a) who may be with the complainant or similar act witness at the external place; or
  - (b) who must not be with the complainant or similar act witness at the external place; or
  - (c) who, in the courtroom, is to be able, or must not be able, to be heard, or seen and heard, by the complainant or similar act witness and people in the external place with the complainant or similar act witness; or
  - (d) who, in the courtroom, is to be able to see and hear the complainant or similar act witness and anyone else in the external place with the complainant or similar act witness; or
  - (e) how the audiovisual link is to operate.
- (4) The court may order that a person be excluded from the other place while the complainant or similar act witness is giving evidence.
- (5) The court may direct that an order under this section apply only to a particular part of the proceeding.

#### **169G Making orders under this Subdivision**

- (1) The court may make an order under this Subdivision in a proceeding on its own initiative or on the application of:
  - (a) a party to the proceeding; or
  - (b) the complainant; or
  - (c) a similar act witness.
- (2) For the purpose of making an order under this Subdivision, the court is not bound by the rules of evidence and may inform itself as it considers appropriate.

#### **169H Jury warning about inferences from complainant or similar act witness giving evidence by audiovisual link**

- (1) This section applies if:
  - (a) a complainant or similar act witness gives evidence in a proceeding by audiovisual link; and
  - (b) the proceeding is before a jury.
- (2) The judge must warn the jury to the effect that the jury should not draw any inference against an accused person in the proceeding from the fact that the evidence of the complainant or similar act witness is given by audiovisual link.



## **Subdivision E—Special provisions relating to retrials of sexual offence proceedings**

### **170 Definitions**

In this Subdivision:

***accused person***, in relation to any proceedings, means the person who stands, or any of the persons who stand, charged in those proceedings with a sexual offence.

***complainant***, in relation to any proceedings, means the person, or any of the persons, against whom a sexual offence with which the accused person stands charged in those proceedings is alleged to have been committed.

***original evidence*** of the complainant has the meaning given by subsection 170A(2).

***original proceedings*** has the meaning given by subsection 170A(2).

***prosecutor*** means the Director of Public Prosecutions or other person who institutes or is responsible for the conduct of a prosecution and includes (where the subject-matter or context allows or requires) a lawyer representing the prosecutor.

### **170A Admission of evidence of complainant in new trial proceedings**

- (1) If a person is convicted of a sexual offence and, on an appeal against the conviction, a new trial is ordered, the prosecutor may tender as evidence in the new trial proceedings a record of the original evidence of the complainant.
- (2) For the purposes of this Subdivision, the ***original evidence*** of the complainant means all evidence given by the complainant in the proceedings from which the conviction arose (referred to in this Subdivision as the ***original proceedings***), including the evidence given by the complainant on examination in chief in the original proceedings and any further evidence given on cross-examination or re-examination in those proceedings.
- (3) Despite anything to the contrary in the *Evidence Act 2004*, or any other Act or law, a record of the original evidence of the complainant is admissible in the new trial proceedings if:
  - (a) the prosecutor gives written notice to the accused person of the prosecutor's intention to tender the record under this section; and
  - (b) the prosecutor gives written notice to the court of the prosecutor's intention to tender the record under this section; and
  - (c) the notices referred to in paragraphs (a) and (b) are given no less than 21 days before the court commences hearing the new trial proceedings or within such other period as the court may allow.
- (4) The hearsay rule (within the meaning of the *Evidence Act 2004*) does not prevent the admission of a record of the original evidence of the complainant under this

Subdivision or the use of that record to prove the existence of a fact that the complainant intended to assert by a representation made in the original evidence.

- (5) The court hearing the new trial proceedings does not have any discretion to decline to admit a record of the original evidence of the complainant if it is admissible under this Subdivision.
- (6) However, the court may give directions requiring a record of the original evidence of the complainant to be altered or edited for the purpose of removing any statements that would not be admissible if the original evidence of the complainant had been given orally before the court hearing the new trial proceedings in accordance with the usual rules and practice of the court.
- (7) In addition, a record of the original evidence of the complainant may be altered or edited in accordance with an agreement between the prosecutor and the accused person or his or her lawyer (if any).
- (8) This Subdivision applies in respect of proceedings for a new trial in which a person stands charged with a sexual offence whether or not the person stands charged with that offence alone or together with any other offence (as an additional or alternative count) and whether or not the person is liable, on the charge, to be found guilty of any other offence.

#### **170B Complainant not compellable to give further evidence**

If a record of the original evidence of the complainant (or any part of the record) is admitted in proceedings under this Subdivision, the complainant is not compellable to give any further evidence in the proceedings (despite anything to the contrary in this Act or the *Evidence Act 2004*), including for the purpose of any examination in chief, cross-examination or re-examination by or at the request of the accused person or his or her lawyer.

#### **170C Complainant may elect to give further evidence**

- (1) If a record of the original evidence of the complainant (or any part of the record) is admitted in proceedings under this Subdivision, the complainant may, with leave of the court hearing the proceedings, and only if the complainant so chooses, give further oral evidence in the proceedings.

Note: The evidence may need to be given by audiovisual link: see Subdivision D.

- (2) The court is to give leave to the complainant to give such further evidence in the proceedings only if the court is satisfied, on application by one of the parties to the proceedings, that it is necessary for the complainant to give further oral evidence:
  - (a) to clarify any matters relating to the original evidence of the complainant; or
  - (b) to canvas information or material that has become available since the original proceedings; or
  - (c) in the interests of justice.

- (3) The court is to ensure that the complainant is questioned by any party to the proceedings only in relation to matters that are relevant to the reasons for the grant of leave by the court.
- (4) Subject to subsection (3), if a complainant gives any further oral evidence under this section, the complainant is compellable (for the prosecution or the accused person) to give evidence. This applies despite section 170B.

#### **170D Form in which record of original evidence of complainant is to be tendered**

- (1) A record of the original evidence of the complainant tendered by the prosecutor under this Subdivision must be the best available record, or be comprised of the best available records, of the original evidence of the complainant, and the record or records concerned must be properly authenticated.
- (2) For the purposes of this section, the **best available record** of the evidence, or any part of the evidence, given by a complainant is:
  - (a) an audiovisual recording of the evidence; or
  - (b) if an audiovisual recording of the evidence is not available—an audio recording of the evidence; or
  - (c) if neither an audiovisual recording nor an audio recording of the evidence is available—a transcript of the evidence.
- (3) If the whole or part of the evidence given by the complainant in the original proceedings was given in the form of a recording made by a police officer, as provided for by Subdivision C, the **best available record** of that evidence is the recording viewed or heard by the court in those original proceedings.
- (4) A record of any evidence given by a complainant is **properly authenticated** for the purposes of this section if:
  - (a) the record has been authenticated by the court before which the evidence concerned was given or by the registrar or other proper officer of that court in accordance with any directions of the court; or
  - (b) the record has been authenticated by the person or body responsible for producing the record.

#### **170E Access to audiovisual or audio recording**

- (1) If a record of the original evidence of the complainant tendered or proposed to be tendered by the prosecutor under this Subdivision is an audiovisual recording or audio recording, the accused person, and his or her lawyer (if any), are not entitled to be given possession of the record or a copy of it (despite anything to the contrary in this Act or the *Evidence Act 2004*).
- (2) However, the accused person and his or her lawyer (if any) are to be given reasonable access to the recording to enable them to listen to it and, if the record is an audio visual recording, view it.
- (3) This may require access to be given on more than one occasion.

### 170F Exhibits may also be tendered

- (1) If a record of the original evidence of a complainant is tendered by the prosecutor under this Subdivision, any exhibits tendered in the original proceedings on the basis of the original evidence of the complainant and admitted in the original proceedings are also admissible in the new trial proceedings as if the original evidence of the complainant had been given orally before the court hearing the new trial proceedings in accordance with the usual rules and practice of the court.
- (2) This section does not prevent any other exhibits tendered in the original proceedings from being tendered and admitted in the new trial proceedings in accordance with the usual rules and practice of the court hearing the new trial proceedings.

### Subdivision F—Special provisions relating to subsequent trials of sexual offence proceedings

Note: Subdivision E applies in relation to a retrial of proceedings that follows an appeal against a conviction for a sexual offence. This Subdivision, on the other hand, applies when a trial for a sexual offence has been discontinued and a new trial is listed.

### 171 Definitions

In this Subdivision:

*accused person* has the same meaning as in section 170.

*complainant* has the same meaning as in section 170.

*original evidence* of the complainant has the meaning given by subsection 171A(2).

*original proceedings* has the meaning given by subsection 171A(2).

### 171A Admission of evidence of complainant in new trial proceedings

- (1) If the trial of an accused person is discontinued following the jury being discharged because the jurors could not reach a verdict, or discontinued for any other reason, and, as a result, a new trial is listed, the prosecutor may tender as evidence in the new trial proceedings a record of the original evidence of the complainant.
- (2) For the purposes of this Subdivision, the *original evidence* of the complainant means all evidence given by the complainant in the discontinued trial (referred to in this Subdivision as the *original proceedings*), including the evidence given by the complainant on examination in chief in the original proceedings and any further evidence given on cross-examination or re-examination in those proceedings.

- (3) Despite anything to the contrary in the *Evidence Act 2004*, or any other Act or law, a record of the original evidence of the complainant is admissible in the new trial proceedings if:
- (a) the prosecutor gives written notice to the accused person of the prosecutor's intention to tender the record under this section; and
  - (b) the prosecutor gives written notice to the court of the prosecutor's intention to tender the record under this section; and
  - (c) the notices referred to in paragraphs (a) and (b) are given no less than 21 days before the court commences hearing the new trial proceedings or within such other period as the court may allow.
- (4) The hearsay rule (within the meaning of the *Evidence Act 2004*) does not prevent the admission of a record of the original evidence of the complainant under this Subdivision or the use of that record to prove the existence of a fact that the complainant intended to assert by a representation made in the original evidence.
- (5) Despite subsection (3), the court hearing the new trial proceedings may decline to admit a record of the original evidence of the complainant if, in the court's opinion, the accused would be unfairly disadvantaged by the admission of the record, having regard to the following:
- (a) the completeness of the original evidence, including whether the complainant has been cross-examined on the evidence;
  - (b) the effect of editing any inadmissible evidence from the original evidence;
  - (c) the availability or willingness of the complainant to attend to give further evidence and to clarify any matters relating to the original evidence;
  - (d) the interests of justice;
  - (e) any other matter the court thinks relevant.
- (6) If the court allows a record of the original evidence of the complainant to be admitted, the court may give directions requiring the record to be altered or edited for the purpose of removing any statements that would not be admissible if the original evidence of the complainant had been given orally before the court hearing the new trial proceedings in accordance with the usual rules and practice of the court.
- (7) In addition, a record of the original evidence of the complainant may be altered or edited in accordance with an agreement between the prosecutor and the accused person or his or her counsel (if any).
- (8) This Subdivision applies in respect of proceedings for a new trial in which a person stands charged with a sexual offence whether or not the person stands charged with that offence alone or together with any other offence (as an additional or alternative count) and whether or not the person is liable, on the charge, to be found guilty of any other offence.

### **171B Whether complainant compellable to give further evidence**

- (1) If a record of the original evidence of the complainant (or any part of the record) is admitted in proceedings under this Subdivision, the complainant is not

compellable to give further evidence in the proceedings unless the court is satisfied that it is necessary for the complainant to give further evidence:

- (a) to clarify any matters relating to the original evidence of the complainant;  
or
- (b) to canvas information or material that has become available since the original proceedings; or
- (c) in the interests of justice.

Note: The evidence may need to be given by audiovisual link: see Subdivision D.

- (2) Subsection (1) applies despite anything to the contrary in this Act or the *Evidence Act 2004*.
- (3) The court is to ensure that the complainant is questioned by any party to the proceedings only in relation to matters that are relevant to the matters mentioned in subsection (1).
- (4) Subject to subsection (3), if a complainant gives any further oral evidence under this section, the complainant is compellable (for the prosecution or the accused person) to give evidence.

### **171C Complainant may elect to give further evidence**

- (1) If a record of the original evidence of the complainant (or any part of the record) is admitted in proceedings under this Subdivision, the complainant may, with leave of the court hearing the proceedings, and only if the complainant so chooses, give further oral evidence in the proceedings.

Note: The evidence may need to be given by audiovisual link: see Subdivision D.

- (2) The court is to give leave to the complainant to give such further evidence in the proceedings only if the court is satisfied, on application by one of the parties to the proceedings, that it is necessary for the complainant to give further oral evidence:
  - (a) to clarify any matters relating to the original evidence of the complainant;  
or
  - (b) to canvas information or material that has become available since the original proceedings; or
  - (c) in the interests of justice.
- (3) The court is to ensure that the complainant is questioned by any party to the proceedings only in relation to matters that are relevant to the reasons for the grant of leave by the court.
- (4) Subject to subsection (3), if a complainant gives any further oral evidence under this section, the complainant is compellable (for the prosecution or the accused person) to give evidence.

**171D Application of provisions dealing with form of record of original evidence, access to recordings and exhibits**

Sections 170D to 170F apply for the purposes of this Subdivision with such modifications as are necessary.

**Division 3—Evidence in domestic violence proceedings**

**Subdivision A—Definitions for this Division**

**172 Meaning of *domestic violence offence* for this Division**

In this Division:

***domestic violence offence*** has the meaning given by section 11 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

Note: ***Complainant***, for a domestic violence offence proceeding, is an adult who is a relevant person in relation to the accused (see section 172B). For ***relevant person***, see section 165A.

**172A Meaning of *domestic violence offence proceeding* for this Division**

(1) In this Division:

***domestic violence offence proceeding*** means:

- (a) a proceeding for a domestic violence offence; or
- (b) a proceeding in relation to bail for a person charged with a domestic violence offence, whether or not the person is also charged with any other offence; or
- (c) a sentencing proceeding for a person convicted or found guilty of a domestic violence offence, whether or not the person is also convicted or found guilty of any other offence; or
- (d) an appeal arising out of a proceeding mentioned in paragraphs (a) to (c); or
- (e) an interlocutory proceeding in, or a proceeding ancillary to, a proceeding mentioned in paragraphs (a) to (c).

(2) In this section:

***proceeding for a domestic violence offence*** includes:

- (a) a proceeding for a domestic violence offence and any other offence; and
- (b) a proceeding for a domestic violence offence and any other offence as an alternative to the domestic violence offence; and
- (c) a proceeding for a domestic violence offence that may result in a finding of guilt (or committal for trial or sentence) for any other offence.

**172B Meaning of *complainant* for this Division**

In this Division:

**complainant**, for a domestic violence offence proceeding:

- (a) means a person:
  - (i) against whom a domestic violence offence the subject of the proceeding is alleged, or has been found, to have been committed; and
  - (ii) who is a relevant person in relation to the accused person; but
- (b) does not include a person who:
  - (i) is a child on the day a recorded statement is made; or
  - (ii) is intellectually impaired.

Note 1: For **relevant person**, see section 165A. For **intellectually impaired**, see section 165E.

Note 2: Audiovisual recording and the evidence of children and people with intellectual impairment is dealt with in Subdivision C of Division 2.

## 172C Meaning of recorded statement for this Division

- (1) In this Division:

**recorded statement** means:

- (a) an audiovisual recording:
  - (i) of a complainant answering questions of a police officer in relation to the investigation of a domestic violence offence; and
  - (ii) made by a police officer; or
- (b) an audio recording that complies with paragraph (a):
  - (i) if the complainant does not consent to an audiovisual recording; or
  - (ii) in exceptional circumstances.

Note: An example of exceptional circumstances is technical difficulties with the visual aspect of the recording identified following the making of the recording.

- (2) A police officer must, before making a recorded statement, tell the complainant that:
- (a) the recorded statement may be used in evidence at a hearing; and
  - (b) if the recorded statement is used in evidence at a hearing, the complainant may be called to give evidence under cross-examination in person at the hearing; and
  - (c) the complainant does not have to consent to the recording.

- (3) In this section:

**police officer** includes a person who is a member of the police force of a State or another Territory if:

- (a) provisions of the law of that State or Territory correspond (or substantially correspond) to this Division; and
- (b) the person is trained in the taking of evidence under those provisions.



## **Subdivision B—Evidence may be given in closed court**

### **173 Evidence may be given in closed court**

- (1) This section applies to the complainant giving evidence in a domestic violence offence proceeding if the court considers that the complainant has a vulnerability that affects the complainant's ability to give evidence because of the circumstances of the proceeding or the complainant's circumstances.

Note: The following are examples for this subsection:

- (a) the complainant is likely to suffer severe emotional trauma because of the nature of the alleged offence;
  - (b) the complainant is intimidated or distressed because of the complainant's relationship to the accused person.
- (2) The court is not bound by the rules of evidence and may inform itself as it considers appropriate.
- (3) The court may order that the court be closed to the public while all or part of the complainant's evidence (including evidence given under cross-examination) is given.
- (4) In deciding whether to order that the court be closed to the public, the court must consider whether:
- (a) the complainant wants to give evidence in open court; and
  - (b) it is in the interests of justice that the complainant give evidence in open court.
- (5) However, an order under this section does not stop the following people from being in court when the complainant gives evidence:
- (a) a person nominated by the complainant;
  - (b) a person who attends the proceeding to prepare a news report of the proceeding and is authorised to attend for that purpose by the person's employer.

Note: Publishing certain information in relation to sexual offence proceedings is an offence (see section 167F).

- (6) In this section, a reference to a person giving evidence includes the person giving evidence by the playing of a recorded statement of the evidence under Subdivision C.

## **Subdivision C—Recorded statement of police interview admissible as evidence: domestic violence offence proceedings**

### **174 Recorded statement—requirements**

- (1) A recorded statement must be made:
- (a) as soon as practicable after the events mentioned in the statement happened; and
  - (b) in the form of questions and answers.

Note: If the recorded statement is to be admitted as evidence in a proceeding, the rules of evidence apply to the content of the statement.

- (2) A recorded statement of a complainant must include the following:
- (a) the name of each person present during any part of the recording;
  - (b) a statement by the complainant:
    - (i) of the complainant's name, age and whether the complainant lives in Norfolk Island; and
    - (ii) about the truth of the representations made by the complainant in the recorded statement.
- (3) As far as is practicable, a recorded statement must not contain an image of:
- (a) a child; or
  - (b) a person who is intellectually impaired.

Note 1: For *intellectually impaired*, see section 165E.

Note 2: Audiovisual recording and the evidence of children and people with intellectual impairment is dealt with in Subdivision C of Division 2.

- (4) If any part of a recorded statement is in a language other than English:
- (a) the recorded statement must contain an English translation of the part; or
  - (b) a separate written English translation of the part must accompany the recorded statement.
- (5) A recorded statement must not be edited or changed unless:
- (a) both parties consent to the edits or changes; or
  - (b) the court hearing the proceeding in which the recorded statement is tendered otherwise orders.

Note: For paragraph (b), a court might, for example, order that the recording be edited to omit inadmissible material.

#### **174A Recorded statement—may be admitted as evidence**

- (1) A recorded statement may:
- (a) be played at the hearing of a proceeding for the domestic violence offence to which it relates; and
  - (b) if the recorded statement is played at the hearing—be admitted as all or part of the complainant's evidence in chief in the proceeding as if the complainant gave the evidence at the hearing in person.
- (2) However, the court may refuse to admit all or any part of the recorded statement if the court considers it is in the interests of justice to do so.
- (3) The complainant may choose not to be present in the courtroom while the court is viewing or listening to the recorded statement.
- (4) If the complainant is giving evidence by audiovisual link from an external place under Subdivision D (sexual and violent offence proceedings: giving evidence by audiovisual link) of Division 2, the complainant must not be visible or audible to

anyone in the courtroom by closed-circuit television or by means of similar technology while the court is viewing or listening to the recorded statement.

- (5) To remove any doubt, if a recorded statement is admitted as part of a complainant's evidence in chief in a proceeding, the complainant may give further evidence in chief.
- (6) This section is subject to section 174F (recorded statement—admissibility).

#### **174B Recorded statement—hearsay rule and opinion rule**

- (1) The hearsay rule and the opinion rule do not prevent the admission or use of evidence of a representation in the form of a recorded statement only because it is in that form.

Note: The hearsay rule and opinion rule will apply to the content of the recorded statement to be admitted as evidence.

- (2) In this section:

*hearsay rule* has the same meaning as in the *Evidence Act 2004*.

*opinion rule* has the same meaning as in the *Evidence Act 2004*.

#### **174C Validity of proceeding not affected**

- (1) The failure of a police officer to record a representation in the form of a recorded statement in accordance with the requirements of this Subdivision does not affect the validity of a proceeding in which evidence of the representation is given.
- (2) The failure of a complainant to give evidence in accordance with this Division does not affect the validity of a proceeding or any decision made in connection with the proceeding.

#### **174D Recorded statement—represented accused person to be given copy**

- (1) This section applies if:
  - (a) a recorded statement has been made in relation to a domestic violence offence that is the subject of a proceeding; and
  - (b) the accused person is represented by a lawyer in the proceeding.
- (2) The lawyer representing the accused person must be given a copy of the recorded statement as soon as practicable after the proceeding is commenced.
- (3) The lawyer representing the accused person must return the copy of the recorded statement by giving it to the prosecutor not later than 16 weeks after the proceeding is finalised.
- (4) The accused person must not be given, or take a copy of, the recorded statement.

**174E Recorded statement—unrepresented accused person to be given access**

- (1) This section applies if:
  - (a) a recorded statement has been made in relation to a domestic violence offence that is the subject of a proceeding; and
  - (b) the accused person is not represented by a lawyer in the proceeding.
- (2) The accused person must be given an audio copy of the recorded statement as soon as practicable after the proceeding is commenced.
- (3) Also, if it is reasonably practicable, the accused person must be given an opportunity to view a recorded statement that is in the form of a video recording at a police station on at least one of the following occasions:
  - (a) when the accused person is being questioned in relation to the alleged domestic violence offence;
  - (b) at the request of the accused person, on a day arranged with the accused person;
  - (c) on another day stated in a written notice given to the accused person before committal proceedings or the trial commences.
- (4) If compliance with subsection (3) is not reasonably practicable, the accused person must be given the opportunity to view the recorded statement on a day on which proceedings relating to the offence are being held.

**174F Recorded statement—admissibility**

Evidence of a representation of a complainant given in the form of a recorded statement is not to be admitted if section 174D or 174E have not been complied with, unless the court is satisfied that:

- (a) the parties consent to the recorded statement being admitted; or
- (b) the accused person or the accused person's lawyer (if any) have been given a reasonable opportunity to listen to or view the recorded statement and it would be in the interests of justice to admit the recorded statement.

**174G Recorded statement—accused person to be given audio copy**

- (1) This section applies if:
  - (a) the prosecutor in a domestic violence offence proceeding intends to tender a recorded statement as evidence; and
  - (b) the court accepts a plea of not guilty from the accused person; and
  - (c) the accused person has not already been given an audio copy of the recorded statement under section 174E (recorded statement—unrepresented accused person to be given access).
- (2) The accused person must be given an audio copy of the recorded statement.

**174H Recorded statement—jury trial**

- (1) This section applies if:
-

- (a) a domestic violence offence proceeding is a trial by jury; and
  - (b) a recorded statement is admitted in evidence in the proceeding.
- (2) The court must tell the jury that:
- (a) admission of a recorded statement is a usual practice; and
  - (b) the jury must not draw any inference against the accused person, or give the evidence more or less weight, because the evidence is given in that way.
- (3) If the court considers that a transcript of the recorded statement would be likely to help the jury's understanding of the evidence, the court may order that the transcript be made available to the jury.

### **174J Recorded statement—offence to publish**

- (1) A person commits an offence if the person:
- (a) publishes a recorded statement; and
  - (b) does not have authority to publish the recorded statement.
- Penalty: Imprisonment for 12 months or 60 penalty units, or both.
- (2) For the purposes of this section, a person has **authority** to publish a recorded statement only if the person publishes the recorded statement in connection with:
- (a) the investigation of, or a proceeding for, an offence in relation to which the recorded statement is prepared; or
  - (b) a re-hearing, re-trial or appeal in relation to the proceeding; or
  - (c) a proceeding for the making, variation or revocation of an interim apprehended domestic violence order or an apprehended domestic violence order under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) if:
    - (i) the protected person under that Act in relation to the order is the complainant in relation to the recorded statement; and
    - (ii) the defendant under that Act in relation to the order is the person against whom the domestic violence offence, the subject of the recorded statement, is alleged.
- (3) In this section:

**person** includes the complainant in relation to the recorded statement.

**publish** means communicate or disseminate information in a way or to an extent that makes it available to, or likely to come to the notice of, the public or a section of the public or anyone else not lawfully entitled to the information.

**Subdivision D—Recorded statement of police interview admissible as evidence: application for apprehended domestic violence order**

**175 Recorded statement—may be admitted as evidence in application for apprehended domestic violence order**

- (1) This section applies if a recorded statement is made in relation to an alleged domestic violence offence.
- (2) The recorded statement may be admitted by the Court of Petty Sessions in proceedings for an application for an interim apprehended domestic violence order or an apprehended domestic violence order under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) if:
  - (a) the protected person under that Act in relation to the order is the complainant in relation to the recorded statement; and
  - (b) the defendant under that Act in relation to the order is the person against whom the domestic violence offence is alleged.

**59H Paragraph 177(2)(c)**

After “convicted” (wherever occurring), insert “or found guilty”.

**59K Section 183 (paragraph (b) of the definition of *criminal proceeding*)**

After “convicted”, insert “or found guilty”.

**59M Section 183 (note to the definition of *harm*)**

Repeal the note.

**59P Subsections 184(4), 186(2) and 187(3) (note)**

Repeal the note.

**59S Division 7 of Chapter 7**

Repeal the Division.

**59X Subsection 215(3)**

Repeal the subsection.

**60 Subsection 216(1) (note)**

Repeal the note.

**60A The Schedule**

Repeal the Schedule.

***Crown Lands Act 1996 (Norfolk Island)***

**61 Subsection 6(6)**

Repeal the subsection.

***Dangerous Drugs Act 1927 (Norfolk Island)***

**61A Subsection 3(1) (definition of *authorised officer*)**

Repeal the definition, substitute:

***authorised officer*** means:

- (a) an officer authorised by the Commonwealth Minister to seize goods liable to forfeiture; or
- (b) a person who is a member of the police force for the purposes of the *Police Act 1931*.

**61B Subsection 3(1) (definition of *cannabis plant*)**

Repeal the definition, substitute:

***cannabis plant*** means any plant of the genus *Cannabis*.

**62A Subsection 3(1) (definition of *legally qualified dentist*)**

Repeal the definition, substitute:

***legally qualified dentist*** means a registered health practitioner (within the meaning of the *Health Practitioners Act 1983*) who is registered in the dental health profession.

**62B Part 1 of Schedule 5 (after table item dealing with Methadone intermediate (4-Cyano-2-dimethylamino-4, 4-diphenylbutane))**

Insert:

Methylamphetamine	3.00
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**62C Schedule 6**

Omit “an officer authorised by the Administrator”, substitute “[an officer authorised by the Commonwealth Minister / a member of the police force permitted]”.

***Disaster and Emergency Management Act 2001 (Norfolk Island)***

**63 Section 3 (definition of *appointed officer*)**

Omit “who does not have the powers under section 10 of this Act”.

**63A Subsections 6(3), (4), (5), (6), (7) and (8)**

Omit “Minister”, substitute “Chief Executive Officer”.

**63B Paragraphs 8(1)(b) and (c)**

After “Minister”, insert “and the Chief Executive Officer”.

**63C Subsection 8(5)**

Omit “Minister”, substitute “Chief Executive Officer”.

**64 Subsection 8(7)**

Omit “in accordance with”, substitute “for the purposes of”.

**64A After subsection 9(1)**

Insert:

(1A) For the purposes of subsection (1), an emergency includes an emergency to which a national emergency declaration (within the meaning of the *National Emergency Declaration Act 2020*) relates.

**65 Subsection 9(3)**

Omit “and may not be extended or renewed without a resolution of the Legislative Assembly”, substitute “unless extended”.

**66 Paragraph 9(4)(a)**

Repeal the paragraph.

**67 Section 10**

Repeal the section.

**68 Subsection 13(4)**

Repeal the subsection.

**69 Paragraph 17(9)(b)**

Repeal the paragraph.

**70 Section 18**

Repeal the section.

***Dogs Registration Act 1936 (Norfolk Island)***

**70A Section 3 (definition of *approved*)**

Omit “Minister”, substitute “Chief Executive Officer”.

**70B Section 4**

Omit “Minister may”, substitute “Chief Executive Officer may, by written instrument,”.

**70BA Subsections 5(2) and 5C(2)**

Omit “prescribed fee”, substitute “approved fee”.



**70BB Subsection 11(2)**

Omit “a fee of .50 fee units”, substitute “the approved fee”.

**70C Subsections 12A(1), (2) and (3) and 17A(2) and (6)**

Omit “Minister”, substitute “Chief Executive Officer”.

***Dogs Registration Regulations 1994 (Norfolk Island)***

**70D Regulation 2**

Repeal the regulation.

**71 Subregulation 3(1)**

Omit “(1)”.

**71A Subregulation 3(1)**

Omit “Minister”, substitute “Chief Executive Officer”.

**72 Subregulation 3(2)**

Repeal the subregulation.

***Electricity (Licensing and Registration) Act 1985 (Norfolk Island)***

**72AA Subsections 9(2) and 10(3)**

Omit “prescribed fee”, substitute “approved fee”.

**72AB Subsection 22(2)**

Omit all the words from and including “prescribe” to and including “penalties”, substitute “prescribe penalties”.

**72A Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

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<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Subsections 9(1), (2) and (4), 10(1) and (3) and 11(1)	Minister	Chief Executive Officer
2	Section 13	Minister	Chief Executive Officer
3	Subsections 14(1), (2) and (3), 16(1), 20(1), (2) and (3) and 21(1)	Minister	Chief Executive Officer

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***Electricity (Licensing and Registration) Regulations 1986 (Norfolk Island)***

**72AAA Regulation 4**

Repeal the regulation.

**72AAB Subregulation 5(2)**

Omit “prescribed fee”, substitute “approved fee”.

**72AAC Schedule 2**

Repeal the Schedule.

***Electricity Supply Act 1985 (Norfolk Island)***

**72AAD Paragraph 11(3)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**72AAE Subsection 11(3A)**

Omit “for electricity charges”, substitute “in respect of an approved fee for the supply of electricity”.

**72AAF Subsection 14(1)**

Omit “prescribed rental fee”, substitute “approved fee”.

**72AAG Section 21**

Repeal the section, substitute:

**21 Approved fee for supply of electricity**

- (1) The approved fees are payable in relation to the supply of electricity.
- (2) As soon as practicable after the day (the ***new fee day***) a person becomes liable to pay a new approved fee in an amount different from the previous approved fee, a special reading of the person’s meter must be carried out to work out how much electricity was supplied to the person during the period between the day the meter was last read and the new fee day (unless the meter was required to be read for another provision of this Act).

**72AAH Section 23 (heading)**

Repeal the heading, substitute:

**23 Liability for approved fee**

**72AAI Subsection 23(5)**

Omit “charges”, substitute “approved fees”.

**72AAJ Subsection 28(2)**

After “may prescribe”, insert “the following”.

**72AAK Paragraph 28(2)(d)**

Omit “charges”, substitute “approved fee”.

**72AAL Paragraph 28(2)(e)**

Omit “a minimum charge”, substitute “an approved fee”.

**72AAM Paragraph 28(2)(k)**

Omit “charges”, substitute “approved fees”.

**72AAN Paragraph 28(2)(m)**

Repeal the paragraph.

**72B Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Subsections 6(1), (2) and (3), 8(1), (3) and (4), 10(1) and 11(1)	Minister	Chief Executive Officer
2	Paragraph 11(3)(c)	Minister	Chief Executive Officer
3	Subsections 11(3A) and (4), 11A(2) and (3) and 15(1) and (2)	Minister	Chief Executive Officer
4	Paragraph 15(3)(d)	Minister	Chief Executive Officer
5	Subsections 15(4), 16(1) and (2), 21(1), (2), (3) and (6), 23(1), (3) and (4), 24(3) and 27(1)	Minister	Chief Executive Officer

***Electricity Supply Regulations 1986 (Norfolk Island)***

**72BA Paragraph 33(1)(a)**

Omit “minimum charge”, substitute “approved fee for the charging period”.

**72BB Paragraph 33(1)(b)**

Repeal the paragraph, substitute:

- (b) the approved fee per unit of electricity measured by the meter referred to in section 14 of the Act;

**72BC Subregulation 34(1)**

Omit “prescribed fee”, substitute “approved fee”.

**72BD Subparagraph 34A(1)(b)(ii)**

Omit “prescribed fees”, substitute “approved fees”.

**72BE Subregulation 34A(3)**

Omit “charges”, substitute “approved fees”.

**72BF Subregulation 34A(5)**

Repeal the subregulation, substitute:

- (5) The approved fee for reading the meter recording the supply of power into the supply mains is payable by the consumer, and may not be offset against any amount payable to the consumer by the Administration.

**72BG Regulation 35**

Repeal the regulation.

**72BH Schedule 1**

Repeal the Schedule.

**72C Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

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Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Paragraphs 13(5)(a) and (b) and 34A(1)(b)	Minister	Chief Executive Officer
2	Subregulation 34A(2)	Minister	Chief Executive Officer
3	Schedule 1 (item 12 of the table)	Minister	Chief Executive Officer
4	Schedule 2 (Form 3)	Minister	Chief Executive Officer

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***Employment Act 1988 (Norfolk Island)***

**73 Section 3**

Repeal the section.

**73A Section 4**

Insert:

*approved* means approved in writing by the Employment Liaison Officer, under subsection 47E(3), for the purposes of the provision in which the term occurs.

**73B Section 4**

Repeal the following definitions:

- (a) definition of *Board*;  
(b) definition of *Chairman*.
-

### 73C Section 4

Insert:

*Electronic Transactions Act* means the *Electronic Transactions Act 1999* of the Commonwealth.

*eligible party* has the meaning given by subsection 82AA(4).

*Employment Liaison Officer* means the person appointed as the Employment Liaison Officer under section 47F.

*incapacity* has the meaning given by subsection 28(1).

*independent medical examination* has the meaning given by subsection 47A(2).

*inspector* means a person appointed to be an inspector under subsection 57(1).

*internal reviewer* has the meaning given by subsection 66(3).

### 73D Section 4 (definition of *legal practitioner*)

Omit “in a State or Territory or in New Zealand”, substitute “in Norfolk Island”.

### 73E Section 4 (definition of *member of the Board*)

Repeal the definition.

### 73F Section 4

Insert:

*membership fees* for a public scheme means the fees for the scheme prescribed by rules made for the purposes of subsection 39B(5).

### 73G Section 4 (definitions of *minimum rate* and *pay period*)

Repeal the definition.

### 73H Section 4

Insert:

*permanent incapacity* has the meaning given by subsection 28(2).

*permanent incapacity assessment* has the meaning given by subsection 32(3).

### 73J Section 4 (definition of *permit holder*)

Repeal the definition.

### 73K Section 4

Insert:

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

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

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

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

- (a) medical, dental, psychiatric or hospital services (whether on an in-patient or out-patient basis);
- (b) services provided in connection with physical training or exercise;
- (c) physiotherapy;
- (d) occupational therapy;
- (e) vocational training;
- (f) assistance in finding suitable work;
- (g) an approved service.

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

**73KA Section 4 (definition of *RPI*)**

Repeal the definition.

**73KB Section 4**

Insert:

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

**73L Section 4 (definition of *temporary entry permit*)**

Repeal the definition.

**73M Section 4 (definition of *this Act*)**

Omit "Regulations" (wherever occurring), substitute "rules".

**73N Section 4 (definition of *Tribunal*)**

Repeal the definition, substitute:

**Tribunal** means the Court of Petty Sessions, when the Court is exercising jurisdiction conferred by subsection 78(1).

Note: The jurisdiction conferred by subsection 78(1) relates to matters arising under Part 3 (compensation for work-related accidents, etc.)

**73P Section 4 (definition of *working week*)**

Repeal the definition.

**73Q Section 4**

Insert:

***work-related accident*** means a situation or event occurring at a workplace or arising out of, or in the course of, an employee's work that results in death or injury.

### **73R After subsection 6(1)**

Insert:

- (1A) If, in relation to a matter, this Act refers to an entity which is not a person, the reference is taken to include a reference to a person nominated by the entity to act on behalf of the entity.

Example: This subsection applies to a reference in Part 5 (review of matters related to compensation) to an entity that is an employer mentioned in subsection (1) of this section, but is not a natural person, a body corporate or a body politic.

### **73S Paragraph 7(1)(b)**

After "Commonwealth", insert "or New South Wales".

### **73T Section 8 (heading)**

Omit "**Regulations**", substitute "**Rules**".

### **73U Subsections 8(1) and (2)**

Omit "Regulations" (wherever occurring), substitute "rules".

### **73V Section 9**

Repeal the section, substitute:

## **9 Public holidays**

Each of the following days in a year is to be observed as a public holiday:

- (a) New Year's Day—1 January and, if that day is a Saturday or Sunday, the next Monday;
- (b) Australia Day—26 January, or, if that day is a Saturday or Sunday, the next Monday;
- (c) Foundation Day—6 March and, if that day is a Sunday, the next Monday;
- (d) Good Friday;
- (e) Easter Monday;
- (f) Anzac Day—25 April;
- (g) Bounty Day—8 June and, if that day is a Saturday or Sunday, the next Monday;
- (h) Sovereign's Birthday—the first Monday after the second Saturday in June or, if that Monday is observed as Bounty Day under paragraph (g), the next Monday;
- (i) Show Day—the second Monday in October;
- (j) Thanksgiving—the last Wednesday in November;
- (k) Christmas Day—25 December and, if that day is a Saturday or Sunday, 27 December;

- (l) Boxing Day—26 December and, if that day is a Saturday or Sunday, 28 December.

**73W Divisions 1, 2 and 3 of Part 2**

Repeal the Divisions.

**73X Subsection 24(2)**

Omit “Subject to subsection 24(1) an employer”, substitute “In addition, an employer”.

**73Y Paragraphs 24(2)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) for more than 20 hours during a week in which the person is required by law to attend school; or
- (b) for more than 40 hours during any other week.

**73Z Subsection 24(3)**

Omit “prescribed training position”, substitute “training position prescribed by the rules for the purposes of this subsection”.

**73ZA Subsection 24(4)**

Omit “of a class defined in the Regulations”, substitute “who belongs to a class prescribed by the rules, for the purposes of this subsection,”.

**73ZB Section 25**

Repeal the section.

**73ZC Before section 26**

Insert:

**Division 1—Interpretation**

**73ZD Subsection 26(1) (definition of *approved*)**

Repeal the definition.

**73ZE Subsection 26(1) (definition of *de facto spouse*)**

Repeal the definition.

**73ZF Subsection 26(1) (definition of *disease*)**

Repeal the definition, substitute:

*disease* has the meaning given by section 28A.

**73ZG Subsection 26(1) (definitions of *hospital* and *Medical Superintendent*)**

Repeal the definitions.

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**73ZH Subsection 26(1) definition of *medical treatment*)**

Repeal the definition, substitute:

***medical treatment*** means any or all of the following:

- (a) attendance, examination or treatment of any kind by a registered health practitioner who is registered under a National Law (within the meaning of the *My Health Records Act 2012* of the Commonwealth) to practise one of the following professions (including a recognised speciality in one of the following professions):
  - (i) medical;
  - (ii) dental;
  - (iii) optometry;
  - (iv) physiotherapy;
  - (v) chiropractic;
  - (vi) osteopathy;
  - (vii) podiatry;
- (b) an examination, test or analysis carried out at the request or direction of a person referred to in paragraph (a), including the provision of a report in respect of such an examination, test or analysis;
- (c) the provision and, as necessary from time to time, the repair, adjustment or replacement of crutches, artificial members, artificial eyes or teeth, spectacles, hearing aids or other aids;
- (d) the provision of skiagrams;
- (e) maintenance, attendance at and treatment in a hospital;
- (f) the provision by a hospital of any or all of the following:
  - (i) medical attendance and treatment;
  - (ii) nursing attendance;
  - (iii) medicines, medical, surgical and other curative materials, appliances or apparatus;
  - (iv) any other usual or necessary hospital services with respect to the treatment of the injury or disease of an employee;
- (g) rehabilitation services;
- (h) any other approved treatment (which may include treatment by a person practising a profession that is not listed in subparagraphs (i) to (vii) of paragraph (a)).

**73ZI Subsection 26(1) (definition of *public scheme*)**

Omit “referred to in subsection 39(4)”, substitute “established under subsection 39A(1)”.

**73ZJ Subsection 26(1) (definition of *spouse*)**

Omit “de facto spouse”, substitute “de facto partner”.

**73ZK Subsection 26(1) (definition of *work related accident*)**

Repeal the definition.

### 73ZL Subsections 26(3), (4) and (5)

Repeal the subsections, substitute:

- (3) For the purposes of subsection (2), without limiting who is a parent, and who is a child:
- (a) each of the following is a person's *child*:
    - (i) an adoptive child of the person;
    - (ii) a child of the person's spouse who is ordinarily resident with the person in the person's household;
    - (iii) the person's child within the meaning of the *Family Law Act 1975* of the Commonwealth; and
  - (b) a person is a *parent* of another person if the other person is the person's child because of paragraph (a).

### 73ZM Section 28

Repeal the section, substitute:

## 28 Meanings of *incapacity* and *permanent incapacity*

### *Meaning of incapacity*

- (1) For the purposes of this Act, *incapacity* means:
- (a) injury by reason of a work-related accident;
  - (b) the physical or mental consequences of:
    - (i) an injury by reason of a work-related accident; or
    - (ii) a work-related accident;
  - (c) industrial deafness within the meaning of section 33;
  - (d) hernia within the meaning of section 34;
  - (e) occupational disease within the meaning of section 35;
  - (f) a cardiovascular or cerebrovascular episode within the meaning of section 36.

Note: Under section 30, an employee is entitled to periodical compensation if the employee's incapacity results in a total or partial loss or diminution of the employee's capacity to earn.

### *Meaning of permanent incapacity*

- (2) For the purposes of this Act, an employee suffers *permanent incapacity* in relation to a loss or impairment of a bodily or mental function of the employee if the loss or impairment:
- (a) is caused by incapacity (within the meaning of subsection (1)); and
  - (b) is permanent; and
  - (c) results in a loss of amenities or of enjoyment of life (or both) for the employee.

Note: Under section 31, an employee is entitled to lump sum compensation if the employee suffers permanent incapacity, whether or not the incapacity results in a loss or diminution of the employee's capacity to earn.

## **28A Meaning of *disease***

- (1) For the purposes of this Part, ***disease*** means an ailment suffered by an employee, or an aggravation of such an ailment, to which the employee's employment made a significant contribution.
- (2) In determining whether an employee's employment made a significant contribution to an ailment suffered by the employee, or to an aggravation of such an ailment, the matters that may be taken into account include (but are not limited to) the following:
  - (a) the duration of the employment;
  - (b) the nature of the employment, and the particular tasks involved in the employment;
  - (c) any predisposition of the employee to the ailment or aggravation;
  - (d) any activities of the employee not related to the employment;
  - (e) any other matters affecting the employee's health.

## **Division 2—Compensation: work-related accidents etc.**

### **73ZN Paragraph 29(1)(a)**

Omit "personal".

### **73ZO Paragraph 29(1)(d)**

Omit "cardio-vascular or cerebro-vascular", substitute "cardiovascular or cerebrovascular".

### **73ZP Paragraph 29(2)(a)**

After "prescribed", insert "by the rules".

### **73ZPA Paragraph 29(2)(a)**

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

### **73ZQ Section 30 (heading)**

Repeal the heading, substitute:

## **30 Periodical compensation—loss or diminution of capacity to earn**

### **73ZR Subsection 30(1)**

After "incapacity", insert "resulting in a loss or diminution of the employee's capacity to earn".

### **73ZS Paragraph 30(4)(a)**

Omit "under section 17 by reason of ill health", substitute "on paid personal/carer's leave taken under Subdivision A of Division 7 of Part 2-2 of the *Fair Work Act 2009* of the Commonwealth".

**73ZT Subparagraph 30(4)(a)(ii)**

After “section 10”, insert “before 1 July 2016 and having effect for the purposes of the *Fair Work Act 2009* of the Commonwealth (as that Act applies in relation to Norfolk Island with modifications made by rules under section 32A of that Act), or a modern award or enterprise agreement applying to the employee under that Act,”.

**73ZU Subparagraph 30(4)(b)(i)**

Omit “the prescribed amount”, substitute “the amount prescribed by the rules for the purposes of this subparagraph”.

**73ZV Subparagraph 30(4)(b)(ii)**

Omit “where that amount is less than the prescribed amount”, substitute “, where that amount is less than the amount prescribed for the purposes of subparagraph (i)”.

**73ZW Section 31 (heading)**

Repeal the heading, substitute:

**31 Compensation for permanent incapacity—general**

**73ZX Subsections 31(1) and (2)**

Repeal the subsections, substitute:

- (1) If an employee suffers permanent incapacity in relation to a loss or impairment of a bodily or mental function, the employer must pay lump sum compensation to the employee in accordance with this section.
- (2) Lump sum compensation is payable:
  - (a) in addition to any other compensation payable in accordance with this Part; and
  - (b) in an amount calculated under subsection 32B(2); and
  - (c) whether or not the loss or impairment of bodily or mental function results in a loss or diminution of the employee’s capacity to earn.

**73ZY Section 32**

Repeal the section, substitute:

**32 Compensation for permanent incapacity—assessment**

*Scope of this section*

- (1) This section applies in relation to an employee if:
  - (a) the employee suffers a loss or impairment of a bodily or mental function; and
  - (b) the employee makes a claim for lump sum compensation under section 37A for permanent incapacity in relation to the loss or impairment.

- (2) The **responsible party** for the claim for compensation in relation to the loss or impairment is as follows:
- (a) if the claim is made against an employer, or former employer, of the employee who was, at the time of the events giving rise to, or contributing to, the loss or impairment, a member of a public scheme—the Employment Liaison Officer;
  - (b) if the claim is made against the Commonwealth—the Employment Liaison Officer;
  - (c) in any other case—the person or entity against whom the claim is made.

Note: A claim for compensation will usually be made against an employer, or former employer, of an employee. However, the claim may be made against the Commonwealth under section 40 (if the employer is not insured or indemnified) or section 41 (if the employer ceases to exist).

- (3) A **permanent incapacity assessment** of the employee is an assessment undertaken in accordance with this section by a registered medical practitioner, for the purpose of determining:
- (a) whether the employee has suffered permanent loss or impairment of a bodily or mental function entitling the employee to be paid lump sum compensation for permanent incapacity under section 31; and
  - (b) if the employee has suffered such permanent loss or impairment—the degree of the permanent loss or impairment, expressed as a percentage.

*Requirement to attend for assessment*

- (4) The responsible party in relation to the claim for compensation may:
- (a) make reasonable arrangements for a registered medical practitioner to undertake a permanent incapacity assessment of the employee; and
  - (b) give reasonable written notice to the employee requiring the employee to attend for a permanent incapacity assessment in accordance with the arrangements.

*Conduct of assessment*

- (5) A person who undertakes a permanent incapacity assessment of an employee must not assess the degree of any permanent loss or impairment of a bodily or mental function suffered by the employee until the person is satisfied that the degree of that loss or impairment has stabilised.
- (6) A person who undertakes a permanent incapacity assessment of an employee:
- (a) must apply the following (so far as they are applicable):
    - (i) the Schedule to this Act;
    - (ii) any approved guide; and
  - (b) may have regard to reports or advice obtained from a registered health practitioner of a kind referred to in paragraph (a) of the definition of **medical treatment** in subsection 26(1).

*Costs of assessment*

- (7) The responsible party in relation to a claim for compensation must pay the costs of a permanent incapacity assessment in relation to the claim.
- (8) The costs of a permanent incapacity assessment of an employee include any reasonable costs associated with travel by the employee (and if necessary, an escort or escorts for the employee) to and from the place where the assessment is to take place.

**32A Compensation for permanent incapacity—failure to attend for assessment**

- (1) An employee's right to lump sum compensation under section 31 in relation to a loss or impairment of a bodily or mental function is suspended if the employee fails, without reasonable excuse, to comply with a notice to attend for a permanent incapacity assessment given to the employee under subsection 32(4) in relation to that loss or impairment.
- (2) If an employee's right to lump sum compensation in relation to a loss or impairment is suspended under subsection (1), the suspension continues until:
  - (a) the responsible party in relation to the claim gives the employee a new notice under subsection 32(4) setting out new arrangements for a permanent incapacity assessment in relation to the loss or impairment; and
  - (b) the employee complies with the new notice to attend for such an assessment.

**32B Compensation for permanent incapacity—report of assessment and amount of compensation**

*Report of assessment*

- (1) A person who undertakes a permanent incapacity assessment of an employee must, as soon as practicable after concluding the assessment:
  - (a) prepare a written report of the assessment, including findings as to the matters mentioned in paragraphs (a) and (b) of the definition of **permanent incapacity assessment** in subsection 32(3); and
  - (b) give a copy of that written report to:
    - (i) the employee; and
    - (ii) the responsible party who arranged the assessment.

Note: Paragraphs (a) and (b) of the definition of **permanent incapacity assessment** in subsection 32(3) relate to whether, and to what degree, the employee has suffered permanent incapacity.

*Amount of lump sum compensation*

- (2) For the purposes of paragraph 31(2)(b), if the report of a permanent incapacity assessment indicates that the employee has suffered permanent incapacity with a specified percentage of permanent loss or impairment of bodily or mental

function, the amount of lump sum compensation payable to the employee in relation to the loss or impairment is:

- (a) if the specified percentage is 2% or less—nil; and
- (b) if the specified percentage is 90% or more—an amount prescribed by the rules for the purposes of this paragraph; and
- (c) otherwise—an amount that is the specified percentage of the amount prescribed for the purposes of paragraph (b).

### **32C Compensation for permanent incapacity—powers of Tribunal**

For the purposes of an inquiry under Division 2 of Part 5 in relation to an employee's claim for lump sum compensation under section 37A for permanent incapacity in relation to a loss or impairment of a bodily or mental function, the orders the Tribunal may make under section 85 include the following:

- (a) an order requiring a responsible party under subsection 32(2) in relation to the claim to arrange for a permanent incapacity assessment in relation to the employee's loss or impairment;
- (b) an order:
  - (i) varying a permanent incapacity assessment in relation to the loss or impairment; or
  - (ii) setting aside such an assessment; or
  - (iii) remitting such an assessment for reconsideration.

### **73ZZ Subsection 33(1)**

Omit "paragraph 28(1)(b)", substitute "paragraph (c) of the definition of *incapacity* in subsection 28(1)".

### **74 Subsection 33(2)**

Omit "An assessment under section 32 of the percentage of permanent loss or impairment of function, in relation to industrial deafness," substitute "A permanent incapacity assessment in relation to industrial deafness".

### **74A Subsection 34(1)**

Omit "(1)" (first occurring).

### **74B Subsection 34(1)**

Omit "paragraph 28(1)(c)", substitute "paragraph (d) of the definition of *incapacity* in subsection 28(1)".

### **74C Paragraph 34(1)(b)**

Omit "employment; and", substitute "employment."

### **74D Paragraph 34(1)(c)**

Repeal the paragraph.

**74E Subsection 34(2)**

Repeal the subsection.

**74F Subsection 35(1)**

Omit “paragraph 28(1)(d)”, substitute “paragraph (e) of the definition of *incapacity* in subsection 28(1)”.

**74G Subsection 35(3)**

Repeal the subsection, substitute:

- (3) Compensation under this Part is not payable in respect of occupational disease contracted by an employee due to the nature of the employee’s employment if, at the time of entering that employment:
  - (a) the employee falsely represented to the employer that the employee had not previously suffered a disease of the kind that was contracted; and
  - (b) the employee did so knowing that the representation was false.

**74H Subsection 36(1)**

Omit “A cardio-vascular or cerebro-vascular episode constitutes an episode for the purposes of paragraph 28(1)(e)”, substitute “A cardiovascular or cerebrovascular episode constitutes an episode for the purposes of paragraph (f) of the definition of *incapacity* in subsection 28(1)”.

**74J Subsection 36(2)**

Omit “cardio-vascular” (wherever occurring), substitute “cardiovascular”.

**74K Subsection 36(2)**

Omit “cerebro-vascular” (wherever occurring), substitute “cerebrovascular”.

**74L Section 37**

Repeal the section, substitute:

**37 Compensation for reasonable costs of medical treatment**

*Scope of this section*

- (1) This section applies to an employer if:
  - (a) the employer is liable under this Part to pay compensation to, or in respect of, an employee in relation to an injury or condition; or
  - (b) the employer would have been liable under this Part to pay compensation to, or in respect of, an employee in relation to an injury or condition, but for:
    - (i) the fact that the employee did not suffer a loss or diminution of the employee’s capacity to earn; or
    - (ii) the operation of paragraph 32B(2)(a).



Note: Under paragraph 32B(2)(a), an employer is not liable to pay lump sum compensation under section 31 in relation to an employee's permanent incapacity if the assessed degree of loss or impairment is 2% or less.

*Compensation payable by public scheme employers*

- (2) If the employer was a member of a public scheme at the time of the events giving rise to, or contributing to, the injury or condition, the employer is liable to pay compensation to, or in respect of, the employee for costs incurred by, or on behalf of, the employee relating to medical treatment for the injury or condition, in accordance with subsection (3).
- (3) Any costs payable as compensation under subsection (2):
- (a) must be reasonable; and
  - (b) must be approved by the Employment Liaison Officer as reasonably appropriate in the circumstances; and
  - (c) are to consist of the following costs of medical treatment, to the extent that the treatment is reasonable and appropriate in the circumstances:
    - (i) any costs of medical treatment for the injury or condition, whether carried out in Norfolk Island or in another place;
    - (ii) the costs of transporting the employee (and if necessary, an escort or escorts for the employee) to and from a place where medical treatment is available;
    - (iii) the costs of enabling the employee (and if necessary, an escort or escorts for the employee) to remain in a place where medical treatment is available for the purpose of obtaining that medical treatment;
    - (iv) any costs incurred on the employee's behalf by a person or body other than the employee relating to medical treatment for the employee's injury or condition (including costs mentioned in subparagraphs (ii) and (iii)); and
  - (d) must not exceed the maximum amount, if any, in relation to the medical treatment for the injury or condition, prescribed by rules made for the purposes of this paragraph.

Note: For paragraph (d), the rules may make different provision with respect to different matters or classes of matter, including for example different kinds of treatment and different injuries or conditions: see subsection 33(3A) of the *Acts Interpretation Act 1901* of the Commonwealth (as applied by section 8A of the *Interpretation Act 1979*).

*Compensation payable by other employers*

- (4) If the employer was not a member of a public scheme at the time of the events giving rise to, or contributing to, the injury or condition, the employer is liable to pay compensation to, or in respect of, the employee for costs relating to medical treatment for the injury or condition, in accordance with subsection (5).
- (5) The costs payable as compensation under subsection (4):
- (a) must be reasonable; and

- (b) are to consist of any or all of the costs of medical treatment mentioned in subparagraphs (3)(c)(i) to (iv), to the extent that the treatment is reasonable and appropriate in the circumstances.

### **Division 3—Compensation: payment of claims**

#### **37AA Interpretation—references to liability to pay compensation under this Part**

A reference in sections 39 to 40 to an employer's liability to pay compensation under this Part, or to the full amount of an employer's liability to pay compensation under this Part, does not include a reference to the employer's liability to pay:

- (a) compensation because of:
  - (i) subparagraph 30(4)(a)(i); or
  - (ii) subparagraph 30(4)(a)(ii), except to the extent that a period referred to in that subparagraph exceeds 2 weeks; or
- (b) in relation to each claim for compensation under this Part made against the employer (other than compensation to which paragraph (a) of this section applies)—an amount equal to the amount (if any) prescribed by the rules for the purposes of this paragraph.

Note: Paragraph 30(4)(a) applies where an employee is suffering from total incapacity, and requires payment of compensation to the employee in relation to an initial period when the employee is absent from duty.

#### **74M Paragraph 37A(2)(a)**

Omit "in accordance with the form prescribed for the purposes of this paragraph", substitute "in the approved form".

#### **74N Paragraph 37A(2)(b)**

Omit "by a medical practitioner in accordance with the form prescribed for the purposes of this paragraph", substitute "given by a registered medical practitioner in the approved form".

#### **74P Sections 38, 39 and 39A**

Repeal the sections, substitute:

### **38 Rehabilitation**

#### *Scope of this section*

- (1) This section applies if:
  - (a) an employee makes a claim for compensation under section 37A in relation to an injury or condition of the employee; and
  - (b) the claim is made against:

- (i) an employer, or former employer, of the employee who was a member of a public scheme at the time of the events giving rise to, or contributing to, the injury or condition; or
- (ii) the Commonwealth.

Note: A claim for compensation will usually be made against an employer, or former employer, of an employee. However, the claim may be made against the Commonwealth under section 40 (if the employer is not insured or indemnified) or section 41 (if the employer ceases to exist).

*Requirement to undertake rehabilitation program*

- (2) The Employment Liaison Officer may, by notice in writing given to the employee, require the employee to undertake a rehabilitation program for the injury or condition, consisting of rehabilitation services for which compensation is, or would be, payable by the employer under subsection 37(2).

Note: Compensation is payable under subsection 37(2) for the costs of medical treatment (which includes rehabilitation services) incurred by or on behalf of an employee, subject to the conditions set out in subsection 37(3).

- (3) If the employee is required under subsection (2) to undertake a rehabilitation program for the injury or condition, and the employee fails without reasonable excuse to begin, or continue with, the program, the employee's right to compensation under this Act in relation to the injury or condition is suspended until the employee begins, or continues with, the program.

*Support for rehabilitation*

- (4) Subsection (5) applies if:
  - (a) the claim for compensation is made against the employee's current employer; and
  - (b) the current employer is not taking reasonable steps to:
    - (i) accommodate the injury or condition of the claimant to which the claim relates; and
    - (ii) support the claimant's rehabilitation from that injury or condition.
- (5) Any obligation of the Commonwealth under subsection 39A(2) to indemnify the current employer in relation to the claim for compensation is suspended until the current employer takes reasonable steps of the kind referred to in paragraph (4)(b) of this section.

### **39 Compulsory insurance**

*Requirement to have insurance*

- (1) An employer must have a policy of insurance or indemnity with an insurer for the full amount of the employer's liability under this Part to pay compensation if:
  - (a) the employer is not a member of a public scheme; and
  - (b) the employer is not prescribed by the rules for the purposes of this paragraph.

*Offence*

- (2) An employer commits an offence if:
- (a) the employer is required under subsection (1) to have a policy of insurance or indemnity for the full amount of the employer's liability under this Part to pay compensation; and
  - (b) the employer does not have such a policy.

Penalty:

- (a) in the case of a natural person—imprisonment for 2 years or 50 penalty units, or both;
  - (b) in the case of a body corporate—250 penalty units.
- (3) For the purposes of subsection (2):
- (a) strict liability applies to paragraph (2)(a); and
  - (b) recklessness is the fault element for paragraph (2)(b).

*Evidentiary certificates*

- (4) In proceedings against a person (the **defendant**) for an offence against subsection (2), the following certificates are prima facie evidence of the matters stated in the certificates:
- (a) a certificate that is signed, or purports to be signed, by an employee or agent of an insurer stating that there was not in force, on a specified date, a policy of insurance or indemnity issued by the insurer for the full amount of the defendant's liability under this Part to pay compensation;
  - (b) a certificate that is signed, or purports to be signed, by the Employment Liaison Officer stating either or both of the following:
    - (i) that the defendant was not, on a specified date, a member of a public scheme;
    - (ii) that the defendant was not, on a specified date, prescribed by the rules for the purposes of paragraph (1)(b).

*Joint insurance*

- (5) To avoid doubt, if subsection 39(1) requires an employer to have a policy of insurance or indemnity with an insurer for the full amount of the employer's liability under this Part to pay compensation, nothing in this Part prevents the employer from satisfying that requirement (in whole or in part) by jointly entering, with one or more other employers, into a contract of insurance or indemnity with an insurer.

### **39A Public schemes—general**

*Establishment*

- (1) The Commonwealth Minister may establish a scheme to indemnify employers for their liability under this Part to pay compensation.

*Employer indemnity*

- (2) The Commonwealth must indemnify an employer for the full amount of the employer's liability under this Part to pay compensation, if the employer was a member of a public scheme at the time of the events giving rise to the employer's liability.

*Limitation on scope of indemnity*

- (3) The Commonwealth's obligation under subsection (2) to indemnify an employer only covers the employer's liability to pay compensation under this Part as assessed in accordance with information:
  - (a) given by the employer as required under subsection 39B(2) (information to be included with application to join a public scheme); or
  - (b) given by the employer as required under subsection 39B(10) (information relevant to the management or control of a public scheme).

**39B Public schemes—membership**

*Becoming a member of a public scheme*

- (1) An employer may apply to the Employment Liaison Officer, in writing, to become a member of a public scheme.
- (2) An application under subsection (1) must:
  - (a) include any information that the Employment Liaison Officer requires, in writing, to be included with an application; and
  - (b) if there is an approved form for making an application—be made in the approved form.
- (3) On receiving an application under subsection (1), the Employment Liaison officer must decide:
  - (a) to grant the application; or
  - (b) to refuse to grant the application.
- (4) In deciding whether to grant an application, the Employment Liaison Officer:
  - (a) must have regard to any considerations prescribed by the rules for the purposes of this paragraph; and
  - (b) may have regard to any other matters that the Employment Liaison Officer considers relevant.

*Membership fees*

- (5) The rules may prescribe membership fees for a public scheme.
- (6) Without limiting subsection (5), rules made for the purposes of that subsection may do any of the following:
  - (a) prescribe different membership fees for different employers or classes of employer;
  - (b) prescribe different membership fees for different periods;

- (c) prescribe a membership fee by:
  - (i) specifying an amount as the fee; or
  - (ii) specifying a method for working out the fee.
- (7) In working out the membership fees for an employer in accordance with rules made for the purposes of subsection (5), the Employment Liaison Officer may have regard to:
  - (a) any information provided by the employer to the Employment Liaison Officer (whether under subsection (10) or otherwise); and
  - (b) any other information available to the Employment Liaison Officer.
- (8) The membership fees for a public scheme are payable on the days determined under subsection (9).
- (9) The Employment Liaison Officer may, by notifiable instrument, determine days for the purposes of subsection (8).

*Employment Liaison Officer may require information*

- (10) The Employment Liaison Officer may, by written notice, require an employer who is a member of a public scheme to do any of the following:
  - (a) provide specified information that is relevant to the management and control of the public scheme, including information relevant to determining membership fees for the scheme;
  - (b) provide that specified information:
    - (i) in an approved form; and
    - (ii) by a specified time.

*Revocation of membership*

- (11) The Employment Liaison Officer may revoke an employer's membership of a public scheme if:
  - (a) the employer does not pay the employer's membership fees for the scheme within a reasonable period after the day when those fees are payable (as determined under subsection (9)); or
  - (b) the employer fails to comply with a requirement under subsection (10) to provide specified information by a specified time.

**74Q Paragraph 40(1)(c)**

Omit "prescribed for the purposes of subsection 39(2)", substitute "prescribed by the rules for the purposes of paragraph 39(1)(b)".

**74R Subsection 40(1)**

Omit "and the liability is not a liability referred to in subsection 39(11), the Administration is liable to pay the compensation as if the Administration", substitute "the Commonwealth is liable to pay the compensation as if the Commonwealth".

**74S Subsections 40(2) and (2A)**

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

**74T Paragraph 41(1)(b)**

Omit “Administration”, substitute “Commonwealth”.

**74U Paragraph 41(1)(c)**

Omit “prescribed for the purposes of subsection 39(2)”, substitute “prescribed by the rules for the purposes of paragraph 39(1)(b)”.

**74V Subsection 41(1)**

Omit “Administration or person”, substitute “the Commonwealth or the person”.

**74W Subsection 41(2)**

Omit “levies”, substitute “membership fees”.

**74X Section 42**

Repeal the section, substitute:

**42 Indexation of compensation amounts**

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

$$\frac{\text{Indexation factor for the indexation day}}{\times} \times \frac{\text{Compensation amount immediately before the indexation day}}$$

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

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

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

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

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

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

- (3) Amounts worked out under subsection (1) are to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (4) The indexation factor is to be worked out:
  - (a) to 3 decimal places (rounding up if the fourth decimal place is 5 or more); and
  - (b) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
  - (c) disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

*When substituted amount is payable*

- (5) If an amount is substituted under subsection (1) on an indexation day, the substituted amount is payable:
  - (a) in respect of periodical compensation—on and after the first payment date for the compensation occurring after the indexation day; or
  - (b) in respect of lump sum compensation—in respect of any payment of lump sum compensation made after the indexation day.

*Publication of substituted amounts*

- (6) As soon as practicable after the day on which the Australian Statistician publishes the index number for a March quarter, the Employment Liaison Officer must:
  - (a) ascertain whether any amounts will be substituted under subsection (1) on the indexation day immediately after the end of the quarter; and
  - (b) if any amounts will be substituted—publish notice, by notifiable instrument, of the substituted amounts.

*Compensation amount*

- (7) A **compensation amount** is:
  - (a) an amount prescribed by the rules for the purposes of subparagraph 30(4)(b)(i) or paragraph 32B(2)(b); or
  - (b) the amount (if any) last substituted under this section for an amount mentioned in paragraph (a).

**74ZA Paragraphs 43(1)(a) and (b)**

Repeal the paragraphs, substitute:

- (a) suffers incapacity; or

**74ZB Paragraphs 43(1)(d) and (e)**

Repeal the paragraphs, substitute:

- (d) an injury or condition out of which the incapacity arose; or



**74ZC Subsection 43(4)**

Omit “It is the intention of the Legislative Assembly that compensation”, substitute “Compensation”.

**74ZD Section 46 (heading)**

Repeal the heading, substitute:

**46 Overpaid amounts**

**74ZE Section 46**

After “by way of compensation”, add “or indemnity”.

**74ZF Section 47**

Repeal the section, substitute:

**47 Information relevant to claims**

*Scope of this section*

- (1) The section applies if:
- (a) a claim for compensation is made under section 37A by a person (the **claimant**) in relation to an injury or condition of, or the death of, an employee (the **relevant employee**); and
  - (b) the relevant employee was employed by a person or entity (the **relevant employer**) at the time of the events (the **relevant events**) giving rise to, or contributing to, the relevant employee’s injury, condition or death; and
  - (c) the claim is made against:
    - (i) the relevant employer, if the employer was, at the time of the relevant events, a member of a public scheme; or
    - (ii) the Commonwealth.

Note: A claim for compensation will usually be made against an employer, or former employer, of an employee. However, the claim may be made against the Commonwealth under section 40 (if the employer is not insured or indemnified) or section 41 (if the employer ceases to exist).

*Employment Liaison Officer may require information*

- (2) If the Employment Liaison Officer reasonably believes that the claimant or the relevant employer has information relevant to the claim for compensation, the Employment Liaison Officer may, by written notice given to the claimant or the relevant employer (as the case may be), require that information to be provided to the Employment Liaison Officer:
- (a) within 14 days after the day on which the notice is received; or
  - (b) within such longer period (if any) as the Employment Liaison Officer allows.

*Failure to comply—claimant*

- (3) If the claimant fails, without reasonable excuse, to comply with a notice under subsection (2), any right of the claimant to compensation under this Act in relation to the injury, condition or death is suspended until the claimant complies with the notice.

*Failure to comply—relevant employer*

- (4) If:
- (a) the relevant employer was, at the time of the relevant events, a member of a public scheme; and
  - (b) the relevant employer fails, without reasonable excuse, to comply with a notice under subsection (2);
- then any obligation of the Commonwealth under subsection 39A(2) to indemnify the relevant employer in relation to the claim is suspended until the relevant employer complies with the notice.

#### **47A Independent medical examinations—requirement by Employment Liaison Officer**

*Scope of this section*

- (1) This section applies if:
- (a) an employee makes a claim for compensation under section 37A in relation to an injury or condition of the employee, other than a claim for compensation payable under section 31 (which deals with compensation for permanent incapacity); and
  - (b) the claim is made against:
    - (i) an employer, or former employer, of the employee who was a member of a public scheme at the time of the events giving rise to, or contributing to, the injury or condition; or
    - (ii) the Commonwealth.

Note 1: For medical assessments (known as **permanent incapacity assessments**) in relation to claims for compensation under section 31, see sections 32 to 32C.

Note 2: A claim for compensation will usually be made against an employer, or former employer, of an employee. However, the claim may be made against the Commonwealth under section 40 (if the employer is not insured or indemnified) or section 41 (if the employer ceases to exist).

*Requirement to attend for examination*

- (2) The Employment Liaison Officer may:
- (a) make reasonable arrangements for a registered medical practitioner to undertake a medical examination (an **independent medical examination**) of the employee in relation to the injury or condition to which this section applies; and

- (b) give reasonable written notice to the employee requiring the employee to attend for the independent medical examination in accordance with the arrangements.
- (3) The notice under paragraph (2)(b) must include a statement about how the employee may obtain a copy of the report of the assessment under section 47C.

*Costs of examination*

- (4) The Employment Liaison Officer must pay the costs of an independent medical examination on behalf of the Commonwealth.
- (5) The costs of an independent medical examination of an employee include any reasonable costs associated with travel by the employee (and if necessary, an escort or escorts for the employee) to and from the place where the assessment is to take place.

*Frequency of examinations*

- (6) An employee must not be required to undergo an examination under this section at more frequent intervals than are prescribed by rules made for the purposes of this subsection.

**47B Independent medical examinations—failure to attend examination**

- (1) An employee's right to compensation in relation to an injury or condition to which section 47A applies is suspended if the employee fails, without reasonable excuse, to comply with a notice to attend for an independent medical examination given to the employee under subsection 47A(2) in relation to that injury or condition.
- (2) If an employee's right to compensation in relation to an injury or condition is suspended under subsection (1), the suspension continues until:
  - (a) the Employment Liaison Officer gives the employee a new notice under subsection 47A(2) setting out new arrangements for an independent medical examination in relation to the injury or condition; and
  - (b) the employee complies with the new notice to attend for such an examination.

**47C Independent medical examinations—report of examination**

- (1) A person who undertakes an independent medical examination of an employee in relation to a claim for compensation under section 37A must, as soon as practicable after concluding the assessment, give a written report of the examination to the Employment Liaison Officer.
- (2) An employee who undergoes an independent medical examination may request a copy of the report mentioned in subsection (1) from the Employment Liaison Officer.

- (3) The Employment Liaison Officer must comply with a request under subsection (2) within 7 days after the later of the following days:
- (a) the day the claim is assessed by the Employment Liaison Officer;
  - (b) the day the request for the report is received.

## **Division 4—Employment Liaison Officer**

### **47D Employment Liaison Officer**

There is to be an Employment Liaison Officer.

### **47E Functions and powers of Employment Liaison Officer**

#### *Management and control of public scheme*

- (1) The Employment Liaison officer is responsible for the management and control of any public scheme established under subsection 39A(1).
- (2) The responsibilities of the Employment Liaison Officer referred to in subsection (1) include (without limitation) the following:
- (a) receiving, on behalf of the Commonwealth, any membership fees for a public scheme paid by employers;
  - (b) assessing claims for compensation made against employers who are members of a public scheme, for the purposes of determining the Commonwealth's liabilities under the scheme;
  - (c) making payments, on behalf of the Commonwealth, to discharge the Commonwealth's liabilities under a public scheme.

#### *Approvals*

- (3) The Employment Liaison Officer may, in writing, approve a person, policy or form, or any other thing, for the purposes of a provision of this Act.

#### *Other functions and powers*

- (4) The Employment Liaison Officer has such other functions and powers as are conferred on the Employment Liaison Officer by or under this Act, including any functions and powers delegated to the Employment Liaison Officer by the Commonwealth Minister under this Act.

#### *Directions by Commonwealth Minister*

- (5) The Commonwealth Minister may, by notifiable instrument, give directions to the Employment Liaison Officer in relation to the performance and exercise of the Employment Liaison Officer's functions and powers under this Act.
- (6) However, the Commonwealth Minister must not give a direction under subsection (5) that relates to a particular case.

- (7) The Employment Liaison Officer must comply with any directions given under subsection (5).

#### **47F Employment Liaison Officer—appointment**

The Commonwealth Minister may, by written instrument, appoint an SES employee, or acting SES employee, in the Department as the Employment Liaison Officer.

#### **47G Employment Liaison Officer—acting appointments**

The Commonwealth Minister may, by written instrument, appoint an SES employee, or acting SES employee, in the Department to act as the Employment Liaison Officer:

- (a) during a vacancy in the office of the Employment Liaison Officer; or
- (b) during any period, or during all periods, when the Employment Liaison Officer:
  - (i) is absent from duty or from Australia; or
  - (ii) is, for any reason, unable to perform the duties of the office.

#### **47H Delegations by Employment Liaison Officer**

- (1) Subject to subsections (2) and (3), the Employment Liaison Officer may, in writing, delegate any or all of the Employment Liaison Officer's functions or powers under this Act to any of the following:
  - (a) an SES employee or acting SES employee;
  - (b) an APS employee who holds, or performs the duties of, an Executive Level 1 position, or an equivalent or higher position;
  - (c) an individual who holds, or performs the duties of, an office or position in a body that is a part of the Commonwealth, or an authority of the Commonwealth, if the office or position is at a level equivalent to or higher than that of an APS employee classified at Executive Level 1;
  - (d) an inspector;
  - (e) an employee of the Norfolk Island Regional Council;
  - (f) any other person.
- (2) The Employment Liaison Officer must not delegate a function or power to a person unless the Employment Liaison Officer is satisfied that the person has appropriate qualifications or expertise to perform the function or exercise the power.
- (3) The Employment Liaison Officer must not delegate:
  - (a) the Employment Liaison Officer's power of delegation under subsection (1); or
  - (b) a function or power delegated to the Employment Liaison Officer by the Commonwealth Minister under this Act.

- (4) In performing a function or exercising a power delegated under subsection (1), a delegate must comply with any written directions of the Employment Liaison Officer.

**74ZG Subsection 48(1) (definitions of *incapacity* and *inspector*)**

Repeal the definitions.

**74ZH Subsection 53(2)**

Repeal the subsection, substitute:

- (2) An employer must keep such records as are prescribed by the rules for the purposes of this subsection, for such period as is so prescribed, relating to the safety and health of employees of the employer.

**74ZI Subsection 53(3)**

Omit “incapacity” (first and second occurring), substitute “permanent incapacity”.

**74ZJ Subsection 53(3)**

Omit “prescribed form”, substitute “form prescribed by the rules for the purposes of this subsection”.

**74ZK Paragraphs 53(3)(a) and (b)**

Omit “incapacity”, substitute “permanent incapacity”.

**74ZL Subsection 54(2)**

Omit “Regulations”, substitute “rules”.

**74ZM Subsections 55(1), (2) and (3)**

Omit “Employment Liaison Officer” (wherever occurring), substitute “Chief Executive Officer”.

**74ZN Subsection 55(4)**

Repeal the subsection, substitute:

- (4) Despite subsection (3), if a complaint is made or referred to the Chief Executive Officer under this section:
- (a) the Chief Executive Officer may require an inspector to investigate the complaint; and
  - (b) if so required, the inspector must, as soon as practicable, investigate the complaint.

**74ZO Subsection 57(1)**

Omit “Minister”, substitute “Chief Executive Officer”.

**74ZP After section 57**

Insert:

### **57A Inspectors—management and control**

- (1) The Chief Executive Officer is responsible for the management and control of inspectors.
- (2) The Chief Executive Officer may give directions to an inspector in relation to the performance and exercise of the inspector's functions and powers under this Part.
- (3) An inspector must comply with any directions given to the inspector under subsection (2).

### **74ZQ Paragraph 57(2)(a)**

Omit "Regulations", substitute "rules".

### **74ZR Subsection 60(2)**

Before "evidence", insert "prima facie".

### **74ZS Section 62**

Repeal the section.

### **74ZT Section 64**

Omit "Regulations", substitute "rules".

### **74ZU Part 5 (heading)**

Repeal the heading, substitute:

## **Part 5—Review of matters relating to compensation**

### **74ZV Division 1 of Part 5**

Repeal the Division, substitute:

## **Division 1—Internal review by Employment Liaison Officer**

### **65 Internal review—applications**

- (1) A person or entity covered by subsection (2) may apply to the Employment Liaison Officer for an internal review of a matter arising under Part 3 that affects the interests of the person or entity.
- (2) This subsection covers the following:
  - (a) a person who has made a claim for compensation under section 37A in relation to an injury, condition or death, but only if the person who suffered the injury or condition, or who died, was employed by an employer who was a member of a public scheme at the time of events giving rise to, or contributing to, the injury, condition or death;
  - (b) a member or former member of a public scheme.
- (3) An application for an internal review under subsection (1) must:

- (a) be in writing; and
  - (b) set out the reasons for the application.
- (4) An application for an internal review of a matter under subsection (1) must be made:
  - (a) within 30 days after the day on which the matter arises (for example, by the making of a decision by the Employment Liaison Officer in relation to the matter); or
  - (b) within such longer period (if any) as the Employment Liaison Officer allows.

## 66 Who undertakes internal review?

- (1) On receiving an application under section 65 for an internal review of a matter, the Employment Liaison Officer must:
  - (a) review the matter personally; or
  - (b) ensure that the matter is reviewed by a delegate of the Employment Liaison Officer.
- (2) However, if the matter relates to a claim (the *primary claim*) for compensation under section 37A, the matter must not be reviewed by a person who has been involved in dealing with:
  - (a) the primary claim; or
  - (b) a claim, by a member or former member of a public scheme, to be indemnified by the Commonwealth under subsection 39A(2) in relation to the primary claim.

Note: This subsection applies to the Employment Liaison Officer personally as well as to a delegate of the Employment Liaison Officer.

- (3) The *internal reviewer* of a matter is the person who reviews the matter under this section.

## 67 Internal review—determination and notice

- (1) If an application has been made under section 65 for an internal review of a matter, the internal reviewer must make a written determination in relation to the matter within the period prescribed by rules made for the purposes of this subsection.
- (2) As soon as practicable after making the determination, the internal reviewer must give written notice of the determination to:
  - (a) the applicant for the internal review; and
  - (b) if the matter relates to a claim for compensation under section 37A:
    - (i) the person who made the claim; and
    - (ii) the person or entity against whom the claim was made.
- (3) A notice of a determination must:
  - (a) be accompanied by a copy of the determination; and



- (b) set out the reasons for the determination, if those reasons are not set out in the copy of the determination; and
- (c) explain the effect of section 82 (which deals with when, and how, an application may be made to the Tribunal for an inquiry into a matter).

#### **74ZW Division 2 of Part 5 (heading)**

Repeal the heading, substitute:

### **Division 2—Inquiry by Tribunal**

#### **74ZX Section 78 (heading)**

Repeal the heading, substitute:

### **78 Tribunal**

#### **74ZY Subsection 78(1)**

Repeal the subsection, substitute:

- (1) The Court of Petty Sessions has jurisdiction to exercise and perform the powers, duties, functions and authorities conferred or imposed on the Court by:
  - (a) this Division; or
  - (b) a provision of this Act that relates to an inquiry undertaken by the Tribunal under this Division.

Note: The Court of Petty Sessions has a separate jurisdiction under section 56 (stop work and improvement notices) to review requirements in notices given under that section.

#### **74ZZ Paragraphs 78(2)(a) and (b)**

Omit “Employment Tribunal”, substitute “Tribunal”.

### **75 Section 82**

Repeal the section, substitute:

### **82 Inquiry—applications**

#### *Application for inquiry*

- (1) Subject to this section, a person or entity may apply to the Tribunal for an inquiry into:
  - (a) a matter arising under Part 3 that affects the interests of the person or entity; or
  - (b) if the person or entity is the Employment Liaison Officer—a matter arising under Part 3 that affects the interests of the Commonwealth.
- (2) An application to the Tribunal for an inquiry must:
  - (a) be in writing; and
  - (b) be made to the Secretary; and

- (c) set out the reasons for the application.

*Requirement for internal review in certain cases*

- (3) Subsections (4) and (5) apply if a person or entity (the **interested party**) may apply to the Employment Liaison Officer under section 65 for an internal review of a matter (the **relevant matter**) relating to a claim for compensation under section 37A.
- (4) The interested party is not entitled to apply to the Tribunal under subsection (1) for an inquiry into the relevant matter unless:
  - (a) the interested party has made an application (the **internal review application**) under section 65 for an internal review of the relevant matter; and
  - (b) either:
    - (i) the interested party has received notice in accordance with 67 of a determination by the internal reviewer in relation to the relevant matter, but the interested party remains aggrieved in relation to the matter; or
    - (ii) if the interested party has not received such a notice—the period prescribed in relation to the internal review application, by rules made for the purposes of subsection 67(1), has expired.
- (5) If the interested party is entitled to apply to the Tribunal under subsection (1) for an inquiry into the relevant matter because subparagraph (4)(b)(i) applies, such an application by the interested party under subsection (1) must:
  - (a) be made within:
    - (i) the period of 7 days beginning on the day after the day on which the interested party received the notice of the determination by the internal reviewer referred to in subparagraph (4)(b)(i); or
    - (ii) such longer period (if any) as the Tribunal allows; and
  - (b) be accompanied by a copy of that determination.

**82AA Inquiry—how convened**

*Inquiry must be convened*

- (1) The Secretary must, as soon as practicable after receipt of an application under section 82 for an inquiry into a matter, inform a member of the Tribunal of the application.
- (2) If a member of the Tribunal is informed of the application, the Tribunal must convene an inquiry into the matter.
- (3) The Tribunal may determine the time and place at which the inquiry is to be held.

*Notice of inquiry*

- (4) Each of following persons or entities is an **eligible party** in relation to an inquiry:

- (a) the person or entity who applied for the inquiry under section 82;
  - (b) if the inquiry is into a matter that relates to a claim for compensation under section 37A:
    - (i) the person who made the claim; and
    - (ii) the person or entity against whom the claim was made;
  - (c) if the inquiry is into a matter that affects the interests of the Commonwealth—the Employment Liaison Officer.
- (5) The Tribunal must give each eligible party in relation to the inquiry written notice of:
- (a) the time and place at which the inquiry is to be held; and
  - (b) the matter to which the inquiry relates.

## **82AB Inquiry—participation and representation**

### *Participation in inquiry*

- (1) An eligible party in relation to an inquiry is entitled to:
  - (a) make representations to the Tribunal in relation to the inquiry; and
  - (b) appear at the inquiry.
- (2) If the Tribunal considers that it is appropriate to do so, the Tribunal may allow a person or entity who is not an eligible party in relation to the inquiry to do either or both of the following:
  - (a) make representations to the Tribunal in relation to the inquiry;
  - (b) appear at the inquiry.
- (3) If an eligible party who has been given notice of the inquiry in accordance with subsection 82AA(5) fails to attend at the time and place specified for the inquiry, the Tribunal may proceed in the absence of that party.

### *Representation at inquiry*

- (4) An eligible party in relation to an inquiry:
  - (a) is entitled to appear at the inquiry:
    - (i) personally; or
    - (ii) if the person is a body corporate—by a director, secretary or agent of the body corporate; and
  - (b) subject to subsection (5), is entitled to be represented at the inquiry by:
    - (i) a legal practitioner; or
    - (ii) another person, with leave of the Tribunal.
- (5) If, in the opinion of the Tribunal, the total value of all of the entitlements under this Act that are at issue in the inquiry is likely to be less than \$1,000, the Tribunal may refuse to allow any eligible party in relation to the inquiry to be represented at the inquiry by a legal practitioner.
- (6) Subsection (5) does not give the Tribunal the power to prevent:

- (a) an eligible party who is a legal practitioner from appearing personally; or
- (b) an eligible party that is a body corporate from appearing by a director, secretary or agent of the body corporate who is a legal practitioner.

#### **75A Subsections 85(1) and (2)**

Repeal the subsections, substitute:

- (1) After determining a matter in an inquiry, the Tribunal:
  - (a) must, as soon as practicable after making its determination, give notice of the determination, together with a copy of the determination, to each eligible party in relation to the inquiry; and
  - (b) may make, or refuse to make, an order in accordance with this section.
- (2) The Tribunal may make any of the following orders:
  - (a) an order requiring a person to do any (or all) of the following:
    - (i) to do an act required or permitted to be done by this Act;
    - (ii) to refrain from doing an act prohibited by this Act;
    - (iii) to pay money required or permitted to be paid by this Act; or
  - (b) an order of the kind mentioned in section 32C (compensation for permanent incapacity—powers of Tribunal).

(2A) The Tribunal must not make any order as to costs.

#### **75B Paragraph 85(3)(a)**

Omit “subject to section 62,”.

#### **75C Subsection 85(4)**

Omit “82(6)”, substitute “82AB(3)”.

#### **75D Subsection 85(5)**

Repeal the subsection, substitute:

- (5) If the Tribunal makes an order in an inquiry, the Tribunal must, as soon as practicable after making the order, give notice of the order, together with a copy of the order, to:
  - (a) each person to whom the order is directed; and
  - (b) each eligible party in relation to the inquiry.
- (5A) A person or entity who has been given notice of a determination or order by the Tribunal may request the Tribunal to give written reasons for the determination or order. The Tribunal must provide those reasons within the period of 7 days beginning on the day on which the Tribunal receives the request.

#### **75E Subsection 85(6)**

Omit “Subject to subsection 85(8), the”, substitute “The”.

**75F Subsections 85(8), (9), (10) and (11)**

Repeal the subsections, substitute:

- (11) If the Tribunal is required to give a person or entity notice of a determination or order of the Tribunal, the Tribunal must also give the person or entity a written or oral explanation of the effect of sections 91 and 92 (which deal with when, and how, an appeal may be made to the Supreme Court from a determination or order of the Tribunal).

**75G Subsection 86(2)**

Omit “paragraph 85(2)(d) or subsection 85(9)”, substitute “paragraph 85(2)(c)”.

**75H Section 88**

Repeal the section.

**75J Subsection 89(1)**

Omit “(1)”.

**75K Subsection 89(2)**

Repeal the subsection.

**75L Section 90**

Repeal the section.

**75M Division 3 of Part 5 (heading)**

After “**Review**”, add “**by Supreme Court**”.

**75N Subsection 91(1)**

Repeal the subsection, substitute:

- (1) A person to whom notice of a determination or order of the Tribunal is given under section 85 may, within 14 days after the notice is given, institute an appeal to the Supreme Court from the determination or order.

**75P Sections 95 and 96**

Repeal the sections, substitute:

**95 Restriction on delegation by Commonwealth Minister**

The Commonwealth Minister must not delegate the power to make rules under subsection 108(1).

Note: This section restricts the Commonwealth Minister’s power of delegation under clause 10 of Schedule 1 to the *Interpretation Act 1979*.

**75Q After section 97**

Insert:

## **97A Electronic transactions**

The Electronic Transactions Act applies in relation to this Act as if a reference in the Electronic Transactions Act to a law of the Commonwealth included a reference to this Act.

## **75R Subsection 98(1)**

Omit “at the time the document was handed to the person or drawn to the person’s attention.”, substitute:

“at the following time:

- (a) if the document is in the form of an electronic communication within the meaning of the Electronic Transactions Act—the time of receipt of that communication as provided by section 14A of that Act;
- (b) in any other case—the time the document was handed to the person or drawn to the person’s attention.

Note: For a requirement or permission under a law of the Commonwealth to produce a document in electronic form, see section 11 of the Electronic Transactions Act and section 97A of this Act.”.

## **75S Subsections 98(2) and (3)**

Omit “Regulations” (wherever occurring), substitute “rules”.

## **75T Section 99**

Repeal the section.

## **75U Section 100 (heading)**

Repeal the heading, substitute:

## **100 Employment Liaison Officer, Tribunal members etc. to respect privacy**

## **75V Subsection 100(2)**

Repeal the subsection, substitute:

- (2) This section applies to the following:
  - (a) the Commonwealth Minister;
  - (b) the Secretary to the Tribunal;
  - (c) a member of the Tribunal;
  - (d) the Employment Liaison Officer, or a person appointed under section 47G to act as the Employment Liaison Officer;
  - (e) a person to whom the Employment Liaison Officer delegates a power or function under subsection 47H(1).

## **75W Section 101**

Repeal the section.

**75X Subparagraph 102(1)(a)(ii)**

Omit “the Board or Tribunal”, substitute “the Employment Liaison Officer or the Tribunal”.

**75Y Paragraph 106(1)(d)**

Repeal the paragraph.

**75Z Subsections 106(2) and (3)**

Repeal the subsections.

**76 Section 108**

Repeal the section, substitute:

**107 Protection from liability**

- (1) A person covered by subsection (2) is not liable in civil proceedings for or in relation to anything done, or omitted to be done, in good faith in the performance or exercise, or purported performance or exercise, of a function or power under this Act.
- (2) This subsection covers the following:
  - (a) the Commonwealth;
  - (b) the Commonwealth Minister;
  - (c) the Tribunal;
  - (d) a member of the Tribunal;
  - (e) the Secretary to the Tribunal;
  - (f) the Employment Liaison Officer, or a person appointed under section 47G to act as the Employment Liaison Officer;
  - (g) a person to whom the Employment Liaison Officer delegates a power or function under subsection 47H(1);
  - (h) the Chief Executive Officer;
  - (i) an inspector.

**108 Rules**

- (1) The Commonwealth Minister may, by legislative instrument, make rules prescribing matters:
  - (a) required or permitted by this Act to be prescribed by the rules; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) To avoid doubt, the rules may not do the following:
  - (a) create an offence or civil penalty;
  - (b) provide powers of:
    - (i) arrest or detention; or
    - (ii) entry, search or seizure;

- (c) impose a tax;
- (d) directly amend the text of this Act.

### ***Enactments Reprinting Act 1980 (Norfolk Island)***

#### **76T Subsection 7A(1) (example)**

Repeal the example.

### ***Environment Act 1990 (Norfolk Island)***

#### **76U At the end of section 2**

Add:

- (4) Despite subsection (1), the following provisions of this Act commence at the same time as Schedule 1 to the *Norfolk Island Legislation Amendment (Public Health) Ordinance 2018* commences:
  - (a) Division 3 of Part 6;
  - (b) items 11 to 16 in Schedule 3.

#### **77 Paragraph 4(1)(b)**

Omit “the legislative powers of the Legislative Assembly permit”, substitute “possible”.

#### **78 Section 8 (definitions of *Board* and *Chairman*)**

Repeal the definitions.

#### **79 Section 8**

Insert:

*executive member* means the Chief Executive Officer (despite section 43 of, and subclause 5(1) of Schedule 1 to, the *Interpretation Act 1979*).

#### **80 Section 8 (definitions of *member* and *Secretary*)**

Repeal the definitions.

#### **81 Part 2**

Repeal the Part.

#### **82 Subsection 23(5)**

Omit “In spite of section 36 of the *Interpretation Act 1979*, an”, substitute “An”.

#### **82AA Subsection 24(3)**

Omit “fee, if any, prescribed”, substitute “approved fee (if any)”.



**82A Paragraph 25(4)(b)**

Omit “Board”, substitute “executive member”.

**82B Paragraphs 25(4)(c) and (d)**

Repeal the paragraphs, substitute:

- (c) must then be considered by the executive member, who must approve, or refuse to approve, the application.

**82C Paragraphs 25(5)(a) and (b)**

Omit “Board” (wherever occurring), substitute “executive member”.

**82D Subparagraphs 25(5)(b)(i) and (ii)**

Omit “meeting”, substitute “hearing”.

**82E Paragraphs 25(5)(c) and (d)**

Repeal the paragraphs, substitute:

- (c) is, at or after that hearing, to be considered by the executive member, who must approve, or refuse to approve, the application.

**82F Subsection 25(6) (definition of *simple application*)**

Omit “consideration by the Board”, substitute “an invitation for public comment or a public hearing”.

**83 Subsection 26(1)**

Omit “Board or” (wherever occurring).

**84 Subsection 26(1)**

Omit “Legislative Assembly”, substitute “Commonwealth Minister”.

**85 Subsection 26(2)**

Repeal the subsection, substitute:

- (2) If the Commonwealth Minister is satisfied (because of a proposal by the executive member under subsection (1) or on his or her own initiative) that it is appropriate that an environmental impact statement be prepared in relation to an application, he or she may determine:
  - (a) that such a statement be prepared; and
  - (b) by whom, and at whose expense, the statement is to be prepared; and
  - (c) the matters to be dealt with in the statement; and
  - (d) the period within which the statement is to be prepared, and the procedure (including the procedure for public consultation) to be followed in the preparation of the statement.

**86 Subsection 26(3)**

Omit “Legislative Assembly approves a proposal”, substitute “Commonwealth Minister determines”.

**86A Subsection 27(7)**

Omit “, the Board”.

**86B Subsection 28(1)**

Omit “(1) As”, substitute “As”.

**86C Subsection 28(2)**

Repeal the subsection.

**87 Subsection 29(4)**

Omit “Where the Legislative Assembly has resolved under section 26 to approve a proposal that an environmental impact statement be prepared in relation to an application, the Assembly may, by resolution,”, substitute “If the Commonwealth Minister has determined under section 26 that an environmental impact statement be prepared in relation to an application, he or she may”.

**88 Subsection 29(5)**

Repeal the subsection.

**88A Subsection 33(3)**

Omit “fee, if any, prescribed for development applications of that kind”, substitute “approved fee (if any) for applications of that kind”.

**88B Subsection 98(3)**

Omit “prescribed fee”, substitute “approved fee”.

**88C Subsection 104(3)**

Repeal the subsection.

**88D Subsection 110(3)**

Repeal the subsection.

**88E Paragraph 128(1)(c)**

Omit “under 6”, substitute “under Part 6”.

**88K Subsection 134(1)**

Omit “(1)”.

**88L Subsection 134(2)**

Repeal the subsection.

## **89 Section 150**

Repeal the section, substitute:

### **150 Making and amendment of Code by regulations**

Subject to section 151, the regulations may:

- (a) prescribe the Norfolk Island Planning Code; and
- (b) repeal or alter provisions of, or add new provisions to, the Code.

## **90 Subsection 151(1)**

Omit “Before advising the making of Regulations under section 150, the executive member”, substitute “Before making regulations for the purposes of section 150, the Commonwealth Minister”.

## **91 Paragraph 151(1)(b)**

Omit “executive member’s”, substitute “Commonwealth Minister’s”.

## **92 Subsections 151(2), (3) and (4)**

Repeal the subsections, substitute:

- (2) A failure to comply with subsection (1) does not affect the validity of regulations made for the purposes of section 150.

## **93 Subsection 152(1)**

Omit “the intention of the Legislative Assembly”, substitute “intended”.

## **94 Subsections 152(2), (3), (4) and (5)**

Repeal the subsections, substitute:

- (2) The Commonwealth Minister must conduct a review of the Code in order to give effect to the intention expressed in subsection (1) at intervals of no more than 5 years from the completion of the most recent review under this section (whether that completion occurred before or after the interim transition time).
- (3) A review under subsection (2) is to be started by a notice in the Gazette:
  - (a) announcing the start of the review; and
  - (b) inviting submissions or representations to be made to the Commonwealth Minister on the effectiveness of the Code in achieving the aim specified in subsection (1).
- (4) The Commonwealth Minister must conduct the review in the manner he or she determines.

## **95 Subsection 153(1)**

Omit “Administrator”, substitute “Commonwealth Minister”.

## ***Evidence Act 2004 (Norfolk Island)***

### **96 Subsection 3(3)**

After “subject to,”, insert “section 15AB of the *Acts Interpretation Act 1901* of the Commonwealth (applying because of section 8A of the *Interpretation Act 1979*) and”.

### **97 Paragraph 7(a)**

Omit “the legislative power of the Legislative Assembly permits”, substitute “possible”.

### **97AAA Paragraph 19(a)**

Omit “Part III or IIIA of the *Criminal Law Act 1960*”, substitute “Part 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9 or 3.10 of the *Criminal Code 2007*”.

### **97AAB Paragraph 19(b)**

Omit “section 12 of the *Child Welfare Act 1937*”, substitute “section 174 or 175 of the *Child Welfare Act 2009*”.

### **97AAC Paragraph 19(c)**

Repeal the paragraph, substitute:

- (c) a domestic violence offence (as defined in section 11 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI)).

### **97AAH Subsection 181AR(2) (note)**

Omit “Part 7 of the *Crimes Act 1900* (NSW) as applied by the *Criminal Law Act 1960*”, substitute “Chapter 7 of the *Criminal Code 2007*”.

### **97AAL Section 181R (definition of *Crimes Act*)**

Repeal the definition.

### **97AAM Section 181R (definition of *prescribed sexual offence*)**

Repeal the definition, substitute:

***prescribed sexual offence*** means:

- (a) an offence against Part 3.6 of the *Criminal Code 2007*; or
- (b) if a person charged with an offence (the ***offence charged***) is alleged, as an element of that offence, to have intended to commit an offence against Part 3.6 of the *Criminal Code 2007*—the offence charged.

## ***Fair Trading Act 1995 (Norfolk Island)***

### **97AAN Subsections 30(1) and 31(1) and (2)**

Omit “Minister”, substitute “Chief Executive Officer”.

## ***Fencing Act 1913 (Norfolk Island)***

### **97AANA Section 5**

Omit “A fee of 2 units”, substitute “The approved fee”.

### **97AANB Section 7**

Omit “a fee of 0.50 fee unit”, substitute “the approved fee”.

### **97AANC Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Paragraph 2(2)(b)	Minister	Chief Executive Officer
2	Section 4	Minister	Chief Executive Officer
3	Subsections 12(1), (2) and (3)	Minister	Chief Executive Officer

## ***Firearms and Prohibited Weapons Act 1997 (Norfolk Island)***

### **97AAO Subsection 16(3) (table items 7 and 8)**

Repeal the items, substitute:

7	Interim apprehended violence order	<p>Either:</p> <p>(a) an interim apprehended violence order is in force against the person under the <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) (NI); or</p> <p>(b) the person is the subject of an order under the law of a State or another Territory of the Commonwealth that has substantially the same effect as an order referred to in paragraph (a).</p>
8	Final apprehended violence order	<p>In the last 5 years, either:</p> <p>(a) a final apprehended violence order was in force against the person under the <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) (NI); or</p> <p>(b) the person was the subject of an order under the law of a State or another Territory of the Commonwealth that had substantially the same effect as an order referred to in paragraph (a);</p> <p>unless an appeal against the making of the order was upheld.</p>

**97AAP Subsection 21(1A)**

Omit “if the person becomes subject to an interim protection order under the *Domestic Violence Act 1995*”, substitute “while an interim apprehended violence order against the person is in force under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI)”.

**97AAQ Paragraph 22(1)(a)**

Repeal the paragraph, substitute:

- (a) if a final apprehended violence order comes into force against the person under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI);  
or

**97AAR Subsection 26A(3) (table items 3 and 4)**

Repeal the items, substitute:

3	Firearms permit— interim apprehended violence order	In the case of a firearms permit (except a visiting sporting shooter permit), either: (a) an interim apprehended violence order is in force against the person under the <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) (NI); or (b) the person is the subject of an order under the law of a State or another Territory of the Commonwealth that has substantially the same effect as an order referred to in paragraph (a).
4	Firearms permit— final apprehended violence order	In the case of a firearms permit (except a visiting sporting shooter permit), in the last 5 years either: (a) a final apprehended violence order was in force against the person under the <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) (NI); or (b) the person was the subject of an order under the law of a State or another Territory of the Commonwealth that had substantially the same effect as an order referred to in paragraph (a); unless an appeal against the making of the order was upheld.

**97AAS Subsection 26D(2)**

Omit “if the holder becomes subject to an interim protection order under the *Domestic Violence Act 1995*”, substitute “while an interim apprehended violence order against the holder is in force under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI)”.

**97AAT Paragraph 26E(1)(a)**

Repeal the paragraph, substitute:

- (a) if a final apprehended violence order comes into force against the holder under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI); or

**97AAX After subsection 45D(1)**

Insert:

- (1A) The Administrator must refuse to issue a permit to a person who is disqualified by subsection 98ZJ(1) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) from holding such a permit.

**97AAY After subsection 45D(5)**

Insert:

- (5A) The Administrator must, by written notice given to a person who:
  - (a) has been issued a permit; and
  - (b) is disqualified by subsection 98ZJ(1) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) from holding such a permit;cancel the permit.

**97AA At the end of the table in Schedule 2**

Add:

- 32      A silencer, sound moderator or sound suppressor, or any other device designed to reduce, or capable of reducing, the noise of discharge of a firearm.

***Firearms and Prohibited Weapons Regulations 1998 (Norfolk Island)***

**97A Subregulation 3M(1)**

Omit “and the *Public Sector Management Act 2000* or any Regulations made thereunder”.

**97B Subregulation 3M(2)**

Omit “under the provisions of the *Public Sector Management Act 2000* or any Regulations thereunder”.

***Fire Control Act 2000 (Norfolk Island)***

**97C Section 5 (definition of *approved*)**

Repeal the definition.

**97D Section 5 (definition of *authorised person*)**

Omit “Minister”, substitute “Chief Executive Officer”.

**97E Section 5**

Repeal the following definitions:

- (a) definition of *Board*;
- (b) definition of *Chairperson*;
- (c) definition of *member*.

**97F Part 2 (heading)**

Repeal the heading, substitute:

**Part 2—Chief Fire Control Officer, Fire Control Officers  
and authorised persons**

**97G Sections 6 to 13**

Repeal the sections.

**97H Subsections 14(1) and 16(1)**

Omit “Minister may”, substitute “Chief Executive Officer may, by written instrument,”.

**97J Subsection 16(1)**

Omit “Minister thinks”, substitute “Chief Executive Officer thinks”.

**97K Subsections 16(3) and (4)**

Omit “Minister”, substitute “Chief Executive Officer”.

**97L Section 17**

Omit “Minister may”, substitute “Chief Executive Officer may, by written instrument,”.

**97M Subsection 18(1)**

Omit “Minister”, substitute “Chief Executive Officer”.

***Fuel Levy Act 1987 (Norfolk Island)***

**97N Subsection 8(1)**

Omit “20 cents”, substitute “25 cents”.

**97P At the end of subsection 8(1)**

Add:

Note: This subsection was amended by the operation of the *Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018*. The amendment applies from 1 October 2018: see Division 16 of Part 2 of Schedule 1 to the *Norfolk Island Continued Laws Ordinance 2015*.



### **97Q Subsection 10(1)**

Omit “10 cents”, substitute “25 cents”.

### **97R At the end of subsection 10(1)**

Add:

Note: This subsection was amended by the operation of the *Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018*. The amendment applies from 1 October 2018: see Division 16 of Part 2 of Schedule 1 to the *Norfolk Island Continued Laws Ordinance 2015*.

### **97S Subsection 16(3) (penalty)**

Repeal the penalty, substitute:

Penalty: 50 penalty units.

## **98 Section 22**

Repeal the section.

## **98A Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Subsections 5(1), (2), (3), (4), (5) and (7), 6(1), (2), (3), (4) and (6) and 7(1), (2), (3), (5) and (6)	Minister	Chief Executive Officer
2	Paragraphs 9(3)(a) and (e)	Minister	Chief Executive Officer
3	Subsection 9(4)	Minister	Chief Executive Officer
4	Section 11	Minister	Chief Executive Officer
5	Subsections 14(1) and (2), 15(2), 17(1) and 19(1)	Minister	Chief Executive Officer
6	Schedule	Minister	Chief Executive Officer

## ***Gaming Act 1998 (Norfolk Island)***

### **99AAA Subsection 4(1) (definition of Director)**

Repeal the definition.

### **99AA Subsection 4(1) (at the end of the definition of licensed operations)**

Add:

Note: A licence does not authorise a licensee to provide gaming services on or after 1 April 2017. However, on and after 1 April 2017 this Act continues to apply in relation to licensed operations engaged in before that day.

**99 Subsection 4(2)**

Omit “within the power of the Legislative Assembly”, substitute “possible”.

**99A Part 2 (heading)**

Repeal the heading, substitute:

**Part 2—Interactive home gaming**

**99B Division 1 of Part 2 (heading)**

Repeal the heading, substitute:

**Division 1—Prohibition of interactive home gaming**

**99C Section 6 (heading)**

Repeal the heading, substitute:

**6 Prohibition of interactive home gaming**

**99D Subsection 6(1)**

Omit “(1) A person must not conduct, operate or supervise interactive home gaming or an internet lottery except in accordance with a licence granted to the person under this Act”, substitute “A person must not, on or after 1 April 2017, conduct, operate or supervise interactive home gaming or an internet lottery”.

**99E Subsection 6(2)**

Repeal the subsection.

**99F At the end of section 7**

Add “However, a licence must not be granted on or after 1 April 2017.”.

**99G Subsection 8(1)**

Omit “(1)”.

**99H Subsection 8(2)**

Repeal the subsection.

**99J At the end of section 8**

Add:

Note: However, a licence does not provide an exception to any offences in this Act on or after 1 April 2017.

**100 Section 18**

Repeal the section.

**100A At the end of subsection 28C(1)**

Add “However, an arrangement must not be entered into on or after 1 April 2017.”.

**100B At the end of subsection 28D(1)**

Add “However, a licence must not be granted on or after 1 April 2017.”.

**100C Subsection 28E(1)**

Omit “but may be renewed”.

**100D At the end of subsection 28E(1)**

Add:

Note: However, a licence does not provide an exception to any offences in this Act on or after 1 April 2017.

**100DA Paragraph 28F(2)(d)**

Omit “or the Director”.

**100E Sections 28G and 28H**

Repeal the sections.

**100EA Section 28Q (heading)**

Repeal the heading, substitute:

**28Q Entry of place by authorised officers, etc.**

**100EB Subsection 28Q(1)**

Omit “The Director, or an”, substitute “An”.

**100EC Paragraph 28Q(1)(d)**

Omit “the Director or”.

**100ED Subsection 28Q(2)**

Omit “the Director or”.

**100EF Section 39**

Omit “a member of the Authority, the Director of Gaming, the Deputy Director of Gaming, or” (wherever occurring).

**100EG Section 41**

Repeal the section.

**100F Subsection 44(1)**

Omit “issue,”.

**100G Section 46**

Repeal the section.

***Gaming Supervision Act 1998 (Norfolk Island)***

**101 Section 4 (definition of *Director*)**

Repeal the definition.

**101A Section 4 (definition of *presiding member*)**

Repeal the definition.

**101B Sections 6 to 10**

Repeal the sections, substitute:

**6 Powers and functions of the Authority**

On and after 1 April 2017, the powers and functions of the Authority are to be exercised and performed by the Minister on behalf of the Authority.

**101C Paragraph 11(1)(c)**

Repeal the paragraph.

**101D Subsection 11(3)**

Repeal the subsection, substitute:

- (3) The Authority may direct an authorised officer in the exercise of the powers or functions conferred on him or her by or under this Act, or any prescribed Act.

**101E Paragraph 13(1)(f)**

Omit “a member of”.

**101F Paragraph 13(2)(c)**

Omit “or a member of the Authority”.

**101G Section 14**

Repeal the section.

**101H Part 3 (heading)**

Repeal the heading, substitute:

**Part 3—Authorised officers**

**101J Section 15**

Repeal the section.

**101K Subsection 22(1)**

Omit “A member of the Authority, the Director or an”, substitute “An”.

**101L Subsection 22(2)**

Omit “The Director of Gaming, Deputy Director of Gaming or an”, substitute “An”.

**101M Paragraph 23(a)**

After “against”, insert “the Minister,”.

**101N Paragraph 26(1)(d)**

Omit “, the Director”.

***Health Act 1913 (Norfolk Island)***

**102 Section 2**

Repeal the section.

**103 Parts 1 to 3**

Repeal the Parts.

**104 Sections 21 and 22**

Repeal the sections.

**105 At the end of paragraph 24(1)(a)**

Add “or”.

**106 Paragraph 24(1)(b)**

Repeal the paragraph.

**107 Section 24A**

Repeal the section.

**107A Paragraph 25(1)(l)**

Omit “birds; and”, substitute “birds.”.

**107B Paragraph 25(1)(m)**

Repeal the paragraph.

**107C At the end of section 25**

Add:

- (5) Approved fees are payable in respect of services provided under the Regulations, including services in relation to applications for approvals and registrations.

## **108 Schedules 1 to 4**

Repeal the Schedules.

### ***Health (Hairdressers) Regulations (Norfolk Island)***

#### **108A Paragraph 6(1)(d)**

Omit “a fee of \$1”, substitute “the approved fee”.

### ***Heritage Act 2002 (Norfolk Island)***

#### **109 Section 5 (definition of *Board*)**

Repeal the definition, substitute:

*Board* means the Norfolk Island Regional Council.

#### **110AA Section 5 (definition of *Chief Executive Officer*)**

Repeal the definition.

#### **110 Subsection 7(3)**

Repeal the subsection.

#### **111 Section 10**

Repeal the section.

#### **112 Division 2 of Part 3**

Repeal the Division, substitute:

### **Division 2—Consulting heritage advisers**

#### **26 Heritage adviser may be consulted**

- (1) The Board may request advice from a heritage adviser for the purposes of considering and making recommendations on any of the following matters:
  - (a) the Heritage Register;
  - (b) a heritage proposal;
  - (c) development applications made under the *Planning Act 2002* in relation to objects and places listed in the Heritage Register;
  - (d) heritage conservation on Norfolk Island;
  - (e) the application of money from a heritage conservation fund in furtherance of the objects of this Act.
- (2) Subsection (1) does not limit when the Board may request advice.

***Heritage Regulations 2003 (Norfolk Island)***

**113 Regulation 3 (definition of *chairperson*)**

Repeal the definition.

**114 Regulation 3 (definition of *member*)**

Repeal the definition.

**115 Subregulation 6(2)**

Repeal the subregulation.

***Interpretation Act 1979 (Norfolk Island)***

**149 Section 3**

Repeal the section.

**149A Section 4**

Repeal the section.

**150 Sections 9, 9A, 10, 10A, 10B and 10C**

Repeal the sections, substitute:

**8A Application of the *Acts Interpretation Act 1901* (Commonwealth)**

- (1) The *Acts Interpretation Act 1901* of the Commonwealth (as in force from time to time) applies in relation to enactments (including this Act) in the same way as it applies in relation to Acts of the Commonwealth, whether the enactments are made before, at or after the interim transition time.

Note: That Act also applies in relation to instruments made under enactments in the same way as it applies in relation to Acts of the Commonwealth, because of section 7 of this Act.

- (2) However, subsection (1) does not apply the following provisions of the *Acts Interpretation Act 1901* of the Commonwealth to enactments:

- (a) the definitions of *Commonwealth*, *Executive Council*, *Gazette*, *justice of the peace*, *penalty unit*, *statutory declaration*, *Territory*, *Territory of the Commonwealth*, *Territory under the authority of the Commonwealth*, *Territory of Australia* and *United Kingdom* in section 2B;
- (b) subsection 15B(1);
- (c) section 21;
- (d) subsection 38(1);
- (e) section 39.

Note: This Act contains provisions that apply to enactments (and instruments made under enactments) instead of those definitions in section 2B of the *Acts Interpretation Act 1901* of the Commonwealth and instead of section 21 of that Act.

- (3) To avoid doubt, section 46AA of the *Acts Interpretation Act 1901* of the Commonwealth (as in force from time to time) applies because of subsection (1) of this section to instruments made under enactments. That section applies as if the reference in that section to an Act included a reference to a law continued in force by section 16 or 16A of the *Norfolk Island Act 1979* of the Commonwealth.

## **8B Application of the *Legislative Instruments Act 2003* or the *Legislation Act 2003* (Commonwealth)**

- (1) This section applies to a legislative instrument (within the meaning of the *Legislative Instruments Act 2003* or *Legislation Act 2003* of the Commonwealth) that is:
- (a) a section 19A Ordinance; or
  - (b) an instrument made under an enactment.

Note: On the commencement of Schedule 1 to the *Acts and Instruments (Framework Reform) Act 2015* of the Commonwealth, the *Legislative Instruments Act 2003* of the Commonwealth will become the *Legislation Act 2003* of the Commonwealth.

- (2) Section 14 of that Act applies in relation to the instrument:
- (a) as if the reference in that section to an Act included a reference to a law continued in force by section 16 or 16A of the *Norfolk Island Act 1979* of the Commonwealth; and
  - (b) if the instrument is made under an enactment—as if the enactment were the enabling legislation for the instrument.

## **8C Continued laws regulating employment do not apply to certain officers, employees and authorities of New South Wales**

To the extent that a law continued in force by section 16 or 16A of the *Norfolk Island Act 1979* of the Commonwealth regulates employment, the law does not apply to:

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

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

## **151 Subsection 10D(1)**

Repeal the subsection.



**152 Subsection 10D(2)**

Omit “(2) Without limiting the generality of subsection 10D(1),”, substitute “Without limiting subsection 15AB(1) of the *Acts Interpretation Act 1901* of the Commonwealth (as that section applies because of section 8A of this Act),”.

**153 Subsection 10D(2)**

After “provision of an enactment”, insert “made before the interim transition time”.

**154 Subsection 10D(3)**

Repeal the subsection.

**155 At the end of section 11**

Add:

- Note 1: Section 12 defines *enactment* differently from the way that expression is defined by subsection 4(1) of the *Norfolk Island Act 1979*.
- Note 2: Part 2 of Schedule 1 affects the operation of many provisions of enactments that use expressions defined by subsection 4(1) of the *Norfolk Island Act 1979*, such as *Legislative Assembly*.

**156 Subsection 12(1)**

Repeal the subsection.

**157 Subsection 12(2)**

After “In an enactment”, insert “(including this Act)”.

**157A Subsection 12(2)**

Insert:

***Administration:***

- (a) in relation to things done before the final transition time—has the same meaning as it had under section 4 of the *Norfolk Island Act 1979* of the Commonwealth as in force immediately before the final transition time; and
- (b) otherwise—means the Norfolk Island Regional Council.

**157B Subsection 12(2) (at the end of the definition of *Administration printer*)**

Add “as it existed before the interim transition time”.

**158 Subsection 12(2)**

Insert:

***Administrator*** means:

- (a) in relation to things done before the interim transition time—the Administrator of the Territory appointed under the *Norfolk Island Act 1979*, as in force immediately before 1 July 2016; or

(b) otherwise—the Administrator of the Territory appointed under the *Norfolk Island Administrator Ordinance 2016*;  
and has a meaning affected by Part 2 of Schedule 1 (about the Commonwealth Minister’s role in administration of enactments at and after the interim transition time).

**159 Subsection 12(2) (definition of *appoint*)**

Repeal the definition.

**159AA Subsection 12(2)**

Insert:

*approved fee* has the same meaning as in the *Local Government Act 1993* (NSW) (NI).

**159AB Subsection 12(2) (definition of *calendar year*)**

Repeal the definition.

**159A Subsection 12(2) (definition of *Chief Executive Officer*)**

Repeal the definition, substitute:

*Chief Executive Officer* means the general manager of the Norfolk Island Regional Council.

**159B Subsection 12(2) (definition of *contravene*)**

Repeal the definition.

**160 Subsection 12(2)**

Insert:

*enactment* means:

- (a) a section 19A Ordinance; or
- (b) an Ordinance continued in force by section 16 or 16A (disregarding subsection 16A(4)) of the *Norfolk Island Act 1979* of the Commonwealth, as the Ordinance is in force from time to time; or
- (c) a Legislative Assembly law continued in force by section 16A (disregarding subsection 16A(3)) of that Act, as the law is in force from time to time.

Note: A law made under an Ordinance, or a law made under a Legislative Assembly law, is not an enactment. However, under section 7, this Act applies to such a law as if it were an enactment.

**161 Subsection 12(2) (definition of *estate*)**

Repeal the definition.

**162 Subsection 12(2)**

Insert:

*Executive Council* has the same meaning as it had in the *Norfolk Island Act 1979* of the Commonwealth immediately before the interim transition time.

**163 Subsection 12(2)**

Repeal the following definitions:

- (a) definition of *High Court*;
- (b) definition of *Imperial Act*;
- (c) definition of *land*.

**164 Subsection 12(2)**

Insert:

*Minister* has a meaning affected by Part 2 of Schedule 1 (about the Commonwealth Minister's role in administration of enactments at and after the interim transition time).

**165 Subsection 12(2)**

Repeal the following definitions:

- (a) definition of *month*;
- (b) definition of *oath* or *affidavit*;
- (c) definition of *person* or *party*;
- (d) definition of *prescribed*;
- (e) definition of *proclamation*.

**165A Subsection 12(2) (definition of *public sector employee* or *public service employee*)**

Repeal the definition, substitute:

*public sector employee* or *public service employee* means an employee in the public service except the general manager of the Norfolk Island Regional Council.

**165B Subsection 12(2) (definition of *public service*)**

Repeal the definition, substitute:

*public service* means the group consisting of:

- (a) the employees of the Norfolk Island Regional Council; and
- (b) the employees of territory instrumentalities.

**165C Subsection 12(2)**

Repeal the following definitions:

- (a) definition of *regulations*;
- (b) definition of *rules of Court*;
- (c) definition of *State*;
- (d) definition of *State Act*.

## 165D Subsection 12(2)

Insert:

***territory instrumentality*** means a body corporate that is established by or under an enactment (including the *Companies Act 1985*) and either:

- (a) comprises persons, or has a governing body comprising persons, a majority of whom are or may be appointed by or on behalf of the Commonwealth Minister or the Norfolk Island Regional Council; or
- (b) is subject to direction or control by the Commonwealth Minister.

## 166 Subsection 12(5)

Repeal the subsection.

## 167 Section 12B

Repeal the section, substitute:

### 12B Fee units

In an enactment, a reference to a number, whether whole or fractional, of ***fee units*** is a reference to:

- (a) for a number of fee units less than 2—the amount of money in dollars determined by multiplying the number of fee units by \$28.40 and rounding the result to the nearest whole dollar amount (rounding 50 cents up); or
- (b) for a number of fee units greater than, or equal to, 2—the amount of money in dollars determined by multiplying the number of fee units by \$28.40 and rounding the result to the nearest whole multiple of 5 dollars (rounding odd multiples of \$2.50 up).

## 167A After section 12B

Insert:

### 12C References to the *Norfolk Island Hospital Act 1985*, Norfolk Island Hospital and Norfolk Island Hospital Enterprise etc.

- (1) In an enactment, a reference to the *Norfolk Island Hospital Act 1985* is a reference to the *Norfolk Island Health and Residential Aged Care Service Act 1985*.
- (2) In an enactment, a reference to the Norfolk Island Hospital is a reference to the Norfolk Island Health and Residential Aged Care Service Facility continued in existence by section 5 of the *Norfolk Island Health and Residential Aged Care Service Act 1985*.
- (3) In an enactment, a reference to the Norfolk Island Hospital Enterprise is a reference to the Norfolk Island Health and Residential Aged Care Service continued in existence by subsection 6(1) of the *Norfolk Island Health and Residential Aged Care Service Act 1985*.

- (4) In an enactment, a reference to the Director of the Norfolk Island Hospital Enterprise is a reference to the Manager of the Norfolk Island Health and Residential Aged Care Service appointed under section 19 of the *Norfolk Island Health and Residential Aged Care Service Act 1985*.

### **12CA Norfolk Island Health and Residential Aged Care Service Facility taken to be a hospital**

For the purposes of any enactment, the Norfolk Island Health and Residential Aged Care Service Facility is taken to be a hospital.

### **12D References to Crown Law Officer or Crown Counsel**

In an enactment, a reference to any of the following (however described) is a reference to the Director of Public Prosecutions of the Commonwealth:

- (a) Crown Law Officer;
- (b) principal Crown Law Officer;
- (c) deputy Crown Law Officer;
- (d) Crown Counsel.

### **12E Delegation by Director of Public Prosecutions of the Commonwealth**

- (1) The Director of Public Prosecutions of the Commonwealth may, in writing, delegate all or any of his or her functions or powers under an enactment to a member of the staff of the Office (within the meaning of the *Director of Public Prosecutions Act 1983* of the Commonwealth) other than the Associate Director (within the meaning of that Act).

Note: Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of this Act, contain other rules about delegations.

- (2) If a function is delegated under subsection (1) to a person referred to in paragraph 29(b) of the *Director of Public Prosecutions Act 1983* of the Commonwealth, the person need not accept the function delegated.

### **12F Delegation by Norfolk Island Regional Council**

The Norfolk Island Regional Council may, by resolution, delegate all or any of its functions, duties or powers under an enactment to the Chief Executive Officer.

Note: Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of this Act, contain other rules about delegations.

### **12G Delegation by Chief Executive Officer**

- (1) The Chief Executive Officer may, in writing, delegate to a public sector employee all or any of the Chief Executive Officer's functions, duties or powers under an enactment.

Note: Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of this Act, contain other rules about delegations.

- (2) The Chief Executive Officer may, in writing, subdelegate to a public sector employee a function, duty or power delegated under section 12F to the Chief Executive Officer by the Norfolk Island Regional Council.
- (3) Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth apply in relation to a subdelegation under subsection (2) in a corresponding way to the way in which they apply to a delegation.
- (4) Before delegating or subdelegating a function, duty or power to a public sector employee under subsection (1) or (2), the Chief Executive Officer must have regard to:
  - (a) if the function, duty or power is to be delegated or subdelegated to a public sector employee holding, occupying, or performing the duties of, a specified office or position—whether the office or position is sufficiently senior for the employee to perform the function or duty or exercise the power; or
  - (b) otherwise—whether the employee has appropriate qualifications or expertise to perform the function or duty or exercise the power.
- (5) In doing anything under a delegation or subdelegation under this section, the delegate must comply with any directions of the Chief Executive Officer.

**168 Sections 13, 14, 14A, 15, 16, 18, 19, 20, 20A and 20B**

Repeal the sections.

**169 Subsection 20C(1)**

Repeal the subsection.

**170 Subsection 20C(2)**

Omit “(2) Where a law of the Commonwealth or of a State or Territory”, substitute “If a law of the Commonwealth”.

**171 Subsection 20C(3)**

Repeal the subsection.

**172 Section 20D**

Repeal the section.

**173 Subsections 20E(1) and (2)**

Repeal the subsections.

**174 Subsection 20E(3)**

Omit “In subsection (1)—”, substitute “In subsection 28A(1) of the *Acts Interpretation Act 1901* of the Commonwealth as it applies because of subsection 8A(1) of this Act.”.

**175 Subsection 20E(5)**

Omit “this section applies”, substitute “, subsection 28A(1) of the *Acts Interpretation Act 1901* of the Commonwealth (as it applies because of subsection 8A(1) of this Act) and this section apply”.

**176 Subsections 21(1) and (2)**

Repeal the subsections.

**177 Subsection 21(3)**

Omit “(3) A document that may be served by post under subsection 21(1)”, substitute “A document that may be served by post under subsection 29(1) of the *Acts Interpretation Act 1901* of the Commonwealth (as it applies because of subsection 8A(1) of this Act)”.

**178 Sections 22, 23, 23A, 23B and 24**

Repeal the sections.

**179 At the end of section 25**

Add:

Note: Schedule 1 also affects a provision for the Administrator to approve or disallow the doing of an act or thing.

**180 Section 27**

Repeal the section.

**181 Subsections 28(1), (2) and (3)**

Repeal the subsections.

**181A Section 29 (heading)**

Repeal the heading, substitute:

**29 References to Commonwealth Acts**

**182 Paragraphs 29(1)(a) and (b)**

Omit “an Act”, substitute “a Commonwealth Act”.

**182A After section 29**

Insert:

## 29A References to NSW Acts and instruments

### *Acts and instruments as in force in Norfolk Island*

- (1) A reference in an enactment to the short title of an Act of New South Wales, or to the name of an instrument made under such an Act, followed by “(NSW) (NI)” is a reference to the Act or instrument as in force in Norfolk Island from time to time in accordance with section 18A of the *Norfolk Island Act 1979* of the Commonwealth.

Note: Because of section 7 of this Act, this also applies to a reference in an instrument made under an enactment.

### *Acts and instruments as in force in NSW*

- (2) A reference in an enactment to the short title of an Act of New South Wales, or to the name of an instrument made under such an Act, followed by “(NSW)” is a reference to the Act or instrument as in force in New South Wales from time to time.

Note: Because of section 7 of this Act, this also applies to a reference in an instrument made under an enactment.

## 183 Sections 30, 31, 32, 33, 34, 35, 36 and 36A

Repeal the sections.

## 184 Subsection 37(1)

Omit “(1)”.

## 185 Subsections 37(2) and (3)

Repeal the subsections.

## 186 Section 39A

Repeal the section.

## 186A Section 40

Repeal the section, substitute:

## 40 Penalties

- (1) Except so far as the contrary intention appears, a penalty, whether pecuniary or otherwise, set out at the foot of any provision of an enactment as described in a paragraph of subsection (2) indicates:
- (a) if the provision expressly creates an offence—that the offence is punishable on conviction by a penalty not exceeding the penalty so set out; or
  - (b) in any other case—that contravention of the provision is an offence against the provision, punishable on conviction by a penalty not exceeding the penalty so set out.



- (2) Subsection (1) applies to a penalty set out:
  - (a) at the foot of a section of an enactment; or
  - (b) at the foot of a subsection of an enactment, but not at the foot of the section containing the subsection; or
  - (c) at the foot of a clause of any Schedule to an enactment; or
  - (d) at the foot of a subclause of any Schedule to an enactment, but not at the foot of the clause containing the subclause.
- (3) Subsection (1) does not affect the operation of section 16 or 16A of the *Sentencing Act 2007*.

## **187 Sections 41 and 41A**

Repeal the sections, substitute:

### **41A Disallowable instruments**

- (1) This section applies to an instrument (the **key instrument**) that an enactment:
  - (a) confers power to make; and
  - (b) expressly provides is a disallowable instrument for the purposes of this section.
- (2) If the key instrument is not a legislative instrument (within the meaning of the *Legislative Instruments Act 2003* or the *Legislation Act 2003* of the Commonwealth) section 12 (commencement of instruments) of that Act, as in force from time to time, applies to the key instrument as if it were a legislative instrument.

Note: On the commencement of Schedule 1 to the *Acts and Instruments (Framework Reform) Act 2015* of the Commonwealth, the *Legislative Instruments Act 2003* of the Commonwealth will become the *Legislation Act 2003* of the Commonwealth.
- (3) A copy of the key instrument must be given to the Commonwealth Minister within 14 days after it is made.
- (4) If a copy of the key instrument is not given to the Commonwealth Minister within 14 days after it is made, the instrument ceases to have effect as if it were repealed by an enactment at the end of 14 days after it is made.
- (5) The Commonwealth Minister may, by notice in the Gazette, disallow the key instrument, or part of it, within 65 days after a copy of the instrument is given to him or her.
- (6) If the key instrument, or part of it, is disallowed, the instrument or part ceases to have effect as if it were repealed by an enactment when it is disallowed.
- (7) If:
  - (a) the key instrument, or part of it, ceases to have effect under subsection (4) or (6) at a time (the **cessation time**); and
  - (b) before the cessation time, the key instrument or part amended or repealed another instrument, or part of another instrument, (the **earlier instrument**) that was in force immediately before the amendment or repeal;

the earlier instrument (as in force immediately before the amendment or repeal) revives at the cessation time as if the key instrument had not been made. This has effect despite subsections (4) and (6) of this section and subsection 7(1) and paragraph 7(2)(a) of the *Acts Interpretation Act 1901* of the Commonwealth as applying because of section 8A of this Act.

- (8) Another instrument that is, or contains one or more provisions that are, the same in substance as the key instrument or a provision of the key instrument must not be made, without the agreement of the Commonwealth Minister, during the period:
- (a) starting when the key instrument is made; and
  - (b) ending:
    - (i) if the key instrument ceases to have effect at a time under subsection (4)—at that time; or
    - (ii) if a copy of the key instrument is given to the Commonwealth Minister under subsection (3) and neither the key instrument nor any part of it is disallowed—65 days after the copy is given to the Commonwealth Minister; or
    - (iii) if the key instrument or part of it is disallowed—6 months after the disallowance.
- (9) An instrument made in contravention of subsection (8) has no effect.

### **188 Subsection 42(5)**

Omit “Minister”, substitute “Commonwealth Minister”.

### **189 After section 42**

Insert:

### **43 Administration of enactments at and after the interim transition time**

Schedule 1 has effect, despite:

- (a) enactments other than:
  - (i) this Act; and
  - (ii) a section 19A Ordinance; and
- (b) section 8 of this Act.

### **190 Schedule**

Repeal the Schedule, substitute:

## **Schedule 1—Administration of enactments at and after the interim transition time**

Note: See section 43.

## **Part 1—Introduction**

### **1 Object of this Schedule**

The main object of this Schedule is to provide for the administration of enactments (other than section 19A Ordinances) at or after the interim transition time by certain persons other than those mentioned in the enactments immediately before that time, to take account of amendments made by the *Norfolk Island Legislation Amendment Act 2015* of the Commonwealth affecting the institutions and machinery of government of Norfolk Island.

### **2 Definitions**

In this Schedule:

*Minister* has the same meaning as it had in this Act as in force immediately before the interim transition time.

### **3 This Schedule does not apply to section 19A Ordinances**

This Schedule does not affect a section 19A Ordinance.

### **4 This Schedule does not apply in relation to section 8A of this Act**

To avoid doubt, this Schedule does not affect provisions of the *Acts Interpretation Act 1901* of the Commonwealth as they apply in relation to enactments because of section 8A of this Act.

## **Part 2—Commonwealth Minister's roles**

### **Division 1—Commonwealth Minister's roles**

#### **Subdivision A—General rule**

### **5 Roles belonging to a Minister, an executive member or the Administrator before the interim transition time**

- (1) For the operation of an enactment at or after the interim transition time, a reference in an enactment to either of the following is taken to be a reference to the Commonwealth Minister:
  - (a) a Minister or an executive member (however described, and whether identified by a specific title or not);
  - (b) the Administrator.
- (2) Subclause (1) has effect subject to Subdivision B.
- (3) Subclause (1) does not apply (of its own force or because of section 7 of this Act) to:

- (e) the *Social Services Act 1980*; or
- (f) the *Social Services Regulations*.

- (4) To avoid doubt, subclause (1) applies in relation to an enactment even if the enactment contains one or more references to the Commonwealth Minister (whether or not any of those references were included in the enactment before, at or after the interim transition time).

*Transitional—things done before the interim transition time*

- (5) If, under an enactment as affected by subclause (1), the exercise of a power, or the performance of the function or duty, by the Commonwealth Minister at or after the interim transition time is affected by the doing of anything before that time, the enactment has effect as if anything that was done by or in relation to a Minister or the Administrator before that time had been done by or in relation to the Commonwealth Minister.

Note: For example, if:

- (a) the enactment provides (apart from subclause (1)) that the Minister may issue a licence if a person applies to the Minister for it; and
- (b) an application was made to the Minister before the interim transition time but no decision was made by that time about issuing a licence;

the Commonwealth Minister may issue the licence after that time as if the application had been made to the Commonwealth Minister.

- (6) This clause does not affect the validity at or after the interim transition time of anything done before that time by a Minister or the Administrator.

Note: For example, a licence validly issued by a Minister under an enactment before the interim transition time continues to be valid for the purposes of the enactment at and after that time.

## **Subdivision B—Exceptions to general rule, and other special rules**

### **6 Modification of prerequisites for Commonwealth Minister to take action under clause 5**

- (1) This clause applies if:
- (a) an enactment is expressed (ignoring subclause 5(1)) to make:
    - (i) a recommendation (however described) about a matter; or
    - (ii) an approval (however described) of a matter;by an authority established or appointed by or under an enactment, a prerequisite for a Minister or the Administrator to exercise a power or perform a function or duty; and
  - (b) the Commonwealth Minister has that power, function or duty because of subclause 5(1).
- (2) The Commonwealth Minister may exercise the power or perform the function or duty without receiving or following the authority's recommendation about the matter or approval of the matter.

## **7 Money to be paid or given to the Norfolk Island Regional Council instead of a Minister**

If an enactment is expressed (ignoring subclause 5(1)) to require or permit an amount to be paid (however described) or given (however described) to a Minister or the Administrator, the enactment has effect as if it required or permitted (as the case requires) the amount to be paid or given to the Norfolk Island Regional Council.

**Note:** Some examples of such enactments are ones that (ignoring subclause 5(1)) say that a fee is payable to a Minister or that an application is to be made to a Minister and accompanied by a fee.

## **8 Commonwealth Minister not required to interact with himself or herself**

- (1) The Commonwealth Minister need not comply with a requirement that:
  - (a) is imposed on the Commonwealth Minister by an enactment (as affected by subclause 5(1) or otherwise); and
  - (b) because of that subclause, is a requirement for the Commonwealth Minister to do something in relation to the Commonwealth 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 clause applies are if an enactment (ignoring subclause 5(1)) says:

- (a) the Administrator may do something on the advice of a Minister; or
- (b) the Administrator must give the Minister or the Commonwealth Minister notice of a decision or action the Administrator has taken.

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

**Note:** This also applies to action by a delegate of the Commonwealth Minister.

## **9 Special rules relating to the Legislative Assembly**

*Requirements relating to the Legislative Assembly that need not be complied with*

- (1) A person or body need not comply with a requirement imposed by an enactment on the person or body to do either of the following:
  - (a) give (however described) a thing to the Legislative Assembly, a committee of the Legislative Assembly or an officer or member of the Legislative Assembly;
  - (b) act consistently (however described) with a resolution or recommendation of the Legislative Assembly.

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

**Note 1:** Enactments may use various verbs to express requirements to give something to the Legislative Assembly, a committee of the Legislative Assembly, or an officer or

member of the Legislative Assembly. Some examples of such verbs are giving, furnishing, laying before, presenting to, tabling, notifying, advising and providing.

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

*Acts valid despite absence of action relating to the Legislative Assembly*

- (2) Despite an enactment providing for a thing to be done by or in relation to the Legislative Assembly:
- (a) before a power can be exercised, or a function or duty performed, by an authority other than the Assembly; or
  - (b) in connection with the exercise of a power, or the performance of a function or duty, by such an authority;
- the power may be exercised, or the function or duty performed, by the authority even though that thing has not been done, or is not done, by or in relation to the Legislative Assembly.

## Division 2—Delegation of Commonwealth Minister's role

### 10 Delegation by Commonwealth Minister

- (1) The Commonwealth Minister may, by signed writing, delegate to one or more of the following any or all of the powers, functions and duties the Commonwealth Minister has under one or more enactments because of subclause 5(1), or because of one or more amendments of an enactment made by the *Norfolk Island Continued Laws Ordinance 2015*:

- (a) the Administrator;
- (b) a councillor of the Norfolk Island Regional Council;
- (c) an employee of the Norfolk Island Regional Council;
- (d) a person who holds, or performs the duties of, an office under an enactment;
- (e) an employee of a body corporate established by or under an enactment;
- (f) an APS employee who holds or performs the duties of an Executive Level 2 position, or an equivalent or higher position, in the Department.

*Subdelegation*

- (2) If the Commonwealth Minister allows it in writing, a person to whom a power, function or duty has been delegated under subclause (1) may, by signed writing, further delegate the power, function or duty to a person described in paragraph (1)(a), (b), (c), (d), (e) or (f).

*Transitional—conversion of delegations in force before the interim transition time*

- (3) A delegation in force immediately before the interim transition time by a Minister or the Administrator of a power, function or duty under an enactment that continues in force after that time has effect as if it were a delegation made under subclause (1). This does not prevent the Commonwealth Minister from amending or revoking the delegation.

## **11 Directions to delegates**

*Compliance with Commonwealth Minister's directions*

- (1) A person to whom a power, function or duty has been delegated under clause 10 must comply with any written directions of the Commonwealth Minister under this clause.
- (2) The Commonwealth Minister may give a written direction of a general or specific nature as to the exercise of a power, or performance of a function or duty, that has been delegated under clause 10.
- (3) The Commonwealth Minister may, by written notice given to a person to whom a power, function or duty has been delegated under clause 10, direct that:
  - (a) before the person exercises the power or performs the function or duty, the person must notify the Commonwealth Minister of the person's intention to exercise the power or perform the function or duty; and
  - (b) the person must do so at least the specified number of days before exercising the power or performing the function or duty.

## **12 Thing done under delegation taken to have been done by Commonwealth Minister**

- (1) This clause applies if a power, function or duty of the Commonwealth Minister under an enactment has been delegated to a person under clause 10.

Note: Sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of this Act, contain other rules about delegations.
- (2) If under the enactment (as affected by subclause 5(1), if relevant) the exercise of the power or the performance of the function or duty depends on the Commonwealth Minister's opinion, belief or state of mind, the person may exercise the power or perform the function or duty on the person's opinion, belief or state of mind.
- (3) If the person exercises the power or performs the function or duty, the Commonwealth Minister is taken for the purposes of the enactment (as affected by subclause 5(1), if relevant) to have exercised the power or performed the function or duty.

## ***Juries Act 1960 (Norfolk Island)***

### **190A Section 4**

Insert:

***eligible former British subject***: a person is an ***eligible former British subject*** if:

- (a) the person would be a British subject within the meaning of the relevant citizenship law as defined in subsection 93(8A) of the *Commonwealth Electoral Act 1918* (Commonwealth) if the relevant citizenship law had continued in force; and
- (b) immediately before 26 January 1984, the person's name was:
  - (i) on the roll for a Division within the meaning of the *Commonwealth Electoral Act 1918* (Commonwealth) as in force at that time; or
  - (ii) on a roll kept for the purposes of the *Australian Capital Territory Representation (House of Representatives) Act 1973* (Commonwealth) or the *Northern Territory Representation Act 1922* (Commonwealth).

### **190AA Section 8**

Repeal the section, substitute:

## **8 Liability to serve as jurors**

A person is liable to serve as a juror if the person:

- (a) is 18 or over; and
- (b) is an Australian citizen or an eligible former British subject; and
- (c) is a resident of Norfolk Island; and
- (d) is not a disqualified person or exempt from serving as a juror.

### **190B Paragraph 10(j)**

Repeal the paragraph, substitute:

- (j) public servants under the direct supervision of:
  - (i) the Registrar; or
  - (ii) the Clerk of the Court of Petty Sessions;

### **190BA Paragraph 10(nd)**

Omit “by the Norfolk Island Hospital”, substitute “for the purposes of the Norfolk Island Health and Residential Aged Care Service”.

### **190C Subparagraph 10(r)(ii)**

Omit “Norfolk Island public service”, substitute “public service”.

### **190CAA Subparagraph 10(r)(v)**

Repeal the subparagraph.



**190CAB Subparagraphs 10(r)(x) and (xi)**

Omit “Norfolk Island public service”, substitute “public service”.

**190CA Subsection 16(2)**

Omit “and occupations”.

**190CB After subsection 16(3)**

Insert:

- (3A) For the purposes of preparing the jury list:
  - (a) the Sheriff may ask the Registrar (within the meaning of the *Registration of Births, Deaths and Marriages Act 1963*) to provide the Sheriff with information in a register kept under the *Registration of Births, Deaths and Marriages Act 1963*; and
  - (b) the Registrar must comply with the request.
- (3B) For the purposes of the Sheriff preparing the jury list, the Commonwealth Minister may provide the Sheriff with information in a roll prepared for the purposes of the repealed *Norfolk Island Regional Council Preparatory Election Ordinance 2016* (Commonwealth).
- (3C) For the purposes of preparing the jury list, the Sheriff may have regard to the following:
  - (a) information provided to the Sheriff in accordance with subsection (3A) or (3B);
  - (b) any other information that the Sheriff considers relevant.

**190CC Section 18**

Omit “name, address or occupation”, substitute “name or address”.

***Justices of the Peace Act 1972 (Norfolk Island)***

**190D Section 3 (definition of *resident*)**

Repeal the definition.

**190E Subsection 4(1)**

Repeal the subsection.

**190F Paragraph 4(2)(a)**

Omit “not being a resident,”.

**190G Subsections 8(2) and (2A)**

Repeal the subsections, substitute:

- (2) Without limiting subsection (1), the Commonwealth Minister must terminate the appointment of a person as a Justice of the Peace if the person ceases to be ordinarily resident in Norfolk Island.

***Land Administration Fees Act 1996 (Norfolk Island)***

**190H Subsection 3(1) (definition of *approved form*)**

Omit “Minister”, substitute “Chief Executive Officer”.

**190J Subsection 4(7)**

Repeal the subsection.

**190K Section 5**

Omit “Minister”, substitute “Chief Executive Officer”.

**190L Section 6B**

Repeal the section, substitute:

**6B Registration fee**

The approved fees are payable in respect of the registration of instruments under this Act, other than instruments referred to in the following provisions:

- (a) subsection 4(1);
- (b) paragraphs 6(a) to (e).

Note: Approved fees are determined by the Norfolk Island Regional Council under Part 10 of Chapter 15 of the *Local Government Act 1993 (NSW) (NI)*.

**190M Subsection 7(1)**

Repeal the subsection, substitute:

- (1) A person may apply to the Chief Executive Officer for exemption from the fee payable under section 4.

**190N Subsection 7(3)**

Omit “Minister”, substitute “Chief Executive Officer”.

**190P Subsections 7(3A) and (4)**

Repeal the subsections.

**190Q Section 8A**

Repeal the section.

**190R Subsection 9(2)**

Omit “the *Planning Act 1996* and”.

***Land Administration Fees Regulations 1997 (Norfolk Island)***

**190RA Regulation 2 (definitions of *Land Titles Act* and *Register*)**

Repeal the definitions.

**190RB Regulations 3, 4 and 5**

Repeal the regulations.

***Land Titles Act 1996 (Norfolk Island)***

**190RC Subsection 3(1) (definition of *approved form*)**

Omit “Minister”, substitute “Chief Executive Officer”.

**190S Subsection 3(1) (definition of *Chief Executive Officer*)**

Repeal the definition.

**190T Subsection 3(1)**

Repeal the following definitions:

- (a) definition of *public servant*;
- (b) definition of *public service*.

**190U Subsection 6(2)**

Omit “an officer or employee of the Public Service”, substitute “a public servant”.

**190V Section 30**

Omit “fee prescribed under the *Land Administration Fees Act 1996*”, substitute “approved fee”.

**190W At the end of section 49**

Add “The Registrar may only register the subdivision proposal on payment of the approved fee (if any) for the registration.”.

**191 Subsection 55B(3)**

Omit “a disallowable”, substitute “an”.

**191A Paragraph 133(2)(g)**

Omit “fee prescribed under the *Land Administration Fees Act 1996*”, substitute “approved fee”.

**191B Section 148**

Omit “fee prescribed under the *Land Administration Fees Act 1996*”, substitute “approved fee”.

***Land Valuation Act 2012 (Norfolk Island)***

**191C At the end of subsection 23(1)**

Add “However, the valuer-general is not required to make available the owner’s name and address for service under this Act.”.

**191D Subsection 24(1)**

After “Valuation roll information”, insert “(except for the owner’s name and address for service under this Act)”.

**191E Subsection 24(2)**

Omit “section 38(1)”, substitute “section 25(1)”.

**191F Subsection 24(2) (note)**

Repeal the note.

**191G Subsection 25(1)**

After “after making a valuation”, insert “mentioned in paragraph 21(a) or (b)”.

**191H Section 28 (heading)**

Omit “**division one**”, substitute “**this Part**”.

**191J Section 28**

Omit “This division”, substitute “This Part”.

**191K Paragraph 39(1)(c)**

Repeal the paragraph, substitute:

- (c) the Registrar of Titles has amended the valuation roll to record the change of ownership.

**191L Paragraph 45(1)(c)**

Repeal the paragraph.

**191M Subsection 45(3) (definition of *relevant amount*)**

Repeal the definition.

**191N Part 3 of Chapter 3**

Repeal the Part.

**191P Subsection 64(1)**

Repeal the subsection.

**191Q Subsection 64(2)**

After “the objector”, insert “for an objection”.

**191R Section 65**

Repeal the section.

**191S Paragraph 67(2)(a)**

Repeal the paragraph, substitute:

- (a) whether or not the information is the subject of an invitation under section 64(2); and

**191T Paragraph 77(1)(c)**

Before “the valuation”, insert “if the objection stated a particular valuation that the objector sought—“.

**192 Subsection 84(3) (note 1)**

Repeal the note.

**193 Subsection 84(3) (note 2)**

Omit “2.”, substitute “Note:”.

**193AA Section 101**

After “a particular valuation”, insert “, except for the owner’s name and address for service under this Act,”.

**193AB Subsection 103(1)**

Repeal the subsection.

**193AC Subsection 106(5) (definition of *change-of-ownership information*)**

Omit “from the most recent ownership change notice for”, substitute “about the most recent change of ownership of”.

**193AD Subsection 110(1)**

Omit “(1)”.

**193AE Subsection 110(2)**

Repeal the subsection.

**193AF Subsection 122(4)**

Repeal the subsection.

**193AG Subsection 128(4)**

Omit “and remains in the vicinity of the place”.

**193AH After paragraph 136(1)(a)**

Insert:

- (aa) the Registrar of Lands appointed under subsection 2(1) of the *Conveyancing Act 1913* (including a person acting in that office);

**193AI Part 2 of Chapter 8**

Repeal the Part.

**193AJ Subparagraph 150(1)(b)(i)**

Repeal the subparagraph.

**193AK Paragraph 150(3)(b)**

Omit “the relevant protected person or”.

**193AL Schedule (definition of *chairperson*)**

Repeal the definition.

**193AM Schedule (clause 2 of the definition of *objection*)**

Repeal the clause.

**193AN Schedule (definitions of *objection conference*, *ownership change notice* and *party*)**

Repeal the definitions.

***Law of Negligence and Limitation of Liability Act 2008 (Norfolk Island)***

**193A Section 39 (paragraph (b) of the definition of *public authority*)**

Repeal the paragraph, substitute:

(b) the public service;

**193B Section 39 (paragraph (c) of the definition of *public authority*)**

Omit “within the meaning of the *Public Sector Management Act 2000*”.

**193C Section 82 (paragraph (c) of the definition of *community organisation*)**

Omit “any public sector agency within the meaning of the *Public Sector Management Act 2000*”, substitute “the public service, a territory instrumentality, a holder of an office established by an enactment”.

**193D Subsection 87(3)**

Omit “a public sector agency within the meaning of the *Public Sector Management Act 2000* or another person or body acting on behalf of the Administration”, substitute “covered by paragraph (c) of the definition of *community organisation* in section 82”.

***Legal Aid Act 1995 (Norfolk Island)***

**194 Subsection 3(1)**

Omit “(1)” (first occurring).

**194A Section 3**

Repeal the following definitions:

- (a) definition of *Committee*;
- (b) definition of *member*;
- (c) definition of *Public Service*.

**195 Subsection 3(2)**

Repeal the subsection.

**195A Part 2**

Repeal the Part.

**195B Subsection 13(3)**

Omit “or the Committee” (wherever occurring).

**196 Subsection 14(1)**

Omit “(1)”.

**197 Subsection 14(2)**

Repeal the subsection.

**197A Subsections 16(1) and (3)**

Repeal the subsections.

**197AA Subsection 16(4)**

Omit “also”.

**197AB Subsection 16(6)**

Omit all the words after “include”, substitute “a short statement of reasons for the decision, setting out the findings on material questions of fact and referring to the evidence or other material on which those findings were based”.

**197AC Subsection 16(7)**

Repeal the subsection.

**197AD Subsection 17(1)**

Omit all the words after “request that”, substitute “the Minister reconsider the Minister’s decision”.

**197AE Subsection 17(3)**

Omit “Committee or the Minister, as the case may be,”, substitute “Minister”.

**197AF Section 27 (heading)**

Repeal the heading, substitute:

## **27 Immunity**

### **197AG Section 27**

Omit “who is or has been a member of the Committee in relation to an Act done”, substitute “in relation to an act done”.

### **197AH Subsection 28(1)**

Omit “a member of the Committee, or”.

### **197AI Subsection 28(2)**

Omit “A member of the Committee or an”, substitute “An”.

### **197AJ Subsection 28(3)**

Repeal the subsection.

### **197AK Paragraph 29(1)(b)**

Omit “or the Committee”.

### **197AL Section 31**

Repeal the section.

### **197B Section 32**

Omit “an officer or employee of the Public Service”, substitute “an employee in the public service”.

## ***Legal Profession Act 1993 (Norfolk Island)***

### **198 Section 3**

Omit “disallowable instrument”.

### **198A Item 2 of the Schedule (definition of *resident practitioner*)**

Repeal the definition, substitute:

*resident practitioner* means a practitioner who is ordinarily resident in Norfolk Island.

### **199 Item 3 of the Schedule**

Repeal the item.

## ***Lighterage Act 1961 (Norfolk Island)***

### **199AA Section 5**

Repeal the section, substitute:



## 5 Approved fees for Lighterage Services

Approved fees are payable in relation to the operations of the Lighterage Service.

### 199A Subsection 8(1)

Omit “Administration, the Administrator or a Minister”, substitute “Norfolk Island Regional Council, the Commonwealth Minister, the Commonwealth or the Chief Executive Officer”.

### 199B Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer

Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Subsections 4(1) and (2)	Minister	Chief Executive Officer
2	Section 6	Minister	Chief Executive Officer
3	Subsections 11A(1) and (2)	Minister	Chief Executive Officer

## *Liquor Act 2005 (Norfolk Island)*

### 199C Subsection 4(1)

Insert:

*aircraft* includes aeroplanes, seaplanes, airships, balloons and any other means of aerial locomotion.

### 199D Subsection 4(1) (definition of *approved form*)

Repeal the definition, substitute:

*approved form* means a form approved by the Registrar.

### 200AB Subsection 4(1) (definitions of *Board* and *member*)

Repeal the definitions.

### 200AC Subsection 4(1)

Insert:

*member of the crew*, of an aircraft or a ship, includes:

- (a) for an aircraft—the pilot; and
- (b) for a ship—the master, a mate and an engineer.

### 200 Subsection 4(1) (definition of *public place*)

Omit “way of a disallowable”.

### 200AAA Subsection 4(1) (definition of *Registrar*)

Omit “the Liquor Licensing Board”, substitute “Liquor Licences”.

**200A Subsection 4(1)**

Insert:

*ship* means any vessel used in navigation, other than air navigation, and includes a barge, lighter or any other floating vessel.

**200B Section 6**

Repeal the section.

**200C Section 7 (heading)**

Repeal the heading, substitute:

**7 Standards**

**200D Subsection 7(1)**

Repeal the subsection.

**200E Subsection 7(2)**

Omit “(2) The Board may with the approval of the Minister”, substitute “The Chief Executive Officer may”.

**200F Sections 8 to 12**

Repeal the sections.

**200G Section 13 (heading)**

Repeal the heading, substitute:

**13 Registrar of Liquor Licences**

**200H Subsection 13(1)**

Omit “the Board”, substitute “Liquor Licences”.

**200J Paragraph 13(2)(b)**

Omit “Board”, substitute “Chief Executive Officer”.

**200K Paragraph 13(2)(e)**

Repeal the paragraph.

**200L Paragraph 13(2)(f)**

Omit all the words after “functions”, substitute “for the purposes of the Act as are directed by the Chief Executive Officer”.

**200LA Paragraph 17(2)(a)**

Omit “prescribed fee”, substitute “approved fee”.

**200M Section 18 (heading)**

Omit “**Inspector’s report for**”, substitute “**Report on**”.

**200N Subsection 18(1)**

After “chief inspector”, insert “or an inspector”.

**200P Subsection 18(2)**

After “chief inspector”, insert “or inspector (as the case may be)”.

**200Q Subsection 18(3)**

Omit “of the chief inspector”.

**201 Subsection 25(1)**

Omit “disallowable”.

**201A At the end of subsection 26(1)**

Add:

; or (c) an inspector.

**201AA Subsection 26(3)**

Omit “prescribed fee”, substitute “approved fee”.

**201B Subsection 26(4)**

Omit “inspector”, substitute “chief inspector or an inspector”.

**201C Section 27 (heading)**

After “**chief inspector**”, insert “**or inspector**”.

**201D Section 27**

After “chief inspector”, insert “or an inspector”.

**201E Paragraph 27(c)**

Omit “inspector”, insert “applicant for the variation”.

**201EA Subsection 28(2)**

Omit “prescribed fee”, substitute “approved fee”.

**201EB Paragraph 29(3)(a)**

Omit “prescribed fee”, substitute “approved fee”.

**201F Section 30 (heading)**

After “**Chief inspector’s report**”, insert “**Report on application**”.

**201G Subsection 30(1)**

After “chief inspector”, insert “or an inspector”.

**201H Subsection 30(2)**

After “chief inspector”, insert “or inspector (as the case may be)”.

**201J Subsections 30(3) and (4)**

Omit “of the chief inspector”.

**201JA Subsection 31(2)**

Omit “prescribed fee”, substitute “approved fee”.

**201K Subsection 32(1)**

Omit “chief inspector may apply to the Board for an order suspending or cancelling a licence if the chief inspector”, substitute “chief inspector or an inspector may apply to the Chief Executive Officer for an order suspending or cancelling a licence if the applicant for the order”.

**201L Paragraph 32(3)(c)**

Omit “inspector”, substitute “applicant for the order”.

**201M Subsection 34(1)**

After “chief inspector” (first occurring), insert “or an inspector”.

**201N Subsection 34(1)**

After “chief inspector” (second occurring), insert “or inspector (as the case may be)”.

**201P Paragraph 34(3)(c)**

Omit “inspector”, substitute “applicant for the order”.

**201Q Subsection 38(1)**

Omit “section 39”, substitute “section 37”.

**201QA Paragraph 38(2)(b)**

Repeal the paragraph, substitute:

- (b) for an application that is not made by a member of the Police Force—  
accompanied by the approved fee.

**201R Division 1 of Part 4 (heading)**

Omit “*Hearing procedures*”, substitute “*Inspection of premises*”.

**201S Sections 39 to 43**

Repeal the sections.

**201T Subsection 44(1)**

Repeal the subsection, substitute:

- (1) If the Chief Executive Officer thinks it desirable for the purposes of the consideration of an application, the Chief Executive Officer may enter and inspect any premises.
- (1A) The chief inspector or an inspector may enter and inspect any premises for the purposes of preparing a report under this Act.

**201U Subsections 44(2) and (3)**

After “subsection 44(1)”, insert “or (1A)”.

**202 Subparagraph 45(1)(aa)(iii)**

Omit “disallowable”.

**202AA Paragraph 45(6)(d)**

Omit “section 32 from the chief inspector”, substitute “subsection 18(2)”.

**202AB Paragraph 45(6)(e)**

Omit “section 32 to the report of the chief inspector”, substitute “subsection 18(4) to the report”.

**202AC Paragraphs 48(2)(d) and (e)**

Omit “from the chief inspector”.

**202AD Paragraph 50(1)(a)**

Omit “at an annual meeting”, substitute “before 1 July in a year”.

**202AE Paragraph 50(1)(b)**

Omit “at a special meeting”, substitute “on or after 1 July in a year”.

**202AEA Paragraph 55(2)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**202AF Subsection 56(1)**

After “chief inspector”, insert “or an inspector”.

**202AG Subsection 56(2)**

After “chief inspector”, insert “or inspector (as the case may be)”.

**202AH Subsection 56(3)**

Omit “from the chief inspector”.

**202AI Subsection 56(4)**

Omit “of the chief inspector”.

**202AJ Paragraphs 57(e) and (f)**

Omit “of the chief inspector”.

**202AJA Subsection 60(5)**

Omit “prescribed fee”, substitute “approved fee”.

**202AJB Subsection 63(2)**

Omit “(including different fees for different class of permit)”.

**202AK Subsection 64(2)**

After “chief inspector”, insert “or an inspector”.

**202AL Subsection 64(3)**

Omit “of the chief inspector and the prescribed fee”, substitute “mentioned in subsection (2) and the approved fee”.

**202A Section 75**

Before “A person”, insert “(1)”.

**202B Section 75**

Omit all the words from and including “except”, to and including “*Customs Act 1913*”, substitute “except under the authority of the Commonwealth Minister”.

**202C At the end of section 75**

Add:

(2) Subsection (1) does not apply if:

(a) the person is:

- (i) a passenger on, or a member of the crew of, an aircraft or a ship; and
- (ii) 18 years of age or over; and

(b) the liquor is imported as:

- (i) accompanied personal effects of the person, whether in unchecked baggage, checked baggage or otherwise carried by the person; or
- (ii) unaccompanied personal or household effects of the person.

**202D Subsection 98(2) (paragraphs (c) to (e) of the definition of *official*)**

Repeal the paragraphs, substitute:

- (d) the Registrar;
- (e) a public servant;

**202DAA Subsection 99(5)**

Omit “fees for the purposes of this Act, and”.

## 202DA Amendments of listed provisions—substituting references to Board with references to Chief Executive Officer

Substituting references to Board with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Subsection 4(1) (definitions of <i>approved</i> and <i>approved form</i> )	Board	Chief Executive Officer
2	Subsections 16(1) and (3), 17(1), 18(4) and 19(1)	Board	Chief Executive Officer
3	Paragraphs 19(2)(e) and 20(3)(e)	Board	Chief Executive Officer
4	Subsection 20(4)	Board	Chief Executive Officer
5	Paragraph 22(1)(c)	Board	Chief Executive Officer
6	Subsection 26(1)	Board	Chief Executive Officer
7	Section 27	Board	Chief Executive Officer
8	Subsections 28(1), 29(1), 30(4), 31(1), 33(1), 34(1), 36(1) and (2), 45(1), (2), (3), (4), (5) and (6), 46(1) and (2), 47(1) and (2), 48(1) and (2) and 49(1) and (2)	Board	Chief Executive Officer
9	Division 3 of Part 4 (heading)	Board	Chief Executive Officer
10	Subsections 50(1), (2) and (3), 51(1), (2) and (3), 52(1), (2) and (3) and 53(1) and (2)	Board	Chief Executive Officer
11	Section 54	Board	Chief Executive Officer
12	Subsection 55(1)	Board	Chief Executive Officer
13	Sections 57 and 58	Board	Chief Executive Officer
14	Subsections 60(2), (3), (4), (5) and (7) and 61(1)	Board	Chief Executive Officer
15	Sections 88 and 96	Board	Chief Executive Officer
16	Subparagraph 97(2)(a)(iii)	Board	Chief Executive Officer

## *Liquor Regulations 2006 (Norfolk Island)*

### 202DAAA Regulation 2

Omit “and a reference to forms is a reference to a form in the Schedule”.

### 202DAB Part 2

Repeal the Part.

### 202DAC Regulation 14

Omit “form of form 3”, substitute “approved form”.

**202DB Subregulation 15(4) (note)**

Omit “inspector to ensure adequate measure”, substitute “chief inspector or an inspector to ensure adequate measures”.

**202DC Paragraph 21(c)**

Omit “Inspector or police” (first occurring), substitute “chief inspector, an inspector or a member of the Police Force”.

**202DD Paragraph 21(c)**

Omit “Inspector or police” (second occurring), substitute “chief inspector, inspector or a member of the Police Force”.

**202DDA Regulation 22**

Repeal the regulation.

**202DE Schedule**

Repeal the Schedule.

**202DG Amendments of listed provisions—substituting references to Board with references to Chief Executive Officer**

Substituting references to Board with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Subregulations 13(1), (2), (3), (4), (5), (6) and (7)	Board	Chief Executive Officer
2	Regulations 17 and 18	Board	Chief Executive Officer
3	Subregulation 23(1)	Board	Chief Executive Officer

***Lotteries and Fundraising Act 1987 (Norfolk Island)***

**202DH Paragraphs 6(3)(c) and 17(2)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**202DJ Paragraph 32(2)(b)**

Repeal the paragraph.

***Lotteries and Fundraising Regulations 1987 (Norfolk Island)***

**202DK Subregulation 4(1)**

Omit “(1)”.

**202DL Subregulation 4(2)**

Repeal the subregulation.



**202DM Subregulation 6(1)**

Omit “(1)”.

**202DN Subregulation 6(2)**

Repeal the subregulation.

***Marine Safety Act 2013 (Norfolk Island)***

**202E Subsection 4(1) (paragraph (d) of the definition of *Authorised officer*)**

Repeal the paragraph.

**202EAA Subsection 4(1) (definition of *Crown Counsel*)**

Repeal the definition.

**202EA Paragraphs 20(a) and (b)**

Omit “0.08”, substitute “0.05”.

**202EAA Section 30**

Repeal the section, substitute:

**30 Approved fees for certificates**

Applications for certificates must be accompanied by the approved fees.

**202EAB Section 32**

Repeal the section.

**202EB Subsections 61(1) and 62(2)**

Omit “Minister”, substitute “Chief Executive Officer”.

**202F Subsection 68(2)**

Omit “any officer as defined by the *Immigration Act 1980*,”.

**202G Subsection 79(6)**

Repeal the subsection.

**202GA Subsection 101(2)**

Omit “the Crown Counsel and”.

**202H Paragraphs 104(1)(d) and (e)**

Repeal the paragraphs.

**202J Paragraph 106(4)(a)**

Repeal the paragraph.

**203 Section 109**

Omit “the legislative power of the Legislative Assembly permits”, substitute “possible”.

**204 Paragraph 110(2)(c)**

Repeal the paragraph.

***Mediation Act 2005 (Norfolk Island)***

**205 Subsection 4(2)**

Repeal the subsection.

**205AA Subsection 5(2)**

Repeal the subsection, substitute:

- (2) The Registrar must register the person as a registered mediator if:
  - (a) the Registrar is satisfied that the person has been registered by an approved agency; and
  - (b) the application is accompanied by the approved fee.

**205AB Subsection 7(2)**

Omit “fee”, substitute “approved fee”.

***Mediation Regulations 2005 (Norfolk Island)***

**205AC Regulation 8**

Repeal the regulation.

**205AD Schedule 2**

Repeal the Schedule.

***Medical Practitioners Registration Act 1983 (Norfolk Island)***

**205A Title**

Omit “the registration of medical practitioners”, substitute “requirements relating to health practitioners”.

**205B Section 1**

Omit “*Medical Practitioners Registration*”, substitute “*Health Practitioners*”.

**205C Sections 3 to 12**

Repeal the sections, substitute:

### 3 Definitions

In this Act:

**health profession** means the following professions, and includes a recognised specialty in any of the following professions:

- (a) Aboriginal and Torres Strait Islander health practice;
- (b) Chinese medicine;
- (c) chiropractic;
- (d) dental (including the profession of a dentist, dental therapist, dental hygienist, dental prosthetist and oral health therapist);
- (e) medical;
- (f) medical radiation practice;
- (g) nursing and midwifery;
- (h) occupational therapy;
- (i) optometry;
- (j) osteopathy;
- (k) pharmacy;
- (l) physiotherapy;
- (m) podiatry;
- (n) psychology.

**National Law** has the same meaning as in the *My Health Records Act 2012* of the Commonwealth.

Note: National Law is defined in section 5 of that Act to mean:

- (a) for a State or Territory other than Western Australia—the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland, as it applies (with or without modification) as a law of the State or Territory; or
- (b) for Western Australia—the *Health Practitioner Regulation National Law (WA) Act 2010* of Western Australia, so far as that Act corresponds to the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland.

**registered health practitioner** means a person registered under a National Law to practise a health profession (other than as a student).

**registered medical practitioner** means a medical practitioner within the meaning of a National Law.

### 4 Title and practice protections

- (1) A person commits an offence if:
  - (a) the person knowingly or recklessly engages in conduct; and
  - (b) were the conduct knowingly or recklessly engaged in by the person in a State or Territory, it would constitute an offence against Subdivision 1 of Division 10 of Part 7 of a National Law.

Penalty:

- (a) for an individual—a fine not exceeding 300 penalty units; or
- (b) for a body corporate—a fine not exceeding 600 penalty units.

- (2) A person commits an offence if:
- (a) the person engages in conduct; and
  - (b) were the conduct engaged in by the person in a State or Territory, it would constitute an offence against Subdivision 2 of Division 10 of Part 7 of a National Law.

Penalty: A fine not exceeding 300 penalty units.

## **205D Sections 15 and 16**

Repeal the sections.

## ***Mental Health Act 1996 (Norfolk Island)***

### **206AAA Section 4 (paragraph (a) of the definition of *custodial order*)**

Omit “*Criminal Law Act 1960*, Part 11A”, substitute “Chapter 2 of the *Criminal Procedure Act 2007*”.

### **206AA Section 4 (definition of *doctor*)**

Repeal the definition, substitute:

*doctor* means a registered medical practitioner (within the meaning of the *Health Practitioners Act 1983*).

### **206AAAA Section 17A (heading)**

Repeal the heading, substitute:

## **17A Reasons for decisions in respect of referrals by courts under the *Criminal Procedure Act 2007***

### **206AB Subsection 18(1)**

Omit “officer or employee of the Public Service”, substitute “employee in the public service”.

### **206AH Part 4A (heading)**

Repeal the heading, substitute:

## **Part 4A—Referrals by courts under the *Criminal Procedure Act 2007***

### **206AI Subsection 37A(1) (definition of *order to determine fitness*)**

Omit “the *Criminal Law Act 1960*, part 11A”, substitute “section 18 of the *Criminal Procedure Act 2007*”.

**206AL Paragraph 37C(1)(c)**

Repeal the paragraph, substitute:

- (c) an order is made in relation to the charge under:
  - (i) subsection 26(2) of the *Criminal Procedure Act 2007* (non-acquittal at special hearing—non-serious offence); or
  - (ii) subsection 27(2) of that Act (non-acquittal at special hearing—serious offence).

**206AM Subsection 37D(1) (definition of *order for recommendations*)**

Omit “under the *Criminal Law Act 1960*, Division 11A requiring a person to submit to the jurisdiction of the Tribunal to enable the Tribunal to make recommendations to the court”, substitute “or the Court of Petty Sessions under paragraph 32(1)(a) or 37(1)(a), or subsection 40(1), of the *Criminal Procedure Act 2007* requiring a person to submit to the jurisdiction of the Tribunal to enable the Tribunal to make recommendations”.

**206AN Subsection 37D(2)**

Omit “under the *Criminal Law Act 1960*, Division 11A, the Tribunal shall make recommendations to the Supreme Court”, substitute “the Tribunal must make recommendations, to the court that made the order,”.

**206AP Subsection 37F(1) (paragraph (a) of the definition of *order for detention*)**

Omit “the *Criminal Law Act 1960*, Part 11A”, substitute “paragraph 26(2)(a), subsection 27(2), paragraph 32(3)(a), subsection 33(1), paragraph 37(3)(a), subsection 38(1) or 44(2) or paragraph 44(4)(c) of the *Criminal Procedure Act 2007*”.

**206AQ Paragraph 37F(3)(c)**

Omit “the *Criminal Law Act 1960*, Part 11A”, substitute “subsection 9(2), 10(2), 12(2) or 13(2) of the *Criminal Procedure Act 2007*”.

**206AR After paragraph 37F(6)(c)**

Insert:

- (ca) if the order for detention was made by the Court of Petty Sessions—the Clerk of the Court of Petty Sessions;

**206AS Paragraph 37F(7)(b)**

Omit “Court”, substitute “Supreme Court”.

**206AT Subsection 37J(2) (paragraph (a) of the definition of *limiting period*)**

Omit “the *Criminal Law Act 1960*, Part 11A”, substitute “Chapter 2 of the *Criminal Procedure Act 2007*”.

**206AU Part 4B (heading)**

Repeal the heading, substitute:

**Part 4B—Procedural matters for referrals by courts under  
the Criminal Procedure Act 2007**

**206AV Paragraph 37L(5)(d)**

Omit “the *Criminal Law Act 1960*, Part 11A”, substitute “Chapter 2 of the *Criminal Procedure Act 2007*”.

***Mercantile Law Act 1959 (Norfolk Island)***

**206AVA Subsection 7(2)**

Repeal the subsection, substitute:

- (2) The approved fee is payable for the registration of a bill of sale.

**206AVB Subsection 9(5)**

Repeal the subsection, substitute:

- (2) The approved fee is payable for the renewal of the registration of a bill of sale.

**206AVC Subsection 10(1)**

Omit “a fee of two fee units”, substitute “the approved fee”.

**206AVD Subsection 14(3)**

Repeal the subsection, substitute:

- (3) The approved fee is payable for the registration of the grant of a lien on the crop.

**206AVE Subsection 23(1)**

Omit “a fee of .50 fee unit”, substitute “the approved fee”.

**206AVF Subsection 23(2)**

Omit “a fee at the rate of .20 fee unit”, substitute “the approved fee”.

***Migratory Birds Act 1980 (Norfolk Island)***

**206AW Section 18**

Omit “Minister”, substitute “Chief Executive Officer”.

**206AWA Section 23**

Omit “A fee of 2 fee units”, substitute “The approved fee”.

## ***Norfolk Island Broadcasting Regulations 2002 (Norfolk Island)***

### **206 Schedule 1 (Form 2)**

Omit “, and the resolution of the Legislative Assembly passed on”.

## ***Norfolk Island Hospital Act 1985 (Norfolk Island)***

### **207 Title**

Omit “Hospital”, substitute “Health and Residential Aged Care Service”.

### **207A Section 1**

Omit “*Hospital*”, substitute “*Health and Residential Aged Care Service*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of the *Interpretation Act 1979* (Norfolk Island)).

### **207B Sections 4 and 5**

Repeal the sections, substitute:

#### **4 Definitions**

In this Act:

***Manager*** means the Manager of the Norfolk Island Health and Residential Aged Care Service appointed under section 19.

***Norfolk Island Health and Residential Aged Care Service*** means the Norfolk Island Health and Residential Aged Care Service continued in existence by subsection 6(1).

***Norfolk Island Health and Residential Aged Care Service Facility*** means the Norfolk Island Health and Residential Aged Care Service Facility continued in existence by section 5.

#### **5 Norfolk Island Health and Residential Aged Care Service Facility**

The body known immediately before the commencement of this section as the Norfolk Island Hospital is continued in existence with the new name Norfolk Island Health and Residential Aged Care Service Facility.

### **207C Section 6 (heading)**

Repeal the heading, substitute:

## **6 Norfolk Island Health and Residential Aged Care Service**

### **207D Subsection 6(1)**

Repeal the subsection, substitute:

- (1) The body known immediately before the commencement of this subsection as the Norfolk Island Hospital Enterprise is continued in existence with the new name Norfolk Island Health and Residential Aged Care Service.

### **207E At the end of paragraphs 7(a) and (b)**

Add “and”.

### **207F At the end of section 7**

Add:

- ; and (e) such other functions as are determined, by legislative instrument, by the Commonwealth Minister.

### **207G Subsection 8(1)**

Omit “(1)”.

### **207H Paragraph 8(1)(a)**

Repeal the paragraph.

### **207J Paragraph 8(1)(d)**

Repeal the paragraph, substitute:

- (d) a performance agreement entered into by the Service.

### **207K Subsection 8(2)**

Repeal the subsection.

### **207L Subsections 9(3) and (4)**

Repeal the subsections.

### **207M Part 3**

Repeal the Part.

### **207N Sections 19 to 19B**

Repeal the sections, substitute:

## **19 Manager of Norfolk Island Health and Residential Aged Care Service**

- (1) There is to be a Manager of the Norfolk Island Health and Residential Aged Care Service.
- (2) The Manager is to be appointed by the Commonwealth Minister by written instrument.



Note: For reappointment, see section 33AA of the *Acts Interpretation Act 1901* (Commonwealth) (applying because of section 8A of the *Interpretation Act 1979*).

- (3) The Manager holds office for the period specified in the instrument of appointment.
- (4) The Manager holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the Commonwealth Minister.
- (5) The Commonwealth Minister may, by written instrument, appoint a person to act as the Manager:
  - (a) during a vacancy in the office of the Manager (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Manager:
    - (i) is absent from duty or from Norfolk Island; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901* (Commonwealth) (applying because of section 8A of the *Interpretation Act 1979*).

#### **207P Subsection 20(1)**

Repeal the subsection, substitute:

- (1) The Manager is responsible for the management of the Norfolk Island Health and Residential Aged Care Service having regard to the principles in section 8, and must maintain the confidentiality necessary to protect the interests of the Service in respect of the following:
  - (a) internal management issues;
  - (b) industrial relations matters;
  - (c) commercial transactions;
  - (d) dealings with individual members of the public;
  - (e) all matters affecting the interests of the Service.

#### **207Q Subsection 20(2)**

Omit “Advisory Board” (wherever occurring), substitute “Commonwealth Minister”.

#### **207R Sections 21 to 23**

Repeal the sections, substitute:

### **21 Powers of Manager**

- (1) In addition to exercising powers or performing duties expressly conferred or imposed on him or her by this Act, the Manager, in the name of the Norfolk Island Health and Residential Aged Care Service:
  - (a) may exercise any powers that are by this Act expressed to be conferred on the Service; and

- (b) must perform any duties that are by this Act expressed to be imposed on the Service.
- (2) The Manager may employ persons for the purposes of the Norfolk Island Health and Residential Aged Care Service on the terms and conditions that the Manager determines in writing.

## 208 Parts 4A, 5 and 6

Repeal the Parts, substitute:

## Part 4A—Professional staff

### 23A Medical Superintendent

- (1) The Manager may, by written instrument, appoint a registered medical practitioner (within the meaning of the *Health Practitioners Act 1983*) as the Medical Superintendent.

#### *Acting appointments*

- (2) The Manager may, by written instrument, appoint a registered medical practitioner (within the meaning of the *Health Practitioners Act 1983*) to act as the Medical Superintendent:
  - (a) during a vacancy in the office of the Medical Superintendent (whether or not an appointment has previously been made to the office); or
  - (b) during any period, or during all periods, when the Medical Superintendent:
    - (i) is absent from duty or from Norfolk Island; or
    - (ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901* (Commonwealth) (applying because of section 8A of the *Interpretation Act 1979*).

### 208A Sections 44 to 47

Repeal the sections.

### 208B Section 50

Repeal the section.

## 209 Amendments of listed provisions

Further amendments			
Item	Provision	Omit	Substitute
1	Part 2 (heading)	HOSPITAL ENTERPRISE	HEALTH AND RESIDENTIAL AGED CARE SERVICE
2	Subsections 6(2) to (4)	Enterprise	Norfolk Island Health and

<b>Further amendments</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit</b>	<b>Substitute</b>
			Residential Aged Care Service
3	Section 7 (heading)	<b>Enterprise</b>	<b>Norfolk Island Health and Residential Aged Care Service</b>
4	Section 7	Enterprise	Norfolk Island Health and Residential Aged Care Service
5	Paragraph 7(a)	Hospital	Norfolk Island Health and Residential Aged Care Service Facility
6	Section 8 (heading)	<b>Enterprise</b>	<b>Norfolk Island Health and Residential Aged Care Service</b>
7	Section 8	Enterprise must	Norfolk Island Health and Residential Aged Care Service must
8	Section 9 (heading)	<b>Enterprise</b>	<b>Norfolk Island Health and Residential Aged Care Service</b>
9	Subsections 9(1) and (2)	Enterprise (wherever occurring)	Norfolk Island Health and Residential Aged Care Service
10	Part 4 (heading)	<b>HOSPITAL ENTERPRISE</b>	<b>HEALTH AND RESIDENTIAL AGED CARE SERVICE</b>
11	Section 20 (heading)	<b>Director</b>	<b>Manager</b>
12	Subsection 20(2)	Director	Manager
13	Subsection 20(2)	Enterprise	Norfolk Island Health and Residential Aged Care Service

***Norfolk Island National Park and Norfolk Island Botanic Garden Act  
1984 (Norfolk Island)***

**209AA Subsection 4(1)**

Omit “Minister”, substitute “Chief Executive Officer”.

**209AB Section 7**

Omit “Minister”, substitute “Chief Executive Officer”.

***Noxious Weeds Act 1916 (Norfolk Island)***

**209B Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Subsections 5(1), (3) and (5)	Minister	Chief Executive Officer
2	Paragraph 6(b)	Minister	Chief Executive Officer
3	Section 7	Minister	Chief Executive Officer
4	Schedule 2	Minister	Chief Executive Officer

***Official Survey Act 1978 (Norfolk Island)***

**210 Subsection 3(4) (note)**

Omit “*Interpretation Act 1979* sections 23A, 23B and 24”, substitute “sections 34AA, 34AB and 34A of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of the *Interpretation Act 1979*”.

***Pasturage and Enclosure Act 1949 (Norfolk Island)***

**210AAA Section 5**

Before “An”, insert “(1)”.

**210AAB At the end of section 5**

Add:

- (2) An application for a right of pasturage must be accompanied by the approved fee (if any).

**210AABA Subsection 6(1)**

Omit “prescribed charges”, substitute “approved fee”.

**210AAC Subsection 7(4)**

Omit “Minister the prescribed fee for the issue of a tag and the Minister”, substitute “Chief Executive Officer the approved fee for the issue of a tag and the Chief Executive Officer”.

**210A Subsection 9(3)**

Omit “executive member”, substitute “Chief Executive Officer”.

**210AA Section 13**

After “and in particular for”, insert “the following”.

### **210AAA Paragraph 13(a)**

Repeal the paragraph.

### **210AB Paragraph 13(e)**

Repeal the paragraph.

### **210B Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Subsection 5(1)	Minister	Chief Executive Officer
2	Subsections 6(1) and 7(1) and (2)	Minister	Chief Executive Officer
3	Section 8	Minister	Chief Executive Officer
4	Paragraphs 9(1)(c) and (d)	Minister	Chief Executive Officer
5	Subsections 9(2) and (3) and 12(1) and (3)	Minister	Chief Executive Officer

### ***Pasturage and Enclosure Regulations (Norfolk Island)***

#### **210BA Regulation 3**

Repeal the regulation.

### **210C Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit</b>	<b>Substitute</b>
1	Subregulation 4(1)	Minister	Chief Executive Officer
2	Paragraphs 4(2)(a) and (b)	Minister	Chief Executive Officer
3	Regulation 5	Minister	Chief Executive Officer

### ***Pharmacy Act 1956 (Norfolk Island)***

#### **211A Sections 3 and 4**

Repeal the sections, substitute:

### **3 Interaction with requirements under National Law**

If a registered pharmaceutical chemist is required to do something or to do something in a particular manner under a National Law, this Act has no effect to the extent that it would, apart from this section, prevent the registered pharmaceutical chemist from complying with the requirement.

#### 4 Definitions

In this Act:

*medical practitioner* means a medical practitioner within the meaning of a National Law.

*National Law* has the same meaning as in the *Health Practitioners Act 1983*.

*registered pharmaceutical chemist* means a person registered under a National Law in the pharmacy health profession (other than as a student).

#### 211B Part 2

Repeal the Part.

#### 211C Subsection 15(1)

Omit “(1)”.

#### 211D Subsection 15(2)

Repeal the subsection.

#### 211E Paragraph 20(b)

Repeal the paragraph.

#### *Pharmacy Regulations (Norfolk Island)*

#### 211F Regulations 3 to 5, 7 and 8

Repeal the regulations.

#### 211G Schedule

Repeal the Schedule.

#### *Planning Act 2002 (Norfolk Island)*

#### 211H Section 6

Insert:

*ancillary project*, for a declared significant development, means a development that is integral and subservient to the declared significant development.

#### 212 Section 6 (definitions of *approved plan*, *approved scheme*, *authorised officer* and *Board*)

Repeal the definitions, substitute:

*approved plan* means a draft plan that the Minister has approved under section 12 (including any alteration so approved).

*approved scheme* means a draft development contribution scheme that the Minister has approved under section 67 (including any alteration so approved).

*authorised officer* means a person appointed under section 94 to be an authorised officer.

*Board* means the Norfolk Island Regional Council.

## **213 Section 6 (definition of *Chief Executive Officer*)**

Repeal the definition.

## **213B Section 6**

Insert:

*declared significant development* means a significant development in relation to which a declaration under paragraph 28C(5)(a) is in effect.

## **214 Section 6 (definition of *development contribution scheme*)**

Omit “section 69”, substitute “section 68”.

## **214A Section 6 (definition of *performance security*)**

Repeal the definition.

## **214AA Section 6 (definition of *prescribed fee*)**

Repeal the definition.

## **214B Section 6 (definition of *prohibited use or development*)**

Repeal the definition, substitute:

*prohibited use or development* means an activity specified in the Plan as a prohibited use or development other than any such activity that is:

- (a) a declared significant development; or
- (b) an ancillary project for a declared significant development.

## **214C Section 6**

Insert:

*significant development* means a development to establish or upgrade infrastructure to support economic growth or community welfare, or both, in Norfolk Island.

## **214D Subsection 9(2)**

Omit “prescribed fee”, substitute “approved fee”.

## **215 Section 10**

Repeal the section.

**216 Subsection 11(5)**

Repeal the subsection.

**217 Section 12**

Repeal the section, substitute:

**12 Ministerial approval after public consultation**

- (1) At least 28 days after the notification of the draft plan under section 11, the Minister may, by notice in the Gazette, approve the draft plan with or without alterations from the draft plan that was notified.
- (2) The notice of approval must specify the date the approved plan commences, which must not be earlier than the date of publication of the notice in the Gazette.
- (3) The notice must also include:
  - (a) for a plan varying the Plan, a statement setting out the aim and intent of the variation; and
  - (b) a statement indicating where and when the Plan is available for inspection.

**218 Subsection 13(1)**

Repeal the subsection.

**219 Subsection 13(2)**

Omit “(2) On the date of commencement of the approved plan declared by the Legislative Assembly under subsection 13(1)—”, substitute “On the date of commencement of the approved plan specified under subsection 12(2):”.

**220 Section 14**

Repeal the section.

**221 Subsections 17(2), (3) and (4)**

Repeal the subsections, substitute:

- (2) For subsection (1), the prescribed period is 5 years after the end of the last prescribed period under this subsection (as in force before or after the interim transition time).
- (3) The Minister must initiate a review under subsection (1) by causing to be published in the Gazette a notice of the review, inviting public comment on the effectiveness of the Plan in promoting the objects of this Act under section 3.
- (4) The Minister must conduct a review under subsection (1) in a manner determined by the Minister.

**221A After Part 3**

Insert:



## **Part 3A—Significant developments**

### **28A Applicants**

- (1) An application for a declaration in relation to a significant development may be made by:
  - (a) the owner of the land to which the application relates; or
  - (b) another person with the owner's permission; or
  - (c) a person eligible to apply under any other enactment.
- (2) An application by a person with the permission of the owner of the relevant land must be accompanied by written confirmation signed by the owner that permission has been granted to the person to make the application.

### **28B Formalities**

- (1) An application for a declaration in relation to a significant development must be made to the Chief Executive Officer.
- (2) The application must be:
  - (a) in the form approved by the Chief Executive Officer; and
  - (b) accompanied by the approved fee (if any).
- (3) The approved fee less 10% must be refunded if:
  - (a) the application is withdrawn; and
  - (b) at the time the application is withdrawn, the assessment of the application has not yet commenced.
- (4) The approved fee less 50% must be refunded if:
  - (a) the application is withdrawn; and
  - (b) at the time the application is withdrawn, the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer.

### **28C Processing application for declaration in relation to significant development**

- (1) The Chief Executive Officer must refer an application for a declaration in relation to a significant development to the Norfolk Island Regional Council together with a report and recommendation on the application from the Chief Executive Officer.
- (2) After the application has been referred to the Norfolk Island Regional Council, the Norfolk Island Regional Council must make a recommendation about the application.
- (3) If the Norfolk Island Regional Council's recommendation is different from that of the Chief Executive Officer's, the reasons for the difference must be specified in the Norfolk Island Regional Council's recommendation.

- (4) Within 56 days after the application is made, the Norfolk Island Regional Council must refer to the Commonwealth Minister the application, its recommendation and any other relevant material including the Chief Executive Officer's report to the Norfolk Island Regional Council on the application.
- (5) After receiving the application under subsection (4), the Commonwealth Minister must:
  - (a) make a declaration in relation to the significant development; or
  - (b) refuse to make a declaration in relation to the significant development; or
  - (c) refer the application back to the Chief Executive Officer with directions to take specified further actions.

Note: Matters for consideration by the Minister are set out in section 28D.

- (6) A declaration in relation to a significant development may be subject to conditions.
- (7) A declaration in relation to a significant development takes effect when it is made.
- (8) A declaration in relation to a significant development ceases to be in effect at the earlier of:
  - (a) the end of:
    - (i) unless subparagraph (ii) applies—the period specified in the declaration; or
    - (ii) if the Minister has, under subsection (9), extended the period for which the declaration is in effect—the extended period; and
  - (b) the time the declaration is revoked under section 28G.
- (9) Before a declaration in relation to a significant development ceases to be in effect, the Minister may, by notice to the applicant for the declaration, extend, or further extend, the period for which the declaration is in effect.
- (10) To avoid doubt, declared significant developments and ancillary projects for declared significant developments require development approval.

## **28D Matters to be considered**

- (1) The Commonwealth Minister may make a declaration in relation to a significant development only if:
  - (a) the development is to establish or upgrade infrastructure of a type prescribed by the regulations; or
  - (b) the Commonwealth Minister considers that the development is to establish or upgrade other infrastructure having a significant benefit in Norfolk Island.
- (2) In considering whether to make a declaration in relation to a significant development, the Commonwealth Minister must have regard to the following matters:
  - (a) any potential economic or community benefits from the development;

- (b) any links the development has, or could have, with other developments;
- (c) consistency with the Plan;
- (d) the Norfolk Island Regional Council's community strategic plan, delivery program and operational plan;
- (e) any other matters considered by the Commonwealth Minister to be relevant.

#### **28E Notice to applicants**

- (1) As soon as practicable and not more than 14 days after the Commonwealth Minister makes a decision about an application for a declaration in relation to a significant development, the Commonwealth Minister must give the applicant notice of the decision.
- (2) Notice of the decision must include:
  - (a) a statement of reasons for the decision; and
  - (b) if the Commonwealth Minister makes a declaration in relation to the significant development:
    - (i) the period the declaration will be in effect (unless the period is extended or the declaration is revoked); and
    - (ii) any conditions to which the declaration is subject.

#### **28F Notice in Gazette of declarations**

- (1) As soon as practicable and not more than 14 days after the Commonwealth Minister makes a declaration in relation to a significant development, notice of the declaration must be published in the Gazette.
- (2) The notice must include:
  - (a) a statement of reasons for the declaration; and
  - (b) any conditions to which the declaration is subject; and
  - (c) an outline of the development approval process for declared significant developments and ancillary projects for declared significant developments.

#### **28G Revocation of declaration**

- (1) The Commonwealth Minister may revoke a declaration in relation to a significant development if the Commonwealth Minister is satisfied that the declaration should be revoked, having regard to the matters mentioned in subsection 28D(2).
- (2) As soon as practicable after the Commonwealth Minister revokes a declaration in relation to a significant development, the Commonwealth Minister must give the applicant for the declaration notice of the revocation.
- (3) The notice of the revocation must include a statement of reasons for the revocation.

**221B Section 30 (heading)**

Repeal the heading, substitute:

**30 Approval for permitted use or development, permissible (with consent) use or development, declared significant development or ancillary project**

**221BA Paragraph 34(2)(d)**

Omit “prescribed fee”, substitute “approved fee”.

**221BC At the end of section 34**

Add:

- (5) The approved fee less 10% must be refunded if:
  - (a) the application is withdrawn; and
  - (b) at the time the application is withdrawn, the assessment of the application has not yet commenced.
- (6) The approved fee less 50% must be refunded if:
  - (a) the application is withdrawn; and
  - (b) at the time the application is withdrawn, the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer.

**221C Subsection 38(3)**

After “permissible (with consent) use or development,”, insert “a declared significant development or an ancillary project for a declared significant development,”.

**221D Subsection 39(1)**

Omit “44(6)(b)”, substitute “(b) or 44D(2)(a) or (b)”.

**221DA Subsection 39(2)**

Omit “prescribed fee”, substitute “approved fee”.

**221E At the end of Division 1 of Part 5**

Add:

**40A Rejection of development applications for ancillary project if not ancillary project**

- (1) This section applies if:
  - (a) a development application seeks development approval for use or development of land as an ancillary project for a declared significant development; and
  - (b) the Chief Executive Officer is not satisfied the proposed use or development is an ancillary project for the declared significant development.

- (2) Within 14 days after the application is made, the Chief Executive Officer must give the applicant a notice refusing the application and specifying the reasons for the refusal.

Note: If the proposed use or development of land is a permitted use or development or permissible (with consent) use or development, the applicant may submit an application for development approval on that basis (see section 44A).

## **221F After Subdivision 2 of Division 2 of Part 5**

Insert:

### **Subdivision 2A—Declared significant developments and ancillary projects**

#### **44A Development activity of more than one type**

- (1) If a development activity is:
- (a) a permitted use or development; and
  - (b) a declared significant development or an ancillary project for a declared significant development;
- then:
- (c) a development application in relation to the development activity may seek development approval for a permitted use or development, a declared significant development or an ancillary project for a declared significant development; and
  - (d) this Act applies in relation to the application, any approval based on the application and any application for modification of any such approval as if the development activity were that type of development activity only.
- (2) If a development activity is:
- (a) a permissible (with consent) use or development; and
  - (b) a declared significant development or an ancillary project for a declared significant development;
- then:
- (c) a development application in relation to the development activity may seek development approval for a permissible (with consent) use or development, a declared significant development or an ancillary project for a declared significant development; and
  - (d) this Act applies in relation to the application, any approval based on the application and any application for modification of any such approval as if the development activity were that type of development activity only.

Note: If the development application seeks approval for a permitted use or development or a permissible (with consent) use or development, Subdivision 1 or 2 applies in relation to the application. If the development application seeks development approval for a declared significant development or an ancillary project for a declared significant development, this Subdivision applies.

**44B Notice of application for declared significant developments and ancillary projects to be displayed on land**

- (1) As soon as practicable after giving notice of acceptance of a development application for a declared significant development or an ancillary project for a declared significant development under section 35, the Chief Executive Officer:
  - (a) must cause a notice to be displayed on or near the land the subject of the application; and
  - (b) may cause other notices to be displayed at such places as the Chief Executive Officer considers appropriate.
- (2) The notice must include the matters prescribed by the regulations for such notices.
- (3) The owner of the land on which a notice is displayed under paragraph (1)(a) must ensure the notice remains as placed on the land until a decision under paragraph 44D(2)(a) or (b) is made on the development application or the application is withdrawn.
- (4) A notice under subsection (1) is for information only and any failure to give the notice does not prevent the processing of the application or the making of decisions on it.

**44C Publication of notice of a development application for declared significant development or ancillary project**

- (1) The Chief Executive Officer must cause a notice of a development application for a declared significant development or an ancillary project for a declared significant development to be published in the Gazette.
- (2) The notice must include:
  - (a) a summary of the development application; and
  - (b) an invitation for written public submissions to be directed to the Chief Executive Officer within a specified period of not less than 28 days after notification; and
  - (c) a statement that the application may be inspected at a specified office of the Norfolk Island Regional Council during usual business hours.
- (3) An application notified under subsection (1) and accompanying documents to the extent specified in the regulations must be available for public inspection until a decision under paragraph 44D(2)(a) or (b) is made on the application or the application is withdrawn.

**44D Processing development applications after notice**

- (1) After the end of the period specified in the notice published under subsection 44C(1), the Chief Executive Officer must refer the application to the Commonwealth Minister together with a copy of any public submissions and other relevant documents and a report and recommendations on the application from the Chief Executive Officer.

- (2) After receiving the application under subsection (1), the Commonwealth Minister must:
  - (a) give development approval for the use and development of the land; or
  - (b) refuse to give development approval for the use and development of the land; or
  - (c) refer the application back to the Chief Executive Officer with directions to take specified further actions.
- (3) An approval may be subject to conditions.
- (4) Without limiting the conditions which may be imposed, conditions of approval may include:
  - (a) conditions requiring the use or development of the land to be achieved within a specified time or stages of the use or development to be achieved at specified times; and
  - (b) a condition requiring the provision of performance security for failure to comply with the conditions of the approval.
- (5) An approval may modify development or environmental standards specified in the Plan provided the modification is consistent with the objectives of the standards specified in the Plan.
- (6) The standards as modified under subsection (5) are taken to be the standards under the Plan for the use or development approved.

**221G Subsection 45(4)**

After “prescribed use or development of land”, insert “, a declared significant development or an ancillary project for a declared significant development”.

**221H Subsection 45(10)**

Omit “relating to the procedures for processing development applications for permissible (with consent) use or development”, substitute “or 44D, as appropriate”.

**221J Paragraph 46(e)**

After “43(2)”, insert “, 44C(2)”.

**221K Subsection 47(1)**

Omit “less”, substitute “more”.

**221L Subsection 47(2)**

Repeal the subsection, substitute:

- (2) Notice of the decision must include:
  - (a) a statement of reasons for the decision; and
  - (b) if the decision is a reviewable decision (within the meaning of section 78) and the decision is at variance with the recommendation of the Chief Executive Officer, the Board or a person appointed under section 91 to

- investigate any matters relating to the application—a statement of the reasons why the recommendation was not followed; and
- (c) if the decision is a reviewable decision (within the meaning of section 78)—particulars of the applicant’s right to apply to the Administrative Review Tribunal for review of the decision.

**221M Subsection 48(1)**

Omit “subsection 44(6)”, substitute “paragraph 44(6)(a) or (b) or 44D(2)(a) or (b)”.

**221N Paragraph 49(2)(b)**

After “permissible (with consent) use or development”, insert “, a declared significant development or an ancillary project for a declared significant development”.

**221P At the end of Division 3 of Part 5**

Add:

**50A When development approval for declared significant development or ancillary project takes effect**

A development approval for a declared significant development or an ancillary project for a declared significant development takes effect when the approval is given.

**221PA Paragraph 53(3)(c)**

Omit “prescribed fee”, substitute “approved fee”.

**221PB At the end of section 53**

Add:

- (6) The approved fee less 10% must be refunded if:
- (a) the application is withdrawn; and
  - (b) at the time the application is withdrawn, the assessment of the application has not yet commenced.
- (7) The approved fee less 50% must be refunded if:
- (a) the application is withdrawn; and
  - (b) at the time the application is withdrawn, the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer.

**221PC Subsection 55(2)**

Omit “prescribed fee”, substitute “approved fee”.

**221Q Section 56 (heading)**

Repeal the heading, substitute:



**56 Processing development approval modification applications for permitted use or development, declared significant development or ancillary project**

**221R Subsection 56(1)**

After “permitted use or development,”, insert “a declared significant development or an ancillary project for a declared significant development,”.

**221S Paragraph 59(2)(c)**

Before “particulars”, insert “if the decision is a reviewable decision (within the meaning of section 78)—”.

**221T Section 61**

Repeal the section, substitute:

**61 Revocation of approval**

A development approval is only revocable in accordance with:

- (a) the written consent of the owner of the land in relation to which the approval is given; or
- (b) section 61A.

**61A Revocation of approval for declared significant development or ancillary project**

- (1) The Commonwealth Minister may revoke a development approval for a declared significant development or an ancillary project for a declared significant development if:
  - (a) the declaration in relation to the significant development is revoked; and
  - (b) the Commonwealth Minister is satisfied that the approval should be revoked.
- (2) As soon as practicable after the Commonwealth Minister revokes a development approval for a declared significant development or an ancillary project for a declared significant development, the Commonwealth Minister must give the owner of the land to which the development or project relates notice of the revocation.
- (3) The notice of the revocation must include a statement of reasons for the revocation.

**222 Section 67**

Repeal the section, substitute:

**67 Ministerial approval after public consultation**

- (1) At least 28 days after the notification of the draft development contribution scheme under section 66, the Minister may, by notice in the Gazette, approve the

draft development contribution scheme with or without alterations from the draft development contribution scheme that was notified.

- (2) The notice of approval must specify the date the approved scheme commences, which must not be earlier than the date of publication of the notice in the Gazette.
- (3) The notice must also include:
  - (a) for a draft development contribution scheme varying a development contribution scheme, a statement setting out the aim and intent of the variation; and
  - (b) a statement indicating where and when the development contribution scheme is available for inspection.

### **223 Subsection 68(1)**

Repeal the subsection.

### **224 Subsection 68(2)**

Omit “(2) On the date of commencement of the approved scheme declared by the Legislative Assembly under subsection 68(1)—”, substitute “On the date of commencement of the approved scheme specified under subsection 67(2):”.

### **225 Section 69**

Repeal the section.

### **225A At the end of paragraph 78(1)(a)**

Add “, other than in relation to development applications for declared significant developments or ancillary projects for declared significant developments”.

### **225B Paragraph 78(1)(b)**

Omit “on a development approval modification application”, substitute “or 57(6) on a development approval modification application, other than on a development approval modification application for a declared significant development or an ancillary project for a declared significant development”.

### **225C Subsection 86(1)**

After “development approval application”, insert “, or an application for a declaration in relation to a significant development,”.

### **225D After paragraph 91(1)(a)**

Insert:

- (aa) an application is made for development approval for a declared significant development or an ancillary project for a declared significant development;  
or

**226 Subsection 91(2)**

Omit “Assembly, on the recommendation of the Minister, may resolve to”, substitute “Minister may, by notice in the Gazette.”.

**227 Subsection 91(2)**

Omit “resolution” (first occurring), substitute “notice”.

**228 Subsection 91(2)**

Omit “Such resolution shall be published in the Gazette.”.

**228AA Section 94**

Omit “Minister”, substitute “Chief Executive Officer”.

**228A Subsection 95(3) (paragraph (e) of the definition of *official*)**

Repeal the paragraph, substitute:

(e) a public servant; or

**229 Subsection 96(1) (paragraph (a) of the definition of *statutory document*)**

Omit “section 14”, substitute “section 12”.

**229A After paragraph 96(1)(b)**

Insert:

(ba) a declaration in relation to a significant development notice of which is published in the Gazette in accordance with section 28F; or

**230 Subsection 96(1) (paragraph (d) of the definition of *statutory document*)**

Omit “section 69”, substitute “section 67”.

**230AA Subsections 97(2) and 98(2)**

Omit “prescribed fee”, substitute “approved fee”.

**230AB After section 99**

Insert:

**99A Approved fees not payable by Commonwealth etc.**

Despite anything in this Act, approved fees are not payable by the Commonwealth, an authority of the Commonwealth, the Norfolk Island Regional Council or a territory instrumentality.

***Planning and Public Health (Consequential Provisions) Act 1996  
(Norfolk Island)***

**230A Parts 3, 4 and 7**

Repeal the Parts.

***Planning Regulations 2004 (Norfolk Island)***

**231 Regulations 9 and 10**

Repeal the regulations.

**231A After Part 3**

Insert:

**Part 3A—Significant developments**

**15A Types of significant development**

For the purposes of paragraph 28D(1)(a) of the Act, the following types of infrastructure are prescribed:

- (a) air transport facilities;
- (b) educational establishments;
- (c) electricity generating works or alternative energy systems;
- (d) electricity transmission or distribution networks;
- (e) emergency services facilities;
- (f) extractive industries;
- (g) hospital and health services facilities;
- (h) port and wharf facilities;
- (i) public works-major or public works-minor, as defined in the Plan;
- (j) roads and traffic facilities;
- (k) sewerage systems;
- (l) sport and recreation facilities;
- (m) stormwater management systems;
- (n) telecommunications facilities;
- (o) warehouse and freight facilities;
- (p) waste disposal and resource management facilities;
- (q) water supply, storage and treatment facilities.

**15B Processing application for declaration in relation to significant development**

The report the Chief Executive Officer refers to the Norfolk Island Regional Council under subsection 28C(1) of the Act must include consideration of the matters mentioned in paragraphs 28D(2)(a) to (d) of the Act.

**231B Regulation 18**

Before “The applicant”, insert “(1)”.

**231C At the end of regulation 18**

Add:

- (2) The applicant for development approval for a declared significant development or an ancillary project for a declared significant development must provide the Chief Executive Officer with as many copies of the development application and supporting documentation as the Chief Executive Officer reasonably requires for public inspection under subsection 44C(2) of the Act.

**231D Regulation 19 (heading)**

Repeal the heading, substitute:

**19 Notice of development applications for permissible (with consent) use or development, declared significant development or ancillary project**

**231E Regulation 19**

After “subsection 43(1)”, insert “or 44C(1)”.

**231F Subparagraph 19(i)(i)**

Omit “section 19(h)”, substitute “paragraph 43(2)(b) or 44C(2)(b) of the Act”.

**231G Subparagraph 19(i)(iii) and (iv)**

Repeal the subparagraphs, substitute:

- (iii) if the application is for permissible (with consent) use or development—the decision of the Minister is a reviewable decision within the meaning of section 78 of the Act.

**231H Regulation 20**

After “subsection 42(2)”, insert “and 44B(2)”.

**231J Regulation 22 (heading)**

Repeal the heading, substitute:

**22 Notice of amended development application for permissible (with consent) use or development, declared significant development or ancillary project**

**231K Regulation 24**

Omit “41(4)”, substitute “44(1)”.

**231L After regulation 24**

Insert:

**24A Processing development applications for declared significant development or ancillary project**

The report the Chief Executive Officer refers to the Commonwealth Minister under subsection 44D(1) of the Act must include:

- (a) a summary of the planning issues raised in the public submissions received during the public inspection period including how the issues have been addressed; and
- (b) consideration of each matter mentioned in section 46 of the Act to the extent that the matter is relevant to the application; and
- (c) consideration of any other relevant matters; and
- (d) a recommendation to approve or refuse approval of the development application; and
- (e) recommended conditions of approval, if any.

**231M Regulation 25 (heading)**

Repeal the heading, substitute:

**25 Notice to applicant of determination of development application**

**231N Regulation 26 (heading)**

Repeal the heading, substitute:

**26 Notice in the Gazette of Minister's decision on development applications for permissible (with consent) use or development, declared significant development or ancillary project**

**231P Paragraph 26(i)**

After "the rights", insert "(if any)".

**231Q Subregulation 27(2)**

Omit "prescribed use or development shall", substitute "prescribed use or development, a declared significant development or an ancillary project for a declared significant development must".

**231R Paragraph 27(2)(b)**

Omit "45(5)", substitute "45(6)".

**231S Subregulation 27(3)**

Omit "45(5)", substitute "45(6)".

**231T Paragraph 28(b)**

Omit "45(5)", substitute "45(6)".

**231U Regulation 29**

Omit “permissible (with consent) use or development of land shall”, substitute “permissible (with consent) use or development, a declared significant development or an ancillary project for a declared significant development must”.

**231V Paragraph 33(1)(b)**

Omit “Part 9 of the regulations”, substitute “regulation 47”.

**232 Regulations 37 and 38**

Repeal the regulations.

**232AA Part 9**

Repeal the Part.

**232AC Subparagraphs 47(2)(a)(vi) and (b)(v)**

Omit “permitted use or development or for permissible (with consent) use or development”, substitute “permitted use or development, permissible (with consent) use or development, a declared significant development or an ancillary project for a declared significant development”.

**232AD Schedule 3**

Repeal the Schedule.

***Plant and Fruit Diseases Act 1959 (Norfolk Island)***

**232AE Subsections 5(1) and (2)**

Omit “Minister”, substitute “Chief Executive Officer”.

**232AF Subsection 19(1)**

Omit “Minister” (first occurring), substitute “Chief Executive Officer”.

**232AG Subsection 20(1)**

Omit “The regulations may prescribe the fees”, substitute “The approved fees are”.

**232AH Subsection 20(3)**

Repeal the subsection.

***Poisons and Dangerous Substances Act 1957 (Norfolk Island)***

**232A Section 4 (definition of *dentist*)**

Repeal the definition, substitute:

*dentist* means a registered health practitioner (within the meaning of the *Health Practitioners Act 1983*) who is registered in the dental health profession.

**232B Section 4 (definition of *pharmaceutical chemist*)**

Omit “person whose name is registered in the Register of Pharmaceutical Chemists kept under”, substitute “registered pharmaceutical chemist within the meaning of”.

**232BAA Subsections 6(1) and (5)**

Omit “prescribed fee”, substitute “approved fee”.

***Pounds Act 1934 (Norfolk Island)***

**232BAB Section 9**

Repeal the section, substitute:

**9 Approved fees for impounded stock**

Approved fees are payable to the poundkeeper for stock impounded under the provisions of this Act.

**232BAC Section 10**

Omit “any fees or charges”, substitute “any approved fee or other charge”.

**232BAD Section 11**

Omit “such amount as would be payable in accordance with or in pursuance of the provisions of this Act as poundage fees”, substitute “the approved fees payable”.

**232BAE Section 15**

Omit “poundage fees”, substitute “approved fees”.

**232BAF Section 22 (heading)**

Omit “**poundage fees**”, substitute “**approved fees**”.

**232BAG Section 22**

Omit “poundage fees”, substitute “approved fees”.

**232BAH Section 26**

After “and in particular for prescribing”, insert “the following”.

**232BAJ Paragraph 26(c)**

Repeal the paragraph.

**232BA Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

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Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit	Substitute
1	Section 2 (paragraph (a) of the	Minister	Chief Executive Officer

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<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit</b>	<b>Substitute</b>
	definition of <i>ranger</i> )		
2	Subsections 3(1) and (2)	Minister	Chief Executive Officer
3	Paragraph 21(c)	Minister	Chief Executive Officer

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## ***Pounds Regulations (Norfolk Island)***

### **232BAAA Regulation 4**

Repeal the regulation.

## ***Protection of Movable Cultural Heritage Act 1987 (Norfolk Island)***

### **233AA Subsection 3(1) (definition of *Chief Executive Officer*)**

Repeal the definition.

### **233 Subsection 9(1)**

Omit “Minister on the recommendation of the Legislative Assembly”, substitute “Commonwealth Minister”.

### **234 Subsection 9(3)**

Omit “Minister”, substitute “Commonwealth Minister”.

### **235 Section 10**

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

### **236 Subsections 11(1), 12(2) and 13(1), (2) and (3)**

Omit “Minister”, substitute “Commonwealth Minister”.

### **237 Paragraph 15(2)(a)**

Omit “Minister on the recommendation of the Legislative Assembly”, substitute “Commonwealth Minister”.

### **238 Paragraph 15(2)(b)**

Omit “Minister”, substitute “Commonwealth Minister”.

### **239 Subsections 16(1) and (2)**

Omit “Minister”, substitute “Commonwealth Minister”.

### **240 Subsection 16(3)**

Repeal the subsection, substitute:

- (3) The Commonwealth Minister must refer the application to the Committee for advice on the application.

**241 Subsection 16(4)**

Omit “Legislative Assembly” (first occurring), substitute “Commonwealth Minister”.

**242 Paragraph 16(4)(c)**

Omit “the Legislative Assembly, the Minister”, substitute “the Commonwealth Minister”.

**243 After subsection 16(4)**

Insert:

- (4A) The Commonwealth Minister may, subject to such conditions, if any, as the Commonwealth Minister specifies, grant or refuse to grant a certificate.

**244 Subsection 16(5)**

Omit “Minister”, substitute “Commonwealth Minister”.

**245 Subsection 16(5)**

Omit “referred to in paragraph (3)(c)”.

**246 Subsection 16(7)**

Omit “Legislative Assembly refuses to recommend the grant of a certificate to export a Class A object, the Minister”, substitute “Commonwealth Minister refuses to grant a certificate to export a Class A object, the Commonwealth Minister”.

**247 Subsections 17(1), (2), (3), (4) and (6)**

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

**248 Subsection 17(7)**

Repeal the subsection.

**249 Subsection 17A(1)**

Omit “Minister”, substitute “Commonwealth Minister”.

**250 Subsections 17A(4), (5) and (6)**

Repeal the subsections, substitute:

- (4) The Commonwealth Minister may, subject to such conditions, if any, as the Commonwealth Minister specifies, grant or refuse to grant a licence.

**251 Subsection 17A(7)**

Omit “recommended under paragraph (5)(a)”.

**252 Subsections 17A(9) and (10)**

Repeal the subsections, substitute:

- (9) If the Commonwealth Minister refuses to grant a licence, the Commonwealth Minister must, as soon as practicable after the refusal, cause to be served on the applicant notice in writing of the refusal, setting out the reasons for the refusal.

**253 Subsections 18(1) and (3)**

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

**254 Subsection 18(4)**

Repeal the subsection, substitute:

- (4) The Commonwealth Minister must not exercise a power under subsection (1) in relation to a licence except on application in writing by the holder of the licence.

**255 Subsections 22(1), 23(1) and (2), 28(2) and 29(1)**

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

**256 Paragraph 31(b)**

Omit “Minister”, substitute “Commonwealth Minister”.

**257 Subsections 39(1) and (2) and 40(1)**

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

**258 Subsection 40(3)**

Repeal the subsection.

***Public Reserves Act 1997 (Norfolk Island)***

**272 Subsection 10(1)**

Omit “(1) The Minister”, substitute “The Chief Executive Officer”.

**273 Subsection 10(2)**

Repeal the subsection.

**274 Sections 13 and 14**

Repeal the sections, substitute:

**14 Making**

At least 28 days after the notification of the draft plan under section 11, the Commonwealth Minister may make a plan of management in accordance with the draft plan with or without alterations from the draft plan that was notified.

**275 Subsections 16(2), (3) and (4)**

Repeal the subsections, substitute:

- (2) Sections 11 and 12 apply to the draft variation as if it were a draft plan of management, and sections 14 and 15 apply to the making of a variation as if it were the making of a plan of management.

**275A Subsection 18(2)**

Omit “Administrator”, substitute “Chief Executive Officer”.

**275B Paragraph 20(1)(c)**

Omit “the Administrator and the Minister”, substitute “the Chief Executive Officer”.

**275C Subsection 20(2)**

Omit “Administrator”, substitute “Chief Executive Officer”.

**275D Paragraph 25(1)(b)**

Omit “the fee (if any) prescribed by the Regulations”, substitute “the approved fee (if any)”.

**275E Section 36C**

Repeal the section, substitute:

**36C Burial fees**

The approved fee is payable for burial and grave digging.

**276 Subsection 50(2)**

Omit “36(3) of the *Interpretation Act 1979*”, substitute “33(3) of the *Acts Interpretation Act 1901* of the Commonwealth, applying because of section 8A of the *Interpretation Act 1979*”.

**276A Subsection 54A(1)**

Omit “(1)”.

**276B Paragraph 54A(b)**

Repeal the paragraph.

**277 Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Section 11	Minister	Chief Executive Officer
2	Subsection 16(1)	Minister	Chief Executive Officer
3	Section 17	Minister	Chief Executive Officer
4	Subsection 19(1)	Minister	Chief Executive Officer
5	Section 22	Minister	Chief Executive Officer

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Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
6	Subsections 24(1) and (2)	Minister	Chief Executive Officer

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## ***Registration of Births, Deaths and Marriages Act 1963 (Norfolk Island)***

### **278 Section 2**

Repeal the section.

### **278A Subsection 5(1)**

Insert:

*corresponding law* means a law of a State or another Territory that provides for the registration of births, deaths and marriages.

### **278B Subsection 5(1) (definition of *medical practitioner*)**

Omit “person who is registered as a medical practitioner under a law of a State”, substitute “registered medical practitioner within the meaning of the *Health Practitioners Act 1983*”.

### **278C Subsection 5(1) (definition of *parent*)**

Repeal the definition.

### **278D Subsection 5(1)**

Insert:

*particulars required to be entered in the Register of Births* means the particulars described in subsection 11(3).

Note: Section 17 may affect whether some of those particulars are to be entered in the Register of Births.

*particulars required to be entered in the Register of Deaths* means the particulars described in subsection 26(3).

### **278E Subsection 5(1)**

Insert:

*prohibited name* means a name that:

- (a) is obscene or offensive; or
- (b) could not practicably be established by repute or usage:
  - (i) because it is too long; or
  - (ii) because it consists of or includes symbols without phonetic significance; or
  - (iii) for some other reason; or
- (c) includes or resembles an official title or rank; or
- (d) is contrary to the public interest for some other reason.

**278F Subsections 5(2) and (5)**

Repeal the subsections.

**278G After section 7**

Insert:

**7A Requirement by Registrar for information to be verified by statutory declaration**

The Registrar may require that information (however described) required or permitted by this Act to be given to the Registrar be verified by statutory declaration.

**278H Subsection 8(1)**

After “Births,”, insert “the Register of Changes of Name,”.

**278J Subsection 8(2)**

After “Births”, insert “, the Register of Changes of Name”.

**278K At the end of section 8**

Add:

- (5) The Register of Changes of Name includes:
  - (a) the instruments deposited under section 20 or 21 before the commencement of this subsection; and
  - (b) the index that was kept under section 52 immediately before the commencement of this subsection.
- (6) This Act applies in relation to the instruments deposited under section 20 or 21 as if they were entries in the Register of Changes of Name.

**278L Section 9 (heading)**

After “births,”, insert “changes of name,”.

**278M Paragraph 9(2)(b)**

Omit “, under the hand of that person”.

**278N At the end of section 11**

Add:

- (3) The particulars of birth required to be entered in the Register of Births in relation to a child are as follows:
  - (a) the surname and the given names (if any) of the child;
  - (b) the date and place of the birth of the child;
  - (c) the sex of the child;
  - (d) whether or not the birth of the child was a multiple birth;

- (e) the full name, and the former names (if any), of each parent of the child;
- (f) the full name and date of birth of each other child (if any) born to the father and mother (together) of the child;
- (g) the marital status of each parent of the child;
- (h) the name of the medical practitioner (if any) who attended on the birth of the child.

Note 1: Section 17 may affect whether some of the particulars are to be entered in the Register of Births.

Note 2: Section 18 affects the surname of the child to be entered in the Register of Births.

- (4) Despite subsections (2) and (3), the Registrar may refuse to enter in the Register of Births a prohibited name.
- (5) Applications may be made to the Administrative Review Tribunal for review of refusals by the Registrar under subsection (4).

**278P Subsection 12(3)**

Omit “under the hand of the occupier”.

**278Q Subsection 13(1)**

Omit “that are”.

**278R Subsection 13(2)**

Omit “(not being a parent of the child)”.

**278S Paragraph 13(2)(b)**

Repeal the paragraph, substitute:

- (b) if the person is not a parent of the child—that the parents of the child were not prevented, by their death, inability or absence from the Territory, from complying with that subsection.

**278T Subsection 14(2)**

Omit “that are”.

**278U Subsection 15(2)**

Omit “by writing under his hand”, substitute “in writing”.

**278V Paragraphs 16(2)(c) and 17(1)(b)**

Omit “by writing under his hand”, substitute “in writing”.

**278W At the end of Division 1 of Part 3**

Add:

**17A Details of person furnishing particulars to be given to Registrar**

A person who furnishes to the Registrar particulars under section 12, 13, 14, 15 or 16 must also give the following to the Registrar with the particulars:

- (a) the person's full name;
- (b) the person's occupation;
- (c) the person's telephone number (if any);
- (d) the person's email address (if any).

**278X Division 2 of Part 3 (heading)**

Repeal the heading.

**278Y Sections 19, 20 and 21**

Repeal the sections.

**278Z Section 22 (heading)**

Repeal the heading, substitute:

**22 Certified copies of entry in Register of Births to include any particulars of change of name in entry**

**278ZA Subsection 22(1)**

Repeal the subsection.

**278ZB Subsection 22(2)**

Omit "(2)".

**278ZC Subsection 22(2)**

Omit "the particulars entered in accordance with section 19 or subsection 22(1)", substitute "those particulars".

**278ZD Subsection 22(3)**

Repeal the subsection.

**278ZE Section 23**

Repeal the section.

**278ZF Subsection 23A(1)**

Omit "only if the person is not married".

**278ZG After subsection 23B(3)**

Insert:

- (3A) An application to note the reassignment of a person's sex must set out:
- (a) the full name, and the former names (if any), of the person; and



- (b) the place of residence of the person; and
- (c) if the person is under 18 years old when the application is made—the full name of each parent of the person; and
- (d) the person’s sex before reassignment; and
- (e) the person’s sex after reassignment; and
- (f) the full name and contact details of each person making the application.

**278ZH Paragraph 23B(4)(a)**

Repeal the paragraph.

**278ZI At the end of subparagraph 23B(4)(b)(ii)**

Add “and”.

**278ZJ Paragraphs 23B(4)(c) and (d)**

Repeal the paragraphs.

**279 Paragraph 23B(4)(e)**

Omit “such fee as may be prescribed”, substitute “the approved fee (if any)”.

**279A After subsection 23B(5)**

Insert:

- (5A) Applications may be made to the Administrative Review Tribunal for review of refusals by the Registrar of applications made under other provisions of this section.

**279B Subsection 23B(6) (definition of *doctor*)**

Omit “person registered as a medical practitioner under a law of another State or country corresponding to the *Medical Practitioners Registration Act 1983*”, substitute “medical practitioner and a person registered as a medical practitioner under a law of a foreign country corresponding to the *Health Practitioners Act 1983*”.

**279C Subsection 23C(6)**

Repeal the subsection.

**279D Subsection 23C(7) (definition of *corresponding law*)**

Repeal the definition.

**279E Paragraph 24(1)(a)**

Omit “in accordance with a form approved by the Minister and made available to medical practitioners,”.

**279F Paragraph 24(1)(b)**

Omit “, in accordance with the form prescribed by regulation,”.

### **279G Paragraph 25(1)(a)**

Omit “in accordance with the form prescribed by regulation, relating to the birth, signed by a medical practitioner”, substitute “signed by a medical practitioner, that the practitioner has signed a certificate, relating to the child, as required by paragraph 24(1)(a)”.

### **279H Subsection 25(3)**

Omit “, in accordance with the form prescribed by regulation, signed by him”, substitute “signed by the person, stating that the body was disposed of and, if possible, identifying the mother of the child”.

### **279J After Part 3**

Insert:

## **Part 3A—Registration of changes of name**

### **25A Change of name by registration**

A person’s name may be changed by registration of the change under this Part.

Note: This Part does not prevent change of name by repute or usage: see section 25G.

### **25B Application to register change of adult’s name**

- (1) A person, who is at least 18 years old or is or has been married, may apply to the Registrar for registration of a change of the person’s name if:
  - (a) the person’s birth is registered in the Register of Births; or
  - (b) the person:
    - (i) was born outside Australia; and
    - (ii) is a person whose birth is not registered under a law of the Territory, a State or another Territory; and
    - (iii) is ordinarily resident in the Territory.
- (2) The application must be accompanied by the approved fee (if any).

### **25C Application to register change of child’s name**

- (1) The parents of a child who is under 18 years old and has never been married may apply to the Registrar for registration of a change of the child’s name if:
  - (a) the child’s birth is registered in the Register of Births; or
  - (b) the child:
    - (i) was born outside Australia; and
    - (ii) is a person whose birth is not registered under a law of the Territory, a State or another Territory; and
    - (iii) is ordinarily resident in the Territory.

- (2) The application for registration of a change of the child's name may be made by one parent if:
  - (a) the applicant is the sole parent named in the registration of the child's birth under this Act or any other law; or
  - (b) there is no other surviving parent of the child; or
  - (c) the other surviving parent of the child cannot be found or for some other reason cannot exercise parental responsibilities to the child.
- (3) If the parents of a child who is under 18 years old and has never been married are dead, cannot be found or for some other reason cannot exercise their parental responsibilities to the child, the child's guardian may apply for registration of a change of the child's name.
- (4) An application under this section must be accompanied by the approved fee (if any).

#### **25D Child's consent to change of name**

A change of a name of a child who is at least 12 years old, but less than 18 years old, must not be registered unless:

- (a) the child consents to the change of name; or
- (b) the child is unable to understand the meaning and implications of the change of name.

#### **25E Registration of change of name**

- (1) Before registering a change of name under this Part, the Registrar may require the applicant to provide evidence to establish to the Registrar's satisfaction:
  - (a) the identity and age of the person whose name is to be changed; and
  - (b) that the change of name is not sought for a fraudulent or other improper purpose; and
  - (c) if the person whose name is to be changed is a child at least 12 years old, but less than 18 years old—that:
    - (i) the child consents to the change of name; or
    - (ii) the child is unable to understand the meaning and implications of the change of name.
- (2) If the Registrar is satisfied that the name of a person whose birth is registered in the Register of Births has been changed under another law (including a law of the Commonwealth, a State or another Territory) or by order of a court (including a court of the Commonwealth, a State or another Territory), the change of name may be registered under this Part.
- (3) The Registrar may refuse to register a change of name if, as a result of the change, the name would become a prohibited name.
- (4) Applications may be made to the Administrative Review Tribunal for review of refusals by the Registrar under subsection (3).

## **25F Entries to be made in the Register of Changes of Name**

- (1) The Registrar registers a change of name by making an entry about the change of name in the Register of Changes of Name.
- (2) The Registrar must:
  - (a) if the birth of the person whose name has been changed is registered in the Register of Births—enter particulars of the change of name in the entry in the Register of Births relating to the birth; or
  - (b) if the birth of the person whose name has been changed is registered under a corresponding law—notify the relevant registering authority of the change of name.

## **25G Change of name may still be established by repute or usage**

This Part does not prevent a change of name by repute or usage.

## **279K Subsection 26(2)**

Omit “Register is”, substitute “Registrar is”.

## **279L At the end of section 26**

Add:

- (3) The particulars required to be entered in the Register of Deaths in relation to a person and the person’s death are as follows:
  - (a) the full name, and the former names (if any), of the person;
  - (b) the date and place of birth of the person;
  - (c) the date and place of death of the person;
  - (d) the sex of the person;
  - (e) the cause of the person’s death;
  - (f) the last place of residence of the person;
  - (g) the person’s occupation;
  - (h) the person’s marital status;
  - (i) if the person had been married at any time before the person’s death:
    - (i) the place the marriage occurred; and
    - (ii) the full name of the person’s spouse; and
    - (iii) if the marriage ended before the person’s death—the date of the end of the marriage;
  - (j) the name and year of birth of each child of the person;
  - (k) the full name, and the former names (if any), of each parent of the person;
  - (l) if the person was born outside Australia—the estimated length of the person’s residence in Australia.

Note: Section 32 (about deaths reported to the Coroner) may affect whether the cause of the person’s death is included in the entry in the Register of Deaths.

**279M Subsection 29(2)**

Omit “, in accordance with the form prescribed by regulation,”.

**279N Section 31**

Omit “section 10 of the *Coroners Act 1927*”, substitute “section 12 of the *Coroners Act 1993*”.

**279P Subsection 33(1)**

Omit “by writing under his hand”, substitute “in writing”.

**279Q Subsection 33(2)**

Omit “in accordance with the form prescribed by regulation”.

**279R At the end of section 33**

Add:

- (3) A certificate under subsection (2) must include the following:
- (a) the full name of the dead person;
  - (b) the last known place of residence of the dead person;
  - (c) the name of the medical practitioner (if any) who attended the dead person as described in subsection 34(1);
  - (d) the date of the dead person’s death;
  - (e) the cause (if known) of the dead person’s death.

**279S Paragraphs 34(1)(b) and (2)(b)**

Omit “, in accordance with the form prescribed by regulation,”.

**279T Paragraph 34(3)(a)**

Repeal the paragraph.

**279U Paragraph 34(5)(h)**

Omit “hospital for the insane”, substitute “mental health facility”.

**279V Paragraph 35(1)(a)**

Omit “in accordance with the form prescribed by regulation, signed by a medical practitioner”, substitute “signed by a medical practitioner, that the practitioner has signed a certificate, relating to the death of the person whose body is to be buried, as required by paragraph 34(1)(a) or (2)(a)”.

**279W Paragraph 35(1)(b)**

Omit “under the hand of”, substitute “from”.

**279X Paragraph 35(2)(a)**

Omit “in accordance with the form prescribed by regulation”, substitute “described in paragraph (1)(a)”.

**279Y Paragraph 35(2)(b)**

Omit “under the hand” (wherever occurring).

**279Z Section 37**

Omit “, in accordance with the form prescribed by regulation”, substitute “stating that the body was buried, where it was buried and, if known, the name of the person whose body it was”.

**279ZA Section 38**

Omit “, in accordance with the form prescribed by regulation,”.

**279ZB Paragraph 39(1)(a)**

Omit “in accordance with the form prescribed by regulation, signed by a medical practitioner;”, substitute “signed by a medical practitioner, that the practitioner has complied with section 34; or”.

**279ZC Paragraph 39(1)(b)**

Omit “by the Coroner, in accordance with the form prescribed by regulation”, substitute “given by the Coroner under subsection 33(2)”.

**279ZD Paragraph 39(1)(c)**

Omit “, in accordance with the form prescribed by regulation,”, substitute “that the Registrar has sufficient particulars to be able to make an entry in the Register of Deaths;”.

**279ZE Subsection 43(1)**

Omit “under the hand of”, substitute “from”.

**279ZF Subsection 43(1)**

Omit “prescribed Court”, substitute “Court exercising jurisdiction under the *Family Law Act 1975* of the Commonwealth”.

**279ZG Subsection 43(4)**

Repeal the subsection.

**279ZH Subsection 44(5) (definition of *information with respect to the legitimization of a person*)**

Repeal the definition.

**280 Subsection 51(3)**

Omit “prescribed fee”, substitute “approved fee”.

**281 Paragraph 51(3)(b)**

Omit “, in accordance with the appropriate form prescribed by regulation”.

**281A Section 52**

Repeal the section.

**281B Subsection 53(1)**

After “Births”, insert “, the Register of Changes of Name”.

**281C Subsection 53(1)**

After “the birth”, insert “, change of name”.

**282 Subsection 55(1)**

After “birth,”, insert “change of name,”.

**283 Paragraph 56(1)(c)**

After “birth,”, insert “change of name,”.

**283A Subsection 56(2)**

After “entry in the Register of Births,”, insert “the Register of Changes of Name,”.

**283B Paragraph 56(2)(b)**

After “the birth,”, insert “change of name,”.

**283C Paragraph 56(2)(b)**

After “Register of Births,”, insert “the Register of Changes of Name,”.

**284 Section 57**

Repeal the section.

**285 Subsection 58(1)**

After “birth”, insert “, change of name”.

**285A Paragraph 58(3)(a)**

After “the birth,”, insert “change of name,”.

**285B Paragraph 58(3)(a)**

After “was born,”, insert “changed name,”.

**285C Paragraph 58(3)(b)**

After “Register of Births,”, insert “the Register of Changes of Name,”.

**285D Sections 60, 61 and 63**

Repeal the sections.

***Removal of Prisoners Act 2004 (Norfolk Island)***

**293 Subsection 14(3)**

Repeal the subsection.

**294 Section 15 (note)**

Repeal the note.

***Roads Act 2002 (Norfolk Island)***

**294A Subsection 4(1) (definition of *Chief Executive Officer*)**

Repeal the definition.

**294B Subsection 10(1)**

Omit “to the Norfolk Island Planning and Environment Board under section 44”, substitute “under subsection 44(1) or 44D(1)”.

**294C Section 32**

Omit “Minister may, by instrument”, substitute “Chief Executive Officer may, by written instrument”.

***Sale of Food Act 1950 (Norfolk Island)***

**294D Paragraph 4(a)**

Omit “Minister”, substitute “Chief Executive Officer”.

**294DA Paragraph 4(c)**

Omit “appropriate fee”, substitute “approved fee”.

**294E Subsections 5(1) and (2)**

Omit “Minister” (wherever occurring), substitute “Chief Executive Officer”.

**294EA Subsections 5(4) and (5)**

Repeal the subsections, substitute:

- (4) The approved fees are payable in relation to the grant and renewal of licences under this Act.

**294EB Subsection 8(1)**

Omit “Minister”, substitute “Chief Executive Officer”.

**294F Schedule (Form B)**

Omit “Minister”, substitute “Chief Executive Officer”.



***Sale of Food (Eating Houses) Regulations (Norfolk Island)***

**294G Subregulation 2(1) (definition of *inspector*)**

Omit “Minister”, substitute “Chief Executive Officer”.

**294H Subregulation 2(1)**

Insert:

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

**294J Subregulation 11(4)**

Omit “the Minister or”.

**294K Subregulation 11(4)**

Omit “the Government Medical Officer for examination and the Government Medical Officer”, substitute “a registered medical practitioner for examination and the practitioner”.

**294L Subregulation 11(6)**

Omit “the Minister may give a copy of the notice”, substitute “a copy of the notice may be given”.

**294M Subregulation 11(7)**

Omit “the Government Medical Officer stating that the Government Medical Officer”, substitute “a registered medical practitioner stating that the practitioner”.

***Sale of Goods (Vienna Convention) Act 1987 (Norfolk Island)***

**295 Section 4**

Omit “the legislative power of the Legislative Assembly permits”, substitute “possible”.

***Sale of Tobacco Act 2004 (Norfolk Island)***

**295A Subsections 5(1), (3) and (4)**

Omit “Minister”, substitute “Chief Executive Officer”.

**295B Paragraph 7(1)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**296 Subsection 14(5)**

Repeal the subsection.

**297 Subsection 16(5)**

Repeal the subsection, substitute:

- (5) A notice under subsection (4) may include conditions to which the exemption is subject.

**297AAAA Paragraph 25(2)(d)**

Repeal the paragraph.

***Sale of Tobacco Regulations 2004 (Norfolk Island)***

**297AAAB Regulation 3**

Repeal the regulation.

***Sentencing Act 2007 (Norfolk Island)***

**297AA Subsection 3(1) (definition of *Crown law officer*)**

Repeal the definition.

**297AAA Subsection 3(1) (definition of *gaoler*)**

Repeal the definition, substitute:

*gaoler* means a person who is a gaoler for the purposes of the *Administration Act 1936*.

**297AB Paragraph 5(2)(f)**

Before “the offender’s”, insert “subject to subsection (4),”.

**297ABA Paragraph 5(2)(p)**

Omit “or any other Act”, substitute “Act or any other law in force in Norfolk Island”.

**297AC At the end of section 5**

Add:

- (4) In sentencing an offender for an offence against Part 3.6, 3.7 or 3.10 of the *Criminal Code 2007*, the court must not under paragraphs (2)(f) and (g) of this section have regard to the offender’s good character as a mitigating factor if:
- (a) the offence was committed against a person who was under 16 years old at the time the offender engaged in the conduct constituting the offence; and
  - (b) the offender took or sought to take advantage of either of the following in the commission of the offence:
    - (i) the offender’s lack of previous findings of guilt or convictions;
    - (ii) a matter mentioned in paragraph 6(b) or (c).

**297AD Paragraph 7(l), subsection 8(2) and paragraph 8(3)(a)**

Omit “or any other Act”, substitute “Act or any other law in force in Norfolk Island”.

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## **297AE Section 16**

Repeal the section, substitute:

### **16 Additional power to fine**

#### *Offences punishable by imprisonment*

(1) If:

- (a) an offence against a law in force in Norfolk Island is punishable by a term of imprisonment; and
- (b) the offence is not, apart from this subsection, punishable by a fine; and
- (c) the offender is a natural person;

a court may, in addition to or instead of sentencing the offender to a term of imprisonment, impose a fine not exceeding the product obtained by multiplying 50 penalty units by:

- (d) if the term of imprisonment is one year or more—that term expressed in years; or
- (e) otherwise—that term expressed as a fraction of a year.

#### *Offences not punishable by imprisonment*

(2) If:

- (a) an offence against a law in force in Norfolk Island is not punishable by a term of imprisonment; and
- (b) the offence is not, apart from this subsection, punishable by a fine; and
- (c) the offender is a natural person;

a court may impose a fine not exceeding:

- (d) 100 penalty units if the court is the Supreme Court; or
- (e) 50 penalty units if the court is the Court of Petty Sessions.

### **16A Corporate multiplier for fines**

If a body corporate is convicted of an offence against a law in force in Norfolk Island, a court may, if the contrary intention does not appear and the court thinks fit, impose a fine not exceeding an amount equal to 5 times the amount of the maximum fine that could be imposed by the court on a natural person convicted of the same offence.

## **297AF Section 20**

Omit “an Act”, substitute “a law in force in Norfolk Island”.

## **297AG Subsection 21(1)**

Omit “under section 16(1)”.

**297AGA Subsection 39(5)**

Omit “enactments except an enactment”, substitute “laws in force in Norfolk Island except a law”.

**297AGB Subsection 39(7)**

Omit “enactment”, substitute “law in force in Norfolk Island”.

**297AH Subsection 43(1)**

Omit all the words after “home detention order”, substitute:

if:

- (a) none of the offences for which the offender is being sentenced is a sexual offence; and
- (b) if any of the offences for which the offender is being sentenced is a violent offence or an offence committed under paragraph 87(2)(aa) (choking, suffocating or strangling another person) of the *Criminal Code 2007*—the offence was not committed against a person with whom the offender would likely reside under the order; and
- (c) in any case—the court is satisfied:
  - (i) that the offender is unlikely to commit a sexual offence or a violent offence while the order would be in force (whether or not the offender has previously committed offences of that nature); and
  - (ii) that it is desirable in the circumstances to make the order.

**297A Subsection 48(1) (definition of *medical practitioner*)**

Omit “*Medical Practitioners Registration*”, substitute “*Health Practitioners*”.

**297B Subsection 90(1)**

Omit “subsection (2)”, substitute “this Act”.

**297C Subsection 91(1)**

Repeal the subsection, substitute:

- (1) Subject to this section, where a court (the *sentencing court*) is sentencing an offender to be imprisoned for life for the crime of murder, the court must fix a period during which the offender is not eligible to be released on parole of:
  - (a) 20 years; or
  - (b) if any of the circumstances in subsection (3) apply—25 years.
- (1A) This section does not apply if section 93 applies.

Note: Section 93 applies to further sentences imposed on certain offenders already serving terms of imprisonment.

**297D After subsection 91(9)**

Insert:

- (9A) If the offender is being sentenced to be imprisoned for more than one offence, the sentencing court must fix one non-parole period in relation to all of the sentences.

## **297E After section 91**

Insert:

### **92 Non-parole periods for other offences**

- (1) This section applies if a court (the *sentencing court*) is sentencing an offender to be imprisoned for life, or for a term of at least 12 months, for an offence, unless:
- (a) the sentence is to be suspended in whole or in part; or
  - (b) the court is sentencing the offender to be imprisoned for life for the crime of murder; or
  - (c) section 93 applies.

Note 1: See section 91 in relation to non-parole periods for offenders sentenced to be imprisoned for life for the crime of murder.

Note 2: Section 93 applies to further sentences imposed on certain offenders already serving terms of imprisonment.

- (2) The sentencing court must fix a period during which the offender is not eligible to be released on parole unless the court considers that any of the following make it inappropriate to fix such a period:
- (a) the nature of the offence;
  - (b) the history of the offender;
  - (c) the circumstances of the case;
  - (d) any other reason.
- (3) If the sentencing court refuses to fix a non-parole period, the court must:
- (a) state its reasons for so refusing; and
  - (b) cause the reasons to be entered in the records of the court.
- (4) If the offender is being sentenced to be imprisoned for more than one offence, the sentencing court must fix one non-parole period in relation to all of the sentences.
- (5) The failure of the sentencing court to comply with this section does not invalidate the sentence imposed on the offender.

### **93 Offenders already imprisoned when sentenced**

#### *Application of this section*

- (1) This section applies if:
- (a) an offender is serving a term of imprisonment imposed under this Act for an offence; and
  - (b) either:

- (i) the offender is serving a non-parole period (the **existing non-parole period**) fixed in relation to the sentence for the offence; or
- (ii) a court refused to fix a non-parole period in relation to the sentence for the offence; and
- (c) a court (the **sentencing court**) is sentencing the offender to be imprisoned for life, or for a term of at least 12 months, for another offence (the **further sentence**); and
- (d) the further sentence is not to be suspended in whole or in part.

*Powers where offender is already serving a non-parole period*

- (2) If the offender is serving a non-parole period, the sentencing court must, after considering the relevant circumstances, including:
  - (a) the existing non-parole period; and
  - (b) the nature and circumstances of the offences mentioned in paragraphs (1)(a) and (c); and
  - (c) the offender's history;do one of the following things:
  - (d) make an order confirming the existing non-parole period;
  - (e) fix a new period during which the offender is not eligible to be released on parole in relation to all of the sentences under this Act the offender is to serve;
  - (f) if the court decides that a non-parole period is not appropriate—cancel the existing non-parole period and refuse to fix a new non-parole period.
- (3) If, under paragraph (2)(e), the sentencing court fixes a new non-parole period, it is to be treated as having superseded the existing non-parole period.

*Powers where offender is not already serving a non-parole period*

- (4) If the offender is not serving a non-parole period, the sentencing court must, after considering the relevant circumstances, including:
  - (a) the nature and circumstances of the offences mentioned in paragraphs (1)(a) and (c); and
  - (b) the offender's history;do one of the following things:
  - (c) fix a period during which the offender is not eligible to be released on parole in relation to all of the sentences under this Act the offender is to serve;
  - (d) if the court decides that a non-parole period is not appropriate—refuse to fix a non-parole period.

*Requirements applying whether or not offender is already serving a non-parole period*

- (5) A non-parole period confirmed or fixed under subsection (2) or (4) must not be such as to allow the offender to be released on parole:

- (a) earlier than the offender could have been released (on parole or otherwise) if the further sentence were not imposed; or
  - (b) if the sentencing court is sentencing the offender to imprisonment for life for the crime of murder—earlier than would have been the case if the non-parole period were being fixed under section 91.
- (6) If the sentencing court refuses to fix a non-parole period under subsection (2) or (4), the court must:
  - (a) state its reasons for so doing; and
  - (b) cause the reasons to be entered in the records of the court.
- (7) The failure of the sentencing court to comply with this section does not invalidate the sentence imposed on the offender.

#### **94 Fixing of non-parole period for sentences imposed before commencement**

- (1) This section applies if:
  - (a) before the commencement of this section, a court sentenced an offender under this Act to be imprisoned for life, or for a term of at least 12 months, for an offence; and
  - (b) the offender has not been sentenced to imprisonment for life for the crime of murder; and
  - (c) the sentence is not suspended in whole or in part; and
  - (d) the offender is serving the sentence; and
  - (e) a court has not fixed a non-parole period in relation to the sentence.
- (2) On application by the offender or a prosecutor, a court must fix a period during which the offender is not eligible to be released on parole unless the court considers that any of the following make it inappropriate to fix such a period:
  - (a) the nature of the offence;
  - (b) the history of the offender;
  - (c) the circumstances of the case;
  - (d) any other reason.
- (3) If the court refuses to fix a non-parole period, the court must:
  - (a) state its reasons for so refusing; and
  - (b) cause the reasons to be entered in the records of the court.

#### **297F Subsections 101(1), 118(2) and 119(2)**

Omit “or any other Act”, substitute “Act or a law in force in Norfolk Island”.

#### **297G Subsection 147(1) (definition of *Parole Board*)**

Omit “another Act”, substitute “another law in force in Norfolk Island”.

#### **297GA Subsection 147(1) (definition of *prison sentence*)**

Omit “or any other Act”, substitute “Act or any other law in force in Norfolk Island”.

**297GB Subsection 147(1) (paragraph (a) of the definition of *prison sentence*)**

Omit “non-parole period has not been fixed”, substitute “non-parole period is not fixed”.

**297GC Subsection 147(1) (paragraphs (b) and (c) of the definition of *prison sentence*)**

Omit “non-parole period has been fixed”, substitute “non-parole period is fixed”.

**297GD Paragraph 147(2)(a)**

Omit “enactment of”, substitute “law in force in”.

**297GE Subsection 151(1)**

Omit “non-parole period was fixed”, substitute “non-parole period is fixed”.

**297GF Paragraph 166(2)(a)**

Omit “under section 16”, substitute “but not a sentence of imprisonment”.

**297GG Section 167**

Repeal the section.

**297GH Section 168**

Omit “or any other Act”, substitute “Act or any other law in force in Norfolk Island”.

**297GI Subsections 169(1) and (2)**

Omit “an Act, including this Act, or an instrument of a legislative or administrative character”, substitute “a law in force in Norfolk Island”.

**297GJ Subsection 170(1)**

Omit “an Act”, substitute “a law in force in Norfolk Island”.

**297GK Subsection 170(1)**

Omit “of imprisonment of more than 2 years or a fine greater than 1 000 penalty units”, substitute:

of:

- (a) imprisonment of more than 2 years, or a fine greater than 1,000 penalty units, if the person is a natural person; or
- (b) a fine greater than 5,000 penalty units if the person is a body corporate.

**297GL Subsection 170(2)**

Omit “enactment”, substitute “law in force in Norfolk Island”.



**297GM Paragraph 171(2)(a)**

Omit “an Act or an instrument of a legislative or administrative character”, substitute “a law in force in Norfolk Island”.

**297GN Paragraph 171(2)(b)**

Omit “an Act or a provision of an Act that has been repealed or an instrument of a legislative or administrative character or a provision of such an instrument”, substitute “a law that was in force in Norfolk Island, or a provision of such a law,”.

**297GO Subsection 171(3)**

Omit “Act or the instrument of a legislative or administrative character”, substitute “law in force in Norfolk Island”.

**297H Clause 2 of Schedule 2**

Omit “or 120”, substitute “, 120, 121A or 121B”.

***Sentencing Regulations 2011 (Norfolk Island)***

**298 Schedule (Form 1)**

Omit “Crown Law Officer”, substitute “Director of Public Prosecutions of the Commonwealth (or delegate or person authorised by the Director)”.

***Slaughtering Act 1913 (Norfolk Island)***

**299 Subsection 2(4)**

Omit “land declared or deemed to be declared to be a common or public reserve under the *Commons and Public Reserves Act 1936* unless the Minister”, substitute “land that is a reserve under the *Public Reserves Act 1997* unless the Chief Executive Officer”.

**299A Section 5**

Omit “a fee of 13 fee units”, substitute “the approved fee”.

**300 Subsection 6(1)**

Omit “the Government Medical Officer,”.

**300A Subsection 10A(3)**

Repeal the subsection, substitute:

- (3) The approved fee is payable for the examination of stock under subsection 10A(1).

**301 Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Sections 3 and 4	Minister	Chief Executive Officer
2	Subsection 6(1)	Minister	Chief Executive Officer
3	Section 7	Minister	Chief Executive Officer
4	Subsection 8(1)	Minister	Chief Executive Officer
5	Sections 9 and 11	Minister	Chief Executive Officer
6	Subsections 12(1) and (2)	Minister	Chief Executive Officer

### ***Stock Diseases Act 1936 (Norfolk Island)***

#### **302 Section 4**

Omit “Minister may appoint”, substitute “Chief Executive Officer may, by written instrument, appoint”.

### ***Subdivision Act 2002 (Norfolk Island)***

#### **335A Section 4 (definition of *Chief Executive Officer*)**

Repeal the definition.

#### **335B Subsection 7(1)**

Omit “to the Norfolk Island Planning and Environment Board under section 44”, substitute “under subsection 44(1) or 44D(1)”.

#### **335C Section 24**

Omit “Minister may, by instrument”, substitute “Chief Executive Officer may, by written instrument”.

### ***Summary Offences Act 2005 (Norfolk Island)***

#### **335P Paragraph 30(1)(a)**

Repeal the paragraph, substitute:

- (a) an offence against Part 3.6 (sexual offences) or Part 3.7 (child pornography) of the *Criminal Code 2007*; or

#### **335Q Subparagraphs 30(1)(b)(i) and (ii)**

Repeal the subparagraphs.

### ***Supreme Court Act 1960 (Norfolk Island)***

#### **336 At the end of subsection 19(3)**

Add “for the purposes of section 41A of the *Interpretation Act 1979*”.

**336A Subsection 23(1)**

After “indictable offence”, insert “(other than a continued law offence)”.

**336B Subsection 23(3)**

After “an information being filed”, insert “(whether or not under subsection (1))”.

**336C Subsections 23(4) and (6)**

After “indictable offence”, insert “(other than a continued law offence)”.

**336D At the end of section 23**

Add:

(7) In this section:

*continued law offence* has the same meaning as in Division 11 of Part 2 of Schedule 1 to the *Norfolk Island Continued Laws Ordinance 2015* of the Commonwealth.

**336DA After section 33**

Insert:

**33A Appeals against sentence by Commonwealth Attorney-General or Director of Public Prosecutions**

The Attorney-General of the Commonwealth or the Director of Public Prosecutions of the Commonwealth may, with the leave of the Full Court of the Federal Court of Australia, appeal to that Court against the sentence passed in relation to a person’s conviction on indictment before the Supreme Court.

**336DB Section 34**

Omit “32 or 33”, substitute “32, 33 or 33A”.

***Surveys Act 1937 (Norfolk Island)***

**336E Subsection 4(3)**

Omit “A fee of 7 fee units is”, substitute “The approved fee is”.

***Telecommunications Act 1992 (Norfolk Island)***

**337AA Paragraph 2(a)**

Repeal the paragraph, substitute:

- (a) to make provision in relation to the ownership of telecommunications services;

**337AB Paragraph 2(c)**

Repeal the paragraph.

**337 Section 3**

Omit:

disallowable instrument

employee

**338AA Section 3**

Insert:

Judge

officer in charge

**338A Section 3**

Omit:

Principal Police Officer

public payphone

telecommunications tariff notice

**338B Part 2 (heading)**

Repeal the heading, substitute:

**Part 2—Ownership**

**338C Sections 5 to 16**

Repeal the sections.

**338D Paragraph 23(b)**

Omit “Minister”, substitute “Chief Executive Officer”.

**338E Section 28**

Repeal the section, substitute:

**28 Approved fees for telecommunications services**

The approved fees are payable for telecommunications services provided in accordance with this Act, including for basic carriage services.

**339 Sections 30 and 32**

Repeal the sections.

**339AA Subsection 33(2)**

Omit “the charges payable under paragraph 32(a)”, substitute “any approved fees payable by the consumers”.

**339AB Paragraph 34(a)**

Omit “the charge paid or payable, under section 32,”, substitute “the amount of the approved fee paid or payable”.

**339A Section 42**

Omit “supplied by the Administration” (wherever occurring).

**339AAA Paragraph 43(a)**

Omit “rental, fee or charge properly”, substitute “approved fee”.

**339AAB Paragraph 43(b)**

Omit “proper rental, fee or charge”, substitute “approved fee for the service”.

**339B Subsection 44(1)**

Omit “operated by the Administration”.

**339C Subsections 44(1) and (2)**

Omit “supplied by the Administration”.

**339D Section 45**

Omit “belonging to the Administration”.

**339DA At the end of subsection 48(2)**

Add:

- ; or (d) the interception of a communication because of a request made, or purporting to be made, under subsection 54A(2) or (4).

**339DB At the end of section 48**

Add:

- (3) Subsection (1) does not apply to, or in relation to, an act done by a member of the Police Force in relation to a communication if all of the following conditions are satisfied:
  - (a) the member, or another member of the Police Force, is a party to the communication;
  - (b) there are reasonable grounds for suspecting that another party to the communication has:
    - (i) done an act that has resulted, or may result, in loss of life or the infliction of serious personal injury; or
    - (ii) threatened to kill or seriously injure another person or to cause serious damage to property; or
    - (iii) threatened to take his or her own life or to do an act that would or may endanger his or her own life or create a serious threat to his or her health or safety;

- (c) because of the urgency of the need for the act to be done, it is not reasonably practicable for an application for a warrant to be made.
- (4) Subsection (1) does not apply to, or in relation to, an act done by a member of the Police Force in relation to a communication if all of the following conditions are satisfied:
  - (a) the person to whom the communication is directed has consented to the doing of the act;
  - (b) there are reasonable grounds for believing that that person is likely to receive a communication from a person who has:
    - (i) done an act that has resulted, or may result, in loss of life or the infliction of serious personal injury; or
    - (ii) threatened to kill or seriously injure another person or to cause serious damage to property; or
    - (iii) threatened to take his or her own life or to do an act that would or may endanger his or her own life or create a serious threat to his or her health or safety;
  - (c) because of the urgency of the need for the act to be done, it is not reasonably practicable for an application for a warrant to be made.
- (5) As soon as practicable after the doing of an act in relation to a communication under subsection (3) or (4), a member of the Police Force concerned with the communication must apply for a warrant in relation to the matter.
- (6) Subsection (5) does not apply if:
  - (a) action has been taken under subsection (3) or (4) to intercept a communication, or cause it to be intercepted; and
  - (b) the action has ceased before it is practicable for an application for a warrant to be made.
- (7) If a Judge does not issue a warrant in relation to an application made in relation to a matter arising under subsection (3) or (4), the officer in charge must ensure that no further action is taken by the Police Force to intercept the communication or to cause it to be intercepted.
- (8) The doing of an act mentioned in subparagraph (3)(b)(ii) or (iii) or (4)(b)(ii) or (iii) in a particular case is taken to constitute an eligible offence, even if it would not constitute an eligible offence apart from this subsection.

Note: See paragraph 51(1)(d) and subsection 52(6). A warrant can only be issued for the purposes of an investigation relating to the commission of an eligible offence.
- (9) Subsection (8) has effect only to the extent necessary:
  - (a) to enable an application to be made for the purposes of subsection (5); and
  - (b) to enable a decision to be made on such an application and, if a Judge so decides, a warrant to be issued; and
  - (c) to enable this Act to operate in relation to a warrant issued on the application.

**339DBA Paragraph 49(3)(c)**

Omit “charges payable under this Act”, substitute “approved fees”.

**339DC Paragraph 50(3)(a)**

Omit “Principal Police Officer” (wherever occurring), substitute “officer in charge”.

**339DD Subparagraph 53(3)(b)(ii)**

Omit “Principal Police Officer”, substitute “officer in charge”.

**339DE At the end of Part 7**

Add:

**54A Emergency requests**

- (1) A person may take action under subsection (2) or (3) if:
  - (a) the person is a party to a communication passing over a telecommunications system; and
  - (b) as a result of information conveyed by another party to the communication (the *caller*) and of any other matters, the person forms the honest belief that either of the following emergencies exist:
    - (i) another person (whether or not the caller) is dying, is being seriously injured or has been seriously injured;
    - (ii) another person (whether or not the caller) is likely to die or be seriously injured; and
  - (c) the person does not know the location of the caller.
- (2) The person may request the Norfolk Island Regional Council to intercept a communication for the purposes of tracing the location of the caller if the person is:
  - (a) a member of the Police Force; and
  - (b) of the opinion that tracing the location of the caller is likely to be of assistance in dealing with the emergency.
- (3) If the person is not a member of the Police Force, the person may inform, or cause another person to inform, a member of the Police Force of the matters referred to in paragraphs (1)(a), (b) and (c).
- (4) A member of the Police Force may request the Norfolk Island Regional Council to intercept a communication for the purposes of tracing the location of the caller if the member is:
  - (a) informed by a person under subsection (3) of the matters referred to in paragraphs (1)(a), (b) and (c); and
  - (b) of the opinion that tracing the location of the caller is likely to be of assistance in dealing with the emergency.

- (5) If, because of a request under subsection (2) or (4), the Norfolk Island Regional Council intercepts a communication for the purpose of tracing the location of a caller, the Council must communicate the location of the caller to:
  - (a) the member of the Police Force who made the request; or
  - (b) another member of the Police Force.
- (6) A member of the Police Force who makes a request under subsection (2) or (4) must, as soon as practicable after making the request, give, or cause another member of the Police Force to give, written confirmation of the request to the Norfolk Island Regional Council.

**339E Section 55B**

Repeal the section.

**339EA Section 59**

Repeal the section.

**339F Item 2 of Schedule 1 (paragraph (a) of the definition of *customer cabling*)**

Omit “operated by the Administration”.

**339G Item 2 of Schedule 1 (definition of *customer equipment*)**

Omit “operated by the Administration”.

**340 Item 2 of Schedule 1**

Repeal the following definitions:

- (a) definition of *disallowable instrument*;
- (b) definition of *employee*.

**340A Item 2 of Schedule 1 (paragraph (b) of the definition of *intercept*)**

Omit “by the Administration,”.

**340AA Item 2 of Schedule 1**

Insert:

*Judge* means a judge of the Supreme Court, and includes an acting Judge.

*officer in charge* means the police officer in charge of the Police Force.

**340AB Item 2 of Schedule 1 (definition of *Principal Police Officer*)**

Repeal the definition.

**340B Item 2 of Schedule 1 (paragraph (d) of the definition of *public mobile telecommunications service*)**

Omit “operated by the Administration”.



### **340C Item 2 of Schedule 1 (definition of *public payphone*)**

Repeal the definition.

### **340D Item 2 of Schedule 1 (definition of *telecommunications tariff notice*)**

Repeal the definition.

### **341 Item 3 of Schedule 1**

Repeal the item.

## ***Tourist Accommodation Act 1984 (Norfolk Island)***

### **341AAA Subsection 14(2)**

Omit all the words from and including “Where” to and including “the reference”, substitute “If no person is registered under section 6 as the manager of a tourist accommodation house, the reference”.

### **341AAB Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Subsection 5(3)	Minister	Chief Executive Officer
2	Paragraph 5(4)(b)	Minister	Chief Executive Officer
3	Subsections 7(1), (2), (3), (3A), (4), (4B), (5) and (6), 15(2), 17(1), (2), (3), (3A) and (5) and 18(1)	Minister	Chief Executive Officer
4	Paragraph 26(1)(a)	Minister	Chief Executive Officer
5	Subsections 26(2) and (4), 27(1), (3), (4) and (5) and 29(1), (2) and (3)	Minister	Chief Executive Officer
6	Section 30	Minister	Chief Executive Officer
7	Subsection 31A(4)	Minister	Chief Executive Officer

## ***Traffic Act 2010 (Norfolk Island)***

### **341A Subsection 3(1)**

Insert:

***breath test*** means a test for the purpose of indicating the concentration of alcohol present in a person’s breath or blood, carried out on that person’s breath by means of one of the following devices:

- (a) Alcolizer LE;
- (b) lion alcolmeter SD-400;

- (c) Alcolizer 5 Series;
- (d) a device prescribed for the purposes of this paragraph.

**341AAAA Subsection 3(1) (paragraph (da) of the definition of *major driving offence*)**

Repeal the paragraph, substitute:

- (da) an offence against subsection 32(9) because paragraph 32(9)(b) or (c) applies;

**341AAAB Subsection 3(1) (definition of *novice* or *novice driver*)**

Omit “or a provisional licence”, substitute “, a provisional licence or a recognised provisional licence”.

**341AAAC Subsection 3(1)**

Insert:

*outside jurisdiction* means:

- (a) a State; or
- (b) a Territory (other than Norfolk Island); or
- (c) a foreign country; or
- (d) a part of a foreign country.

**341AA Subsection 3(1) (definition of *prescribed concentration of alcohol*)**

Omit “0.08” (wherever occurring), substitute “0.05”.

**341AB Subsection 3(1)**

Insert:

*psychotropic substance* means a substance that is listed in Part 2 of Schedule 5 to the *Dangerous Drugs Act 1927*.

**341AC Subsection 3(1) (paragraph (b) of the definition of *recognised licence*)**

Repeal the paragraph.

**341AD Subsection 3(1) (paragraph (c) of the definition of *recognised licence*)**

Omit “, or a provisional licence”.

**341AE Subsection 3(1) (definition of *recognised licence*)**

After “except”, insert “Norfolk Island or”.

**341AF Subsection 3(1)**

Insert:

***recognised provisional licence*** means a recognised licence that corresponds to a provisional licence.

***saliva test*** means a test for the purpose of indicating the presence in a person's saliva of a drug or psychotropic substance using:

- (a) a Securetec Drugwipe II Twin device; or
- (b) a device prescribed for the purposes of this paragraph.

**341AG Subsection 3(1) (at the end of the definition of *second or subsequent conviction*)**

Add:

Note: See also subsection (9) of this section.

**341AH Subsection 3(2)**

After “a learners licence,”, insert “a provisional licence,”.

**341AI Paragraph 3(2)(b)**

Omit “elsewhere”, substitute “an outside jurisdiction”.

**341AJ Paragraph 3(2)(c)**

Repeal the paragraph, substitute:

- (c) that has been cancelled, or the operation of which in Norfolk Island is cancelled, in accordance with this or any other law in force in Norfolk Island or an outside jurisdiction; or

**341AK Subparagraph 3(2)(d)(ii) and paragraph 3(2)(e)**

Omit “elsewhere”, substitute “an outside jurisdiction”.

**341B At the end of section 3**

Add:

- (8) For the purposes of this Act, an amount of alcohol in grams present in breath when measured by reference to 210 litres of breath is equivalent to the same amount of alcohol in grams present in blood when measured by reference to 100 millilitres of blood.
- (9) Despite subsection 8(2) of the *Sentencing Act 2007*, the reference to convicted in each of paragraphs (a) and (b) of the definition of ***second or subsequent conviction*** is taken to include a reference to a finding of guilt without the recording of a conviction.

**341BA Subsection 7(3)**

Omit “a prescribed fee”, substitute “the approved fee”.

**341BB Paragraph 8(1)(c)**

Omit “prescribed fee”, substitute “approved fee”.

**341BBA Subsection 8(2)**

Repeal the subsection, substitute:

- (2) If a motor vehicle is registered, the Registrar must assign an identifying number to the motor vehicle.

**341BBB Subsection 8(5A)**

Omit “paragraph 8(1)(b)”, substitute “paragraph 8(1)(ab)”.

**341BBC Section 10**

Repeal the section.

**341BBD Paragraph 12(3)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**341BC Paragraph 13(1)(b)**

Omit “registration fee paid in respect of the”, substitute “approved fee paid in respect of the registration of the”.

**341BD Paragraph 13(1)(c)**

Omit “fee”, substitute “approved fee”.

**341BE Subsection 13(2)**

Omit “prescribed administration fees”, substitute “approved fees for cancelling the registration”.

**341BF Section 14A**

Repeal the section.

**341BG Paragraphs 14C(2)(c) and (d)**

Repeal the paragraphs, substitute:

- (c) pay the approved fee (if any) for being appointed as an inspector; and  
(d) collect the approved fees (if any) for the issue of certificates of inspection under paragraph 8(1)(a).

**341BH Paragraph 14D(1)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**341BI Subsection 14D(4)**

Omit “prescribed administration fee”, substitute “approved fee”.

**341BJ Paragraph 14D(5)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**341BK Subsection 14D(7)**

Omit “prescribed registration fee in respect of the vehicle”, substitute “approved fee in respect of the registration of the vehicle”.

**341BL Subsection 14D(12)**

Omit “prescribed fee”, substitute “approved fee”.

**341BM Subsection 14F(1)**

Omit “prescribed fee”, substitute “approved fee”.

**341BMA Subsection 15(3)**

After “provisional licence”, insert “or a recognised provisional licence”.

**341BMB Paragraphs 15(3)(a), (b) and (c) (penalties)**

Repeal the penalties.

**341BMC After subsection 15(3)**

Insert:

- (3A) An offence against subsection 15(3) committed by the holder of a provisional licence is punishable, on conviction, by:
  - (a) for an offence against paragraph 15(3)(a) or (c)—suspension of the licence for not more than 6 months; or
  - (b) for an offence against paragraph 15(3)(b)—either or both of the following:
    - (i) suspension of the licence for not more than 6 months;
    - (ii) a fine not exceeding 2 penalty units.
- (3B) An offence against subsection 15(3) committed by the holder of a recognised provisional licence is punishable, on conviction, by:
  - (a) for an offence against paragraph 15(3)(a) or (c)—cancellation of the operation of the licence in Norfolk Island and disqualification from obtaining a licence in Norfolk Island for not more than 6 months; or
  - (b) for an offence against paragraph 15(3)(b)—either or both of the following:
    - (i) cancellation of the operation of the licence in Norfolk Island and disqualification from obtaining a licence in Norfolk Island for not more than 6 months;
    - (ii) a fine not exceeding 2 penalty units.

**341BMD Paragraph 15(6)(c)**

Repeal the paragraph, substitute:

- (c) if the operation of a recognised licence held by the person is cancelled by the Court for a period—that period has not ended;

**341BN Paragraph 16(1)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**341BNA Subsection 16(7) (paragraph (ii) of the penalty)**

Repeal the paragraph, substitute:

- (ii) for a subsequent offence—not less than 1 or more than 5 penalty units, suspension of licence for 3 months, and disqualification from obtaining a licence for 3 months.

**341BNB Paragraph 16A(1)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**341BND Subparagraph 16A(1)(c)(iv)**

Repeal the subparagraph, substitute:

- (iv) is not disqualified from holding a licence;

**341BNE Subsections 16A(5) and (6)**

After “provisional licence”, insert “or a recognised provisional licence”.

**341BNF At the end of subsection 16A(6)**

Add “, unless the modification is in accordance with a condition, restriction or endorsement to which the licence is subject”.

**341BNG Subsection 16A(7) (paragraph (ii) of the penalty)**

Repeal the paragraph, substitute:

- (ii) for a subsequent offence, if the person holds a provisional licence—not less than 1 or more than 5 penalty units, suspension of licence for 3 months, and disqualification from obtaining a licence for 3 months; and
- (iii) for a subsequent offence, if the person holds a recognised provisional licence—not less than 1 or more than 5 penalty units, cancellation of the operation of the licence in Norfolk Island, and disqualification from obtaining a licence for 3 months.

**341BNH Paragraph 17(1)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**341BNI Paragraph 17(3B)(a)**

After “recognised licence”, insert “corresponding to a drivers licence”.

**341BNJ Subsection 17A(2)**

Omit all the words after “under”, substitute:

this Act, and in respect of recognised licences (including recognised licences the operation of which in Norfolk Island is cancelled), contain:

- (a) each condition, restriction or endorsement that the licence is subject to; and
- (b) such other information as the Registrar considers necessary to give effect to this Act

**341BO Subsection 17A(3)**

Omit “a prescribed fee”, substitute “the approved fee”.

**341BOA Subsection 18(2)**

Omit “the Government Medical Officer”, substitute “a registered medical practitioner (within the meaning of the *Health Practitioners Act 1983*)”.

**341BOB Section 19 (heading)**

Repeal the heading, substitute:

**19 Registrar’s powers in relation to persons unfit to hold a licence, or disqualified from driving**

**341BOC After paragraph 19(b)**

Insert:

- (ba) for a recognised licence—cancel the operation of the licence in Norfolk Island and declare the holder of the licence disqualified from obtaining a licence for such period as the Registrar thinks fit; or

**341BOD Paragraphs 19(d) and (e)**

Omit “elsewhere”, substitute “an outside jurisdiction”.

**341BOE Section 20 (heading)**

Repeal the heading, substitute:

**20 Registrar’s powers in relation to licence holders presenting danger to public**

**341BOF Paragraph 20(1)(b)**

Repeal the paragraph, substitute:

- (b) if the holder is the holder of a recognised licence—cancel the operation of the licence in Norfolk Island.

**341BOG Subsection 20(3)**

Repeal the subsection.

**341BOH Section 21**

Before “If”, insert “(1)”.

**341BOI After paragraph 21(b)**

Insert:

- (ba) cancels the operation of a recognised licence in Norfolk Island; or

**341BOJ Paragraph 21(e)**

Repeal the paragraph, substitute:

- (e) declares the holder of a recognised licence disqualified from obtaining a licence for a period;

**341BOK At the end of section 21**

Add:

- (2) For the purposes of serving a notice under subsection (1), the Registrar may send the notice to the address of the place of residence or business of the applicant or holder of the licence, as the case may be, last known to the Registrar.

**341BOL After paragraph 22(1)(b)**

Insert:

- (ba) cancelling the operation of the person's recognised licence in Norfolk Island; or

**341BOM Paragraph 22(1)(e)**

Repeal the paragraph, substitute:

- (e) declaring the person disqualified from obtaining a licence for a period;

**341BON After section 22**

Insert:

**22A Special provisions applicable to provisional licences and recognised licences**

- (1) If:
  - (a) a provisional licence or a recognised licence is subject to a condition, restriction or endorsement, by or under a law in force in the place where the licence was issued; and
  - (b) the condition, restriction or endorsement relates to the class or description of motor vehicle the holder of the licence may drive;then the Registrar is taken to have endorsed that class or description of motor vehicle on the licence under this subsection.
- (2) For the purposes of subsection (1), the description of motor vehicle the holder of a provisional licence or recognised licence may drive extends to:
  - (a) the description of modifications that must be made to the motor vehicle; and
  - (b) the description of equipment that must be fitted to the motor vehicle.
- (3) For the purposes of subsection 15(1), if a licence is taken to be endorsed under subsection (1) of this section or endorsed under subsection 47(5), the holder of the licence is taken not to be the holder of a licence when driving a motor vehicle unless when driving the vehicle the driver is doing so in accordance with the terms of the endorsement.

**341BOO Paragraph 23(3)(b)**

After "recognised licence", insert "corresponding to a drivers licence".

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**341BOP Section 23A (heading)**

Repeal the heading, substitute:

**23A Special provisions applicable to provisional licences and recognised provisional licences**

**341BOQ Subsection 23A(1)**

After “provisional licence” (wherever occurring), insert “or recognised provisional licence”.

**341BOR Subsections 23A(2) and (3)**

After “provisional licence”, insert “or recognised provisional licence”.

**341BOS After section 23A**

Insert:

**23B Special provisions relating to ute tray riding**

- (1) The Registrar may endorse on a drivers licence a permit for the licence holder to drive a truck or utility with one or more persons seated on the open tray of the truck or utility if the licence holder passes a written test approved by the Registrar for the purposes of this subsection.
- (2) If the Registrar endorses a permit on a drivers licence under subsection (1), the Registrar must give the licence holder written evidence of the endorsement.

**341BOT At the end of Part 5**

Add:

**24A Driving with L or P plates without appropriate licence**

- (1) A person commits an offence if:
  - (a) the person drives a motor vehicle; and
  - (b) an “L” plate sign is affixed to the vehicle; and
  - (c) the person does not hold a learners licence.

Penalty:

- (a) for a first offence—not less than 0.5 or more than 2 penalty units; and
  - (b) for a subsequent offence—not less than 1 or more than 5 penalty units and suspension of licence (if any) for 3 months.
- (2) A person commits an offence if:
  - (a) the person drives a motor vehicle; and
  - (b) a “P” plate sign is affixed to the vehicle; and
  - (c) the person does not hold a provisional licence or a recognised provisional licence.

Penalty for contravention of this subsection:

- (a) for a first offence—not less than 0.5 or more than 2 penalty units; and
- (b) for a subsequent offence—not less than 1 or more than 5 penalty units and suspension of licence (if any) for 3 months.

**341BOU Subparagraph 32(1)(b)(ii)**

After “zero” insert, “but does not fall within the high range PCA”.

**341BOV After subparagraph 32(1)(b)(ii)**

Insert:

- (ia) being the driver of a truck or utility is greater than zero but does not fall within the high range PCA if a person is occupying the open tray of the truck or utility; or

**341BOW Subsection 32(1) (subsection (3) of the penalty)**

After “(b)(ii)”, insert “or (ia)”.

**341BOX Subsection 32(1A)**

Omit all the words after “of driver”, substitute:

includes:

- (a) a driver who does not hold a licence whether or not holding a licence to drive a motor vehicle issued in an outside jurisdiction; and
- (b) a novice driver whose blood alcohol content exceeds the novice range PCA; and
- (c) a driver of a commercial vehicle whose blood alcohol content falls within the high range PCA; and
- (d) a driver of a truck or utility whose blood alcohol content falls within the high range PCA if a person is occupying the open tray of the truck or utility

**341BP Paragraph 32(6)(b)**

Omit “0.08”, substitute “0.05”.

**341C Subsection 32(7A)**

Repeal the subsection.

**341CAA Subsection 32(9) (note 1)**

Omit “under this paragraph (c)”, substitute “against paragraph (b) or (c)”.

**341CA Subsection 32(10)**

Repeal the subsection.

**341D After section 32**

Insert:

### **32A Power to conduct random breath or saliva testing**

- (1) A member of the police force may require a person to submit to a breath test, or saliva test, in accordance with the member's directions if the member has reasonable cause to believe that:
  - (a) the person is or was driving a motor vehicle on a road; or
  - (b) the person is or was occupying the driving seat of a motor vehicle on a road and attempting to put the vehicle in motion; or
  - (c) the person (being the holder of a drivers licence or a recognised licence) is or was occupying the seat in a motor vehicle next to a driver who holds a learner's licence while the driver is or was driving the vehicle on a road.
- (2) Before requiring a person to submit to a breath test under subsection (1), and for the purpose of determining whether to conduct such a test, a member of the police force may conduct a preliminary assessment to determine if alcohol is present in the person's breath by requiring the person to talk into a device that indicates the presence of alcohol.
- (3) Without limiting any other power or authority, a member of the police force may, for the purposes of this section, request or signal the driver of a motor vehicle to stop the vehicle.
- (4) If a request is made, or a signal is given, to a person under subsection (3), the person must comply with the request or signal.

Penalty: 10 penalty units.

### **32B Arrest following failed breath or saliva test etc.**

- (1) A member of the police force may exercise the powers mentioned in subsection (2) in respect of a person if:
  - (a) both of the following apply:
    - (i) it appears to the member that the device used by the member to conduct a breath test under subsection 32A(1) indicates that there may be present in the person's breath or blood a concentration of alcohol of more than zero grams in 210 litres of breath or 100 millilitres of blood;
    - (ii) the member has reasonable cause to believe that the person is a novice driver or is driving a commercial vehicle; or
  - (aa) both of the following apply:
    - (i) it appears to the member that the device used by the member to conduct a breath test under subsection 32A(1) indicates that there may be present in the person's breath or blood a concentration of alcohol of more than zero grams in 210 litres of breath or 100 millilitres of blood;
    - (ii) the member has reasonable cause to believe that the person is the driver of a truck or utility and another person is occupying the open tray of the truck or utility; or

- (b) it appears to the member that the device used by the member to conduct a breath test under subsection 32A(1) indicates that there may be present in the person's breath or blood a concentration of alcohol of more than 0.05 grams in 210 litres of breath or 100 millilitres of blood; or
  - (c) the person refuses to submit to a breath test required by a member of the police force under subsection 32A(1) or fails to submit to the breath test in accordance with the directions of the member; or
  - (d) it appears to the member that the device used by the member to conduct a saliva test under subsection 32A(1) indicates that there may be present in the person's saliva a drug or psychotropic substance; or
  - (e) the person refuses to submit to a saliva test required by a member of the police force under subsection 32A(1) or fails to submit to the saliva test in accordance with the directions of the member.
- (2) The powers that the member of the police force may exercise in respect of the person are as follows:
- (a) the power to arrest the person, without warrant;
  - (b) the power to take the person (or cause the person to be taken), using such force as is necessary and reasonable in the circumstances, to a police station or such other place as the member considers desirable;
  - (c) the power to detain the person (or cause the person to be detained) at a police station or other place for the purposes of submitting to a breath analysis under subsection 32(7);
  - (d) if paragraph (1)(d) or (e) applies—the power to detain the person (or cause the person to be detained) at a police station or other place for the purposes of undergoing saliva analysis, or submitting to a blood test, under section 32C.

### **32C Saliva analysis or blood testing following arrest**

- (1) If a person is detained under paragraph 32B(2)(d), a member of the police force may require the person to undergo a saliva analysis.
- (2) The analysis must be done in accordance with regulations made for the purposes of this subsection.
- (3) If the analysis indicates that there may be present in the person's saliva a drug or psychotropic substance, a member of the police force may require the person to have a blood sample taken in accordance with the directions of the member.
- (4) A blood sample taken under subsection (3) must be taken in accordance with the Regulations.

### **341DA After paragraph 33(1)(a)**

Insert:

- (aa) who holds a recognised licence, the operation of which in Norfolk Island is cancelled; or

**341DAAA Subsection 33(1)**

Omit “elsewhere”, substitute “an outside jurisdiction”.

**341DAAB Paragraph 33(1)(c)**

After “learners licence”, insert “, a provisional licence”.

**341DAAC Paragraph 35(c)**

Repeal the paragraph.

**341DAAD Subsection 38A(3)**

Omit “medical practitioner registered under the *Medical Practitioners Registration Act 1983*”, substitute “registered medical practitioner (within the meaning of the *Health Practitioners Act 1983*)”.

**341DAADA Paragraph 40A(1)(a)**

Omit “5 years”, substitute “8 years”.

**341DAADB Paragraph 40A(1)(b)**

Repeal the paragraph, substitute:

- (b) at least 8 years old to travel in or on the open tray unless all of the following apply:
  - (i) the person is seated, between 6 am and 8 pm, on the open tray;
  - (ii) the sides of that tray are closed and extend at least 150 millimetres above the floor of the tray;
  - (iii) the driver holds a drivers licence that is endorsed by the Registrar under subsection 23B(1);
  - (iv) the driver produces written evidence of that endorsement if required to do so by a member of the police force.

**341DAAE Paragraph 44G(2)(b)**

Repeal the paragraph, substitute:

- (b) all of the following apply:
  - (i) the person is at least 8 years old and seated, between 6 am and 8 pm, on the open tray of a truck or utility;
  - (ii) the sides of that tray are closed and extend at least 150 millimetres above the floor of the tray;
  - (iii) the driver of the truck or utility holds a drivers licence that is endorsed by the Registrar under subsection 23B(1);
  - (iv) the driver produces written evidence of that endorsement if required to do so by a member of the police force.

**341DAAF Before section 45**

Insert:

#### **44L Suspension following refusal to submit to test**

If a person who holds a licence refuses to:

- (a) undergo a breath analysis, or have a blood sample taken, as required or directed under subsection 32(3); or
- (b) submit to a breath test or saliva test as required under subsection 32A(1); or
- (c) undergo a saliva analysis as required under subsection 32C(1); or
- (d) have a blood sample taken under subsection 32C(3);

the person's licence is suspended during the period:

- (e) beginning at the time of the refusal; and
- (f) ending:
  - (i) if the person is charged with a major driving offence—immediately before the person is so charged; or
  - (ii) otherwise—24 hours after the time of the refusal.

#### **44M Suspension or disqualification following charge with major driving offence**

- (1) If a person who holds a licence is charged with a major driving offence, the person's licence is suspended during the period:
  - (a) beginning when the person is so charged; and
  - (b) ending when:
    - (i) the charge is withdrawn; or
    - (ii) the person is acquitted or convicted of the offence.
- (2) If a person who does not hold a licence is charged with a major driving offence, the person is disqualified from holding or obtaining a licence during the period:
  - (a) beginning when the person is so charged; and
  - (b) ending when:
    - (i) the charge is withdrawn; or
    - (ii) the person is acquitted or convicted of the offence.
- (3) However, subsection (1) or (2) does not apply to a person if:
  - (a) the person is charged with an offence against subsection 32(1) (driving under the influence of drink or drugs); and
  - (b) the charge does not allege that:
    - (i) the person drove or attempted to drive a motor vehicle whilst under the influence of a drug or psychotropic substance; or
    - (ii) the person's blood alcohol content fell within the high range PCA.

#### **341DAAG Section 45 (heading)**

After “disqualification”, insert “following conviction”.

#### **341DAAH Subsection 45(1)**

After “a learners licence,” (wherever occurring), insert “a provisional licence,”.

**341DAAI Subsection 45(2)**

After “suspends or cancels a licence”, insert “, cancels the operation of a recognised licence in Norfolk Island”.

**341DAAJ Paragraph 46(1)(a)**

After “learners licence”, insert “, a provisional licence”.

**341DAAK After paragraph 47(1)(a)**

Insert:

- (aa) who holds a recognised licence, the operation of which in Norfolk Island is cancelled; or

**341DAAL After subsection 47(5)**

Insert:

- (5A) A special licence granted to a person who holds a recognised licence, the operation of which in Norfolk Island is cancelled, is subject to any condition, restriction or endorsement to which the recognised licence is subject in Norfolk Island.

Note: See, for example, subsections 18(6) and 22A(3).

**341DAAM Subsection 47K(1)**

Omit “or recognised licence”.

**341DAA Paragraph 47K(1)(c)**

Omit “fee payable on the grant of”, substitute “approved fee for an application for”.

**341DAB Subsection 47L(1)**

Omit “prescribed fee”, substitute “approved fee”.

**341DABA At the end of Part 8B**

Add:

**47R Cancellation of operation of recognised licence corresponding to drivers licence**

- (1) If 12 or more relevant demerit points are recorded in the register in relation to a recognised licence held by a person that corresponds to a drivers licence, the Registrar must send the person a written notice that:
  - (a) sets out the particulars of the relevant demerit points recorded in relation to the licence; and
  - (b) advises the person that 14 days after the date of the notice:
    - (i) the operation of the licence in Norfolk Island will be cancelled; and
    - (ii) the person will be disqualified from obtaining a licence for 3 months.

- (2) At the end of the period of 14 days after the date of the notice, the Registrar must:
  - (a) cancel the operation of the recognised licence in Norfolk Island; and
  - (b) declare the person disqualified from obtaining a licence for a period of 3 months; and
  - (c) delete from the register the relevant demerit points because of which the notice under subsection (1) was sent.
- (3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1)(a).

#### **47S Cancellation of operation of recognised provisional licence**

- (1) If 6 or more relevant demerit points are recorded in the register in relation to a recognised provisional licence held by a person, the Registrar must send the person a written notice that:
  - (a) sets out the particulars of the relevant demerit points recorded in relation to the licence; and
  - (b) advises the person that 14 days after the date of the notice:
    - (i) the operation of the licence in Norfolk Island will be cancelled; and
    - (ii) the person will be disqualified from obtaining a licence for 3 months.
- (2) At the end of the period of 14 days after the date of the notice, the Registrar must:
  - (a) cancel the operation of the recognised provisional licence in Norfolk Island; and
  - (b) declare the person disqualified from obtaining a licence for a period of 3 months; and
  - (c) delete from the register the relevant demerit points because of which the notice under subsection (1) was sent.
- (3) The validity of a notice under subsection (1) is not affected by a failure to comply with paragraph (1)(a).

#### **341DAC Subsection 56(1)**

Omit all of the words after “particular”, substitute “may prescribe fines not exceeding 6 penalty units in respect of a first offence or 12 penalty units in respect of a second or subsequent offence for offences against the regulations”.

#### **341DAD Paragraph 56(5)(f)**

Omit “on payment of such fees as may be prescribed”.

#### **341DAE Paragraph 56(7)(e)**

Omit “on payment of such fee as may be prescribed”.

#### **341DAF Paragraph 56(9)(f)**

Omit “32.”, substitute “32.”.



### **341DAG Paragraph 56(9)(g)**

Repeal the paragraph.

### **341DB Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Subsections 5(1), 6(1), 14D(2) and (3), 17(2) and 38A(2) and (4)	Minister	Chief Executive Officer
2	Paragraph 38A(5)(b)	Minister	Chief Executive Officer
3	Subsections 39(2), 44(1), 50(1) and 52B(4)	Minister	Chief Executive Officer

### ***Traffic (General) Regulations (Norfolk Island)***

#### **341DBA Subregulation 5(3)**

Omit “unless the repairs or other work specified in the notice have been carried out to the satisfaction of an authorised person”, substitute:

unless:

- (c) the notice recipient gives the authorised person all reasonable facilities for making another inspection of the vehicle; and
- (d) the repairs or other work specified in the notice have been carried out to the satisfaction of the authorised person

#### **341DBB After subregulation 5(3)**

Insert:

- (3A) If an authorised person who is not the Registrar gives a notice under subregulation (3), the authorised person must:
  - (a) give a copy of the notice to the Registrar; and
  - (b) do so within 10 business days after giving the notice.

#### **341DBC Subregulation 5A(1)**

Omit all the words after “on the motor vehicle,”, substitute:

exceeds 2.5 metres measured at the widest point.

Penalty:

- (a) in respect of a first offence—6 penalty units; or
- (b) in respect of a second or subsequent offence—12 penalty units.

#### **341DC Subregulation 8AB(2)**

After “he or she may”, insert “, on payment of the approved fee,”.

**341DD Subregulation 8AB(5)**

Repeal the subregulation.

**341DE Subregulation 8B(6)**

Omit all of the words after “Registrar”, substitute “the approved fee for the issue of the authority or duplicate”.

**341DF Subregulation 8B(7)**

Repeal the subregulation.

**341DG Subregulation 8B(11)**

Omit “a fee under this Regulation 8B”, substitute “an approved fee”.

**341DH Subregulation 8C(8)**

Omit “applicable prescribed fee for the issue of the authority”, substitute “the approved fee for the issue of the authority or duplicate”.

**341DI Subregulation 8C(9)**

Repeal the subregulation.

**341DJ Subregulation 8D(4)**

Omit “a fee of 1 fee unit”, substitute “the approved fee”.

**341DK Subregulation 8E**

Omit “a fee of 0.5 fee units”, substitute “the approved fee”.

**341DL Regulations 8H and 9D**

Repeal the regulations.

**341DM After regulation 9E**

Insert:

**9EA Saliva analysis**

- (1) This regulation is made for the purposes of subsection 32C(2) of the Act.
- (2) If a member of the police detains a person (the *detainee*) under paragraph 32B(2)(d) of the Act, the member must bring the detainee before an approved person for a saliva sample to be taken.
- (3) The approved person must:
  - (a) analyse the saliva sample using one of the following devices in accordance with the directions of the manufacturer of the device:
    - (i) a Dräger DrugTest 5000 (also known as a Draeger DrugTest 5000);
    - (ii) a Cozart DDS; and
  - (b) place the sample in a container; and

- (c) fasten and seal the container; and
- (d) assign a unique sample number to the sample; and
- (e) label the container with:
  - (i) the unique sample number; and
  - (ii) the detainee's name and date of birth; and
- (f) complete a certificate that is substantially in the form of, and includes the information required by, Form 1A in Schedule 5 in relation to the analysis; and
- (g) give a copy of that certificate to the detainee.

### **341DN Regulation 9F**

After "subsection 32(3)", insert "or 32C(3)".

### **341DO Regulation 9H**

Omit "subsection 32(4), of the Act", substitute "subsection 32(4) or paragraph 32B(2)(d) of the Act,".

### **341DP Subregulation 9L(2)**

After "blood sample taken", insert "(including under subsection 32C(3) of the Act)".

### **341E Subregulation 9N(1)**

Repeal the subregulation, substitute:

- (1) The following devices are prescribed for the purpose of carrying out a breath analysis under section 32 of the Act:
  - (a) Dräger Alcotest 7110 MKV, also known as the Draeger Alcotest 7110 MKV;
  - (b) Dräger Alcotest 9510 AUS, also known as the Draeger Alcotest 9510 AUS.

### **341F Subregulation 9N(2)**

Omit "The device ", substitute "A device"

### **341G Subregulation 9N(3)**

Omit "the device", substitute "a device".

### **341GA Regulation 9Q**

Repeal the regulation, substitute:

## **9Q Certificates**

For the purposes of subsection 32(8) of the Act, a certificate is made and signed in accordance with these Regulations if:

- (a) in the case of a breath analysis under subsection 32(3) of the Act—the certificate is substantially in the form of, and includes the information required by, Form 1 in Schedule 5 in relation to the analysis; or
- (b) in the case of a saliva analysis under subsection 32C(1) of the Act—either:

- (i) the certificate is substantially in the form of, and includes the information required by, Form 1A in Schedule 5 in relation to the analysis; or
- (ii) the certificate is a printout issued or created by the device used for the analysis.

**341H Subparagraph 17(1)(a)(i)**

Omit “Minister”, substitute “Chief Executive Officer”.

**341HA Subparagraph 17(1)(a)(ii)**

Repeal the subparagraph, substitute:

- (ii) a public service employee appointed under this subparagraph by the Chief Executive Officer;

**341HB Paragraph 17(1)(b)**

Omit “Minister”, substitute “Chief Executive Officer”.

**341HC After subregulation 17(1)**

Insert:

- (1A) The Chief Executive Officer must not appoint a person under subparagraph (1)(a)(ii) unless the Chief Executive Officer is satisfied that the person has appropriate qualifications, knowledge or experience.

**341HD Subregulations 18(1), 19(1) and 19(2)**

Omit “Minister” (wherever occurring), substitute “Chief Executive Officer”.

**341J Subregulation 19(4)**

Repeal the subsection.

**341K Subregulation 20(2)**

Omit “Minister”, substitute “Chief Executive Officer”.

**341L Subregulation 20(4)**

Repeal the subsection.

**341M Schedule 1 (table items 21 and 22, column 3)**

After “provisional licence”, insert “, or a recognised provisional licence,”.

**341N Schedule 1 (at the end of the cell at table item 24, column 3)**

Add “corresponding to a drivers licence”.

**341P Schedule 1 (after table item 26)**

Insert:

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26A	Subsection 24 A(1)	Driving with L plates without appropriate licence	0.5	1
26B	Subsection 24 A(2)	Driving with P plates without appropriate licence	0.5	1

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### **341Q Schedule 5 (after Form 1)**

Insert:

#### **Form 1A**

##### **Certificate of the result of a saliva analysis**

This Certificate is given following the administration of a saliva analysis in accordance with the provisions of the *Traffic Act 2010* and the *Traffic (General) Regulations*.

A printout issued or created by the device used for the analysis is the equivalent of this certificate for evidentiary purposes.

I certify that I have administered a saliva analysis in accordance with the Act and the Regulations and that the following particulars are true and correct—

- (a) The test was taken on the     day of     20     , at     am/pm.
- (b) The test was taken at:.....
- (c) The name and date of birth of the person tested is:  
Name.....  
Date of birth.....
- (d) The sample to which this certificate refers was sample number.....
- (e) The drug or psychotropic substance indicated by the analysis to be present in the person tested was.....

I further certify that the device is a.....and the serial number of the device is.....and that my name is.....and that my service number is.....and that I am a person qualified and authorised to operate the device and give this certificate.

.....  
Signature.

### **341R Schedule 5 (Forms 2, 3A and 3B)**

Omit “*Section 32(7)*”, substitute “*Subsections 32(7) and 32C(4)*”.

### ***Trees Act 1997 (Norfolk Island)***

### **341T Section 5 (definition of *Chief Executive Officer*)**

Repeal the definition.

**341U Subsection 5A(1)**

Omit “the Minister shall”, substitute “the Minister, or a delegate of the Minister, must”.

**341V Paragraphs 6(2)(b) and 10(2)(c)**

Omit “prescribed fee”, substitute “approved fee”.

**342 Subsection 11(1)**

Omit “(1)”.

**343 Subsection 11(2)**

Repeal the subsection.

**343AAA Paragraph 16(3)(b)**

Omit “prescribed fee”, substitute “approved fee”.

**343AAB Section 23**

Omit “prescribed fee”, substitute “approved fee”.

**343AA Section 26**

Repeal the section.

**343A Subsection 29(3) (paragraph (d) of the definition of *official*)**

Repeal the paragraph, substitute:  
(d) a public servant.

**343AB Subsection 30A(2)**

Omit “prescribed fee”, substitute “approved fee”.

**343B Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

Substituting references to Minister with references to Chief Executive Officer			
Item	Provision	Omit (wherever occurring)	Substitute
1	Section 5 (definition of <i>approved</i> )	Minister	Chief Executive Officer
2	Subsections 6(1) and (3), 8(1), 9(1) and (2), 10(1) and (3), 11(1), 12(1), 13(2), 16(1) and (4) and 17(1), (2) and (3)	Minister	Chief Executive Officer
3	Paragraph 18(2)(d)	Minister	Chief Executive Officer
4	Subsection 19(2)	Minister	Chief Executive Officer
5	Section 20	Minister	Chief Executive Officer
6	Subsection 22(1)	Minister	Chief Executive Officer
7	Section 23	Minister	Chief Executive Officer

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<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
8	Subsections 25(1) and (2)	Minister	Chief Executive Officer
9	Section 27	Minister	Chief Executive Officer

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### ***Trees Regulations 1999 (Norfolk Island)***

#### **343BA Regulations 5, 7 and 9**

Repeal the regulations.

### ***Waste Management Act 2003 (Norfolk Island)***

#### **343BB Section 3 (definition of waste disposal fee)**

Repeal the definition.

#### **343BC Paragraph 6(2)(d)**

Omit “prescribed fees”, substitute “approved fees”.

#### **343C At the end of section 8**

Add:

- (5) Levy imposed by this section is payable by the person who imports the goods, containers, vehicles, plant or equipment on which the levy is imposed.

#### **343CA Section 10**

Repeal the section, substitute:

#### **10 Approved fees for waste disposal services**

The approved fees are payable for the following services provided under this Act:

- (a) the disposal of waste;
- (b) entry to designated places for the purposes of disposing of waste.

#### **343CB Section 11 (heading)**

Omit “Fees etc.”, substitute “Levies—“.

#### **343CC Section 11**

Omit “fee or charge”, substitute “levy”.

#### **343CD Paragraph 19(2)(a)**

Omit “or fees”.

#### **343CE Paragraph 19(2)(a)**

Omit “or a surcharge on another fee”.

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### **343CF Paragraphs 19(2)(b) and (c)**

Repeal the paragraphs.

### **343D Amendments of listed provisions—substituting references to Minister with references to Chief Executive Officer**

<b>Substituting references to Minister with references to Chief Executive Officer</b>			
<b>Item</b>	<b>Provision</b>	<b>Omit (wherever occurring)</b>	<b>Substitute</b>
1	Section 3 (definition of <i>authorised receptacle</i> )	Minister	Chief Executive Officer
2	Subsections 4(1), (2) and (3) and 5(1), (2) and (3)	Minister	Chief Executive Officer
3	Section 7	Minister	Chief Executive Officer
4	Subsections 17(3) and 18(1)	Minister	Chief Executive Officer

### ***Waste Management Regulations 2004 (Norfolk Island)***

#### **343E Regulation 2**

Insert:

*motor vehicle* has the same meaning as in the *Traffic Act 2010*.

#### **343F After regulation 2**

Insert:

#### **2A Prescribed vehicles**

For the purposes of subsection 8(4) of the Act, a motor vehicle is a prescribed vehicle.

#### **343G Subregulation 3(1)**

Omit “subregulation (2)”, substitute “subregulations (2) and (3)”.

#### **343H Paragraph 3(1)(c)**

Omit “\$32”, substitute “\$41”.

#### **343J Paragraph 3(1)(d)**

Omit “\$0.26 per kilogram”, substitute “\$41 per cubic metre or tonne (whichever is greater)”.

#### **343K Subregulation 3(2)**

Omit “\$100”, substitute “\$150”.

#### **343L At the end of regulation 3**

Add:



- (3) Levy is imposed on a motor vehicle imported into Norfolk Island, whether imported by sea or air, at the rate of \$100 per cubic metre or tonne (whichever is greater).

Note: This regulation was amended by the operation of the *Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018*. The amendments apply from 1 October 2018: see Division 16 of Part 2 of Schedule 1 to the *Norfolk Island Continued Laws Ordinance 2015*.

### **343LA Regulation 5**

Repeal the regulation.

### **343LB Schedule 1**

Repeal the Schedule.

## ***Water Assurance Charges Act 1991 (Norfolk Island)***

### **343LC Title**

Omit “to impose charges”, substitute “to assess approved fees”.

### **343LD Section 1**

Omit “*Charges*”.

### **343LE Subsection 2(1) (definition of *assessment*)**

Omit “annual charge”, substitute “approved fee”.

### **343LF Subsection 2(1) (definition of *scheduled purpose*)**

Omit “column 2 of”.

### **343LG After section 2**

Insert:

## **2A Approved fees**

The approved fees are payable for services provided in accordance with this Act, including services provided in relation to the connection of premises.

Note: See the definition of “connection” in subsection 2(1).

### **343LH Section 3 (heading)**

Omit “**charges**”, substitute “**approved fees**”.

### **343LI Subsections 3(1) and (2)**

Omit “annual charge”, substitute “approved fee”.

### **343LJ Subsection 4(2)**

Omit “annual charge payable in relation to the premises, which is not to exceed an amount calculated in accordance with the Schedule”, substitute “approved fee payable in relation to the premises”.

### **343LK Subsections 5(1) and (2)**

Repeal the subsections, substitute:

- (1) The approved fee is payable for the connection of a house.
- (2) If a house is also substantially used for one or more scheduled purposes, an assessment may be made under section 4 in relation to that purpose or those purposes.

### **343LL Paragraph 6(2)(c)**

Omit “annual charge”, substitute “approved fee”.

### **343LM Section 7**

Repeal the section, substitute:

#### **7 Recovery of approved fee**

- (1) A notice of assessment of an approved fee for premises must specify that the fee is payable as instalments:
  - (a) over 12 equal monthly instalment periods; or
  - (b) over 2 equal six-monthly instalment periods.
- (2) Each instalment is due before the end of the last day of the applicable instalment period.
- (3) The approved fee is payable by the person who is the owner of the premises at the time the fee becomes payable, even if the approved fee was incurred in respect of a period during which the person was not the owner of the premises.

### **343LN Sections 7A and 11**

Repeal the sections.

### **343LO Schedule**

Repeal the Schedule, substitute:

## **Schedule—Scheduled purposes**

Note: See the definition of *scheduled purpose* in subsection 2(1).

### **1 Schedule purposes**

Each of the following are scheduled purposes:

- (a) using premises as a restaurant in which liquor is sold;

- (b) using premises as a restaurant in which liquor is not sold;
- (c) using premises as a bar room (other than a bar room forming part of a restaurant);
- (d) using premises as a food shop;
- (e) using premises as a specialty shop;
- (f) using premises as a shop other than a food shop or specialty shop;
- (g) using premises as a garage or service station;
- (h) using premises as a tourist accommodation house—hotel;
- (i) using premises as a tourist accommodation house—staff accommodation;
- (j) using premises as a commercial laundry.

## Part 2—Application, saving and transitional provisions

### Division 1—General saving and transitional provisions

#### 344 General saving provision

- (1) The amendments made by this Schedule do not affect the validity at or after the interim transition time of anything done before that time.

Example: Applications, appointments and instruments made, and permits granted, before the interim transition time under an enactment amended by this Schedule continue to have effect at and after that time for the purposes of that enactment as amended.

- (2) To avoid doubt, subitem (1) does not prevent the variation or revocation, under an enactment amended by this Schedule, of anything done under the enactment before the interim transition time.

- (3) Subitem (1) has effect subject to Division 2.

#### 345 General transitional provision

If, under an enactment amended by this Schedule to include a reference to the Commonwealth Minister, the exercise of a power, or the performance of the function or duty, by the Commonwealth Minister at or after the interim transition time is affected by the doing of anything before that time, the enactment has effect as if anything that was done by or in relation to a Minister or the Administrator before that time had been done by or in relation to the Commonwealth Minister.

Note: For example, if:

- (a) the enactment used to provide that the Minister may take an action if the Minister has carried out public consultation about the proposed action; and
- (b) the enactment is amended to provide that the Commonwealth Minister may take the action if the Commonwealth Minister has carried out public consultation; and
- (c) the Minister carried out public consultation before the interim transition time but did not take the action before that time;

the Commonwealth Minister may take the action after that time as if the Commonwealth Minister had carried out the public consultation.

## **Division 2—Specific application, saving and transitional provisions relating to amendments made on 18 June 2015**

### **346 Application of amendments of the *Annual Reports Act 2004***

The amendments of the *Annual Reports Act 2004* (Norfolk Island) made by this Schedule apply to annual reports for the financial year starting on 1 July 2014 and later financial years.

### **347 Transitional provisions relating to the *Environment Act 1990***

- (1) Despite Division 1 of this Part, the appointment of a person described in paragraph 11(2)(a) of the *Environment Act 1990* (Norfolk Island) (as in force immediately before the interim transition time) as a member of the Board terminates at that time.

Note 1: The Commonwealth Minister may appoint a replacement member: see subsection 11(2) of the *Environment Act 1990* as amended by this Schedule.

Note 2: Under Division 1 of this Part, the persons who were members of the Board under paragraph 11(2)(b) of the *Environment Act 1990* immediately before the interim transition time continue as members.

- (2) If the Legislative Assembly had approved a proposal that an environmental impact statement be prepared in relation to an application, subsections 26(3) and 29(4) of the *Environment Act 1990* (Norfolk Island), as amended by this Schedule, apply in relation to the application as if the Commonwealth Minister had determined that the statement be prepared.

### **350 Application and transitional provisions relating to section 41A of the *Interpretation Act 1979***

#### *Application to instruments made at or after interim transition time*

- (1) Section 41A of the *Interpretation Act 1979* (Norfolk Island), as amended by this Schedule, applies to instruments made at or after the interim transition time.

#### *Application to instruments made before interim transition time*

- (2) That section also applies, with the modifications described in subitem (3), to an instrument (the **old instrument**) that:
- (a) was made before the interim transition time, by an authority that was neither a Minister nor the Administrator, under an enactment that provided the instrument was a disallowable instrument; and
  - (b) either:
    - (i) was (wholly or partly) in force immediately before the interim transition time; or
    - (ii) is to commence (wholly or partly) at or after that time; and
  - (c) either:
    - (i) had not been laid before the Legislative Assembly before the interim transition time; or

- (ii) had been laid before the Legislative Assembly less than 65 days before the interim transition time and had not been wholly disallowed before that time.
- (3) That section applies as if:
  - (a) if the old instrument had not been laid before the Legislative Assembly before the interim transition time—the references in subsections (3) and (4) of that section to 14 days after the instrument is made were references to 14 days after the interim transition time; and
  - (b) if the old instrument had been laid before the Legislative Assembly before the interim transition time:
    - (i) subsections (3) and (4) of that section had not been enacted; and
    - (ii) a copy of the old instrument had been given to the Commonwealth Minister at the interim transition time.

### **Division 3—Application, saving and transitional provisions relating to amendments of the Employment Act 1988**

#### **352 Application of amendments of subsection 30(4) of the *Employment Act 1988* (Norfolk Island)**

The amendments of subsection 30(4) of the *Employment Act 1988* (Norfolk Island) made by this Schedule commencing on 1 July 2016 apply in relation to total incapacity employees start to suffer on or after that day.

#### **353 Continuation of conciliation, adjudication and review proceedings**

Despite the amendments of Part 5 of the *Employment Act 1988* (Norfolk Island) made by this Schedule commencing on 1 July 2016:

- (a) a complaint made under that Part before 1 July 2016 may be dealt with on or after 1 July 2016 as if those amendments had not been made; and
- (b) under Division 2 of that Part, an inquiry relating to such a complaint may be applied for and held, and orders made as a result of a determination made in such an inquiry, on or after 1 July 2016 as if those amendments had not been made; and
- (c) under Division 3 of that Part, an appeal relating to a determination or order described in paragraph (b) may be instituted or determined on or after 1 July 2016, as if those amendments had not been made.

#### **353A Public holidays**

- (1) The repeal and substitution of section 9 of the *Employment Act 1988* (Norfolk Island), and the repeal of regulation 3A of the *Employment Regulations 1991* (Norfolk Island), by this Schedule apply to 2016 and later years.
- (2) However, paragraphs 9(1)(a) to (l) and (q), and subsection 9(2), of that Act as amended by this Schedule do not apply to 2016.

## **Division 4—Transitional provisions relating to the Norfolk Island Health and Residential Aged Care Service**

### **354 Definitions**

In this Division:

*Enterprise* has the same meaning as in the *Norfolk Island Hospital Act 1985* (Norfolk Island), as in force immediately before 1 July 2016.

*liability* means any liability, duty or obligation, whether actual, contingent or prospective.

### **355 Vesting of liabilities of the Enterprise**

- (1) This item applies to a liability of the Enterprise immediately before 1 July 2016.
- (2) The following provisions have effect:
  - (a) at the start of 1 July 2016, the liability ceases to be a liability of the Enterprise and becomes a liability of the Norfolk Island Regional Council without any conveyance, transfer or assignment;
  - (b) the Norfolk Island Regional Council becomes the successor in law in relation to the liability.



## **Division 5—Savings provision relating to Justices of the Peace**

### **356 Saving certain appointments of Justices of the Peace**

Despite the repeal of subsection 4(1) of the *Justices of the Peace Act 1972* (Norfolk Island) by this Schedule, an appointment that was in force under that subsection immediately before the repeal continues in force after that repeal according to its terms.

## **Division 7—Transitional provisions relating to the Norfolk Island Continued Laws Amendment (Gaming) Ordinance 2017**

### **358 Compensation for acquisition of property**

- (1) If the operation of the *Norfolk Island Continued Laws Amendment (Gaming) Ordinance 2017* would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

## **Division 8—Transitional provisions relating to the Norfolk Island Continued Laws Amendment (Gaming Authority) Rules 2017**

### **359 Definitions**

In this Division:

**amending rules** means the *Norfolk Island Continued Laws Amendment (Gaming Authority) Rules 2017*.

**Authority** means the Norfolk Island Gaming Authority.

**commencement time** means the commencement of Schedule 1 to the *Norfolk Island Continued Laws Amendment (Gaming Authority) Rules 2017*.

**Deputy Director** means the Deputy Director of Gaming appointed under section 15 of the *Gaming Supervision Act 1998* (Norfolk Island) as in force before the commencement time.

**Director** means the Director of Gaming appointed under section 15 of the *Gaming Supervision Act 1998* (Norfolk Island) as in force before the commencement time.

### **360 References in certain instruments to the Director**

- (1) If:
- (a) an instrument was in force immediately before the commencement time; and
  - (b) a reference is made in the instrument to the Director; and
  - (c) the instrument is an instrument covered by one or more of the following subparagraphs:
    - (i) an instrument that was made by the Authority or the Director;
    - (ii) an instrument to which the Authority or the Director was a party;
    - (iii) an instrument that was given to, or in favour of, the Authority or the Director;
    - (iv) an instrument under which any right or liability accrues or may accrue to the Authority or the Director;
- then the reference has effect after the commencement time as if the reference to the Director were a reference to the Authority.
- (2) The Minister may determine, in writing, that this item does not apply to a particular instrument.
- (3) A determination made under subitem (2) has effect accordingly.
- (4) In this item:
- exempt instrument** means:
- (a) an Act; or
  - (b) an instrument made under the *Norfolk Island Act 1979*; or
  - (c) an enactment (within the meaning of that Act).

*instrument:*

- (a) includes:
  - (i) a licence; and
  - (ii) a contract, deed, undertaking or agreement; and
  - (iii) a notice, authority, order or instruction; and
  - (iv) an instrument made under an Act or under regulations; but
- (b) does not include an exempt instrument.

### **361 Review of decisions of the Director**

Despite the repeal of section 43 of the *Bookmakers and Betting Exchange Act 1998* (Norfolk Island) and section 41 of the *Gaming Act 1998* (Norfolk Island) by the amending Rules, those sections continue to apply, at and after the commencement time, in relation to decisions made by the Director before the commencement time.

### **362 Restrictions on employment**

Despite the amendments of section 41 of the *Bookmakers and Betting Exchange Act 1998* (Norfolk Island) and section 39 of the *Gaming Act 1998* (Norfolk Island) made by the amending Rules, those sections as in force immediately before the commencement time continue to apply, at and after the commencement time (subject to the time limits in paragraph 41(b) of the *Bookmakers and Betting Exchange Act 1998* (Norfolk Island) and paragraph 39(b) of the *Gaming Act 1998* (Norfolk Island)), in relation to a person who was a member of the Authority, the Director or the Deputy Director at any time before the commencement time.

## **Division 9—Transitional provisions relating to the Norfolk Island Continued Laws Amendment (2017 Measures No. 1) Ordinance 2017**

### **363 Definitions**

In this Division:

*Part 1 commencement time* means the commencement of Part 1 of Schedule 1 to the *Norfolk Island Continued Laws Amendment (2017 Measures No. 1) Ordinance 2017*.

### **364 Appointment of the Child Welfare Officer**

Despite the amendment of paragraph 24(1)(a) of the *Child Welfare Act 2009* (Norfolk Island) by this Schedule, an appointment that was in force under that paragraph immediately before the Part 1 commencement time continues in force at and after that time:

- (a) as if it were an appointment under that paragraph as in force at the Part 1 commencement time; and
- (b) subject to that Act as in force at and after the Part 1 commencement time.

### **365 Reports made to the Child Welfare Officer**

The amendments of sections 43 and 44 of the *Child Welfare Act 2009* (Norfolk Island) made by this Schedule apply in relation to reports made at and after the Part 1 commencement time.

**Division 10—Application provisions relating to the Norfolk Island  
Continued Laws Amendment (Chief Magistrate)  
Ordinance 2017**

**366 Application of amendments of the Court of Petty Sessions Act 1960  
(Norfolk Island) by the Norfolk Island Continued Laws Amendment  
(Chief Magistrate) Ordinance 2017**

- (1) Section 28A of the *Court of Petty Sessions Act 1960* (Norfolk Island) applies in relation to the exercise of a power, or the performance of a function, on or after the commencement of that section. This subitem has effect:
  - (a) whether the power or function was conferred before, on or after that commencement; and
  - (b) if the exercise or performance is a result of an application—whether the application was made before, on or after that commencement.
- (2) The amendments of sections 33 and 33B of the *Court of Petty Sessions Act 1960* (Norfolk Island) made by the *Norfolk Island Continued Laws Amendment (Chief Magistrate) Ordinance 2017* apply in relation to sittings to be held on or after the commencement of those amendments (whether the matters or proceedings to which the sittings relate started before, on or after that commencement).

## **Division 11—Transitional provisions relating to the Norfolk Island Continued Laws Amendment (Director of Public Prosecutions) Ordinance 2017**

### **367 Definitions**

In this Division:

**amending Schedule** means Schedule 1 to the *Norfolk Island Continued Laws Amendment (Director of Public Prosecutions) Ordinance 2017*.

**commencement time** means the commencement of the amending Schedule.

**continued law offence** means an offence against:

- (a) a law that was continued in force in Norfolk Island by section 16 of the *Norfolk Island Act 1979*, as the law is in force from time to time (whether before or after the commencement of that section); or
- (b) a Legislative Assembly law (within the meaning of the *Norfolk Island Act 1979*), or a law made under a Legislative Assembly law, that was continued in force in Norfolk Island by section 16A of that Act, as the law is in force from time to time (whether before or after the commencement of that section).

**Crown law official** means any of the following, however described:

- (a) a Crown Law Officer of Norfolk Island;
- (b) a principal Crown Law Officer of Norfolk Island;
- (c) a deputy Crown Law Officer of Norfolk Island;
- (d) a Crown Counsel of Norfolk Island.

**Director** means the Director of Public Prosecutions of the Commonwealth.

**prosecution proceedings** means proceedings for the prosecution of a continued law offence, and includes proceedings in an appeal in relation to such a prosecution.

### **368 References in certain instruments to a Crown law official**

- (1) If:
  - (a) a prosecution-related instrument was in force immediately before the commencement time; and
  - (b) a reference is made in the prosecution-related instrument to a Crown law official; and
  - (c) the prosecution-related instrument is not an exempt instrument;then the instrument has effect after the commencement time as if the reference to the Crown law official were a reference to the Director.
- (2) The Director may determine, in writing, that this item does not apply to a particular prosecution-related instrument.
- (3) A determination made under subitem (2) has effect accordingly.

- (4) In this item:

*exempt instrument* means:

- (a) an Act; or
- (b) an instrument made under the *Norfolk Island Act 1979*; or
- (c) an enactment (within the meaning of that Act).

*prosecution-related instrument* means an instrument that relates to prosecution proceedings and, to avoid doubt, includes a court order that relates to prosecution proceedings.

### **369 Substitution of the Director as a party to certain pending proceedings**

If, immediately before the commencement time, a Crown law official was a party to prosecution proceedings pending in any court, the Director is substituted for the Crown law official as a party to the prosecution proceedings at and after that time.

### **370 Records, documents and other things relating to prosecution proceedings that have not been completed**

- (1) This item applies to any record or document that:
- (a) was, immediately before the commencement time, in the possession of a Crown law official or the Norfolk Island Regional Council; and
  - (b) relates to prosecution proceedings that, at the commencement time, have not been completed.

- (2) This item also applies to any other thing that:
- (a) was, immediately before the commencement time, in the possession of a Crown law official or the Norfolk Island Regional Council; and
  - (b) could be relevant for the purposes of prosecution proceedings that, at the commencement time, have not been completed.

Note: For example, forensic material or other evidential material for use by the prosecution in prosecution proceedings.

- (3) The record, document or thing is to be transferred to the Director after the commencement time.

### **371 Records, documents and other things relating to completed prosecution proceedings**

- (1) This item applies to any record or document that:
- (a) is in the possession of a Crown law official or the Norfolk Island Regional Council; and
  - (b) relates to prosecution proceedings that were completed before the commencement time.
- (2) This item also applies to any other thing that:
- (a) is in the possession of a Crown law official or the Norfolk Island Regional Council; and



(b) was relevant to prosecution proceedings that were completed before the commencement time.

Note: For example, forensic material or other evidential material used by the prosecution in prosecution proceedings.

- (3) The Director may ask the Crown law official or the Norfolk Island Regional Council, as the case may be, to give the record, document or thing to the Director.
- (4) The Crown law official or the Norfolk Island Regional Council, as the case may be, must comply with the request.

### **372 Exemption from serving as juror**

For the purposes of the *Juries Act 1960* of Norfolk Island, a person who has at any time held office as, or performed the duties of, a Crown law official is exempt from serving as a juror, and his or her name must not be inserted in the jury list.

## **Division 12—Application provisions relating to the Norfolk Island Continued Laws Amendment (2017 Measures No. 2) Ordinance 2017**

### **373 Application of amendments to the *Airport Act 1991 (Norfolk Island)* and the *Airport Regulations 1992 (Norfolk Island)***

#### *Authorised officers*

- (1) An authorisation that was in force immediately before the commencement of this item for the purposes of the following provisions:
- (a) the definition of *authorised officer* in section 2 of the *Airport Act 1991* (Norfolk Island);
  - (b) section 3C of that Act;

continues in effect, after that commencement, as if it were an authorisation made by the Chief Executive Officer after that commencement for the purposes of those provisions.

#### *Immunity*

- (2) Section 3F of the *Airport Act 1991* (Norfolk Island), as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an aircraft seized under section 3C of that Act before that commencement.
- (3) Subitem (2) does not limit the operation of section 3F of the *Airport Act 1991* (Norfolk Island), as in force on and after the commencement of this item, in relation to an aircraft seized under section 3C of that Act before that commencement.

#### *Charges*

- (4) The amendments of table A of the Schedule to the *Airport Regulations 1992* (Norfolk Island) made by this Schedule apply in relation to the landing, take-off or movement of aircraft on or after 1 January 2018.

#### *Security deposits*

- (5) The amendment of table B of the Schedule to the *Airport Regulations 1992* (Norfolk Island) made by this Schedule applies to an aircraft operator that commences a public passenger service on or after the commencement of this item.
- (6) If:
- (a) an aircraft operator lodged a security deposit in accordance with the *Airport Regulations 1992* (Norfolk Island) before the commencement of this item; and
  - (b) the amount of the security deposit was greater than the amount that would have been required if the amendment of table B of the Schedule to those regulations, made by this Schedule, had been in force at the time the security deposit was lodged;

the aircraft operator may replace the security deposit by lodging with the Administration another security deposit, in accordance with those regulations as in force after the commencement of this item, that is in the amount required by those regulations.

**Division 13—Application provisions relating to the Norfolk Island  
Continued Laws Amendment (2017 Measures No. 3)  
Ordinance 2017**

**374 Application of amendments of the Child Welfare Act 2009 (Norfolk  
Island)**

- (1) Section 23A of the *Child Welfare Act 2009* (Norfolk Island), as inserted by this Schedule, applies in relation to proceedings commenced on or after the commencement of Schedule 1 to the amending Ordinance.
- (2) Subsection 27(9A) of the *Child Welfare Act 2009* (Norfolk Island), as inserted by this Schedule, applies in relation to information that is furnished by the child welfare officer on or after commencement of Schedule 1 to the amending Ordinance, whether the information comes into the possession of the child welfare officer before, on or after that commencement.
- (3) Despite the repeal and substitution of section 32 of the *Child Welfare Act 2009* (Norfolk Island) by this Schedule, a delegation made under that section and in force immediately before the commencement of Schedule 1 to the amending Ordinance continues in effect, on and after that commencement, as if it had been made under that section as in force immediately after that commencement.
- (4) Section 193A of the *Child Welfare Act 2009* (Norfolk Island), as inserted by this Schedule, applies in relation to a person who is convicted of an offence on or after the commencement of Schedule 1 to the amending Ordinance, even if the offence was committed before that commencement.
- (5) In this item:  
***amending Ordinance*** means the *Norfolk Island Continued Laws Amendment (2017 Measures No. 3) Ordinance 2017*.

## **Division 14—Application provisions relating to the Norfolk Island Legislation Amendment (Fees) Ordinance 2018**

### **375 Application of amendments relating to fees**

Subsection 12BA(2) of the *Interpretation Act 1979* (Norfolk Island), as inserted by the amending Schedule, applies in relation to a service provided on or after 1 July 2018 (whether or not an application or request for the service is made before, on or after that day).

## **Division 15—Transitional provisions relating to the Norfolk Island Legislation Amendment (Protecting Vulnerable People) Ordinance 2018**

### **375A Provisions affecting the *Bail Act 2005* (Norfolk Island)**

- (1) Despite the repeal and substitution of paragraph 9(1)(d) of the *Bail Act 2005* (Norfolk Island) by this Schedule at the commencement of this item, section 9 of that Act does not apply to an offence against section 42 of the *Domestic Violence Act 1995* (Norfolk Island).
- (2) Paragraph 25(1)(d) of the *Bail Act 2005* (Norfolk Island), as amended by this Schedule at the commencement of this item, applies as if the reference in that paragraph to the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) included a reference to the *Domestic Violence Act 1995* (Norfolk Island).

### **376 Provision affecting the *Child Welfare Act 2009* (Norfolk Island)**

Subparagraph (c)(iv) of the definition of *abuse* in subsection 33(1) of the *Child Welfare Act 2009* (Norfolk Island), as amended by this Schedule at the commencement of this item, applies as if the reference in that subparagraph to a domestic violence offence as defined in section 11 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) included a reference to domestic violence, as defined in section 3 of the *Domestic Violence Act 1995* (Norfolk Island), occurring before the repeal of that Act by Schedule 2 to this Ordinance.

### **377 Provisions affecting the *Criminal Procedure Act 2007* (Norfolk Island)**

- (1) The *Criminal Procedure Act 2007* (Norfolk Island), as amended by this Schedule at the commencement of this item, applies subject to this item as follows:
  - (a) Chapters 6, 6A and 7 apply in relation to proceedings conducted on or after that commencement, even if the proceedings were instituted or partly heard before that commencement;
  - (b) the other provisions of that Act apply in relation to proceedings instituted on or after that commencement.
- (2) Section 54 of the *Criminal Procedure Act 2007* (Norfolk Island), as amended by this Schedule at the commencement of this item, applies to each of the following as if it were an order described in subsection (1) of that section:
  - (a) a direction, that was in force under paragraph 15(1)(b) of the *Domestic Violence Act 1995* (Norfolk Island) immediately before the repeal of that Act by Schedule 2 to this Ordinance, to seize and detain a firearm for a period;
  - (b) an order, that was in force under paragraph 15(6)(a) of the *Domestic Violence Act 1995* (Norfolk Island) immediately before the repeal of that Act by Schedule 2 to this Ordinance, to seize a firearm.

- (3) Paragraphs 155C(c) and 160B(c) of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, apply as if a reference in those paragraphs to the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) included a reference to the *Domestic Violence Act 1995* (Norfolk Island).
- (4) The following provisions of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, apply as if a reference in those provisions to section 14 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) included a reference to section 42 of the *Domestic Violence Act 1995* (Norfolk Island):
  - (a) paragraph (b) of the definition of ***less serious violent offence*** in section 166;
  - (b) subsections 168(1) and (2).
- (5) Subdivision C of Division 2 of Chapter 7 of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, applies in relation to an audiovisual recording, even if it was made before that commencement.
- (6) Paragraphs 168J(1)(b) and (2)(a) of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, apply in relation to proceedings instituted before that commencement as if those paragraphs required the copy of the transcript mentioned in those paragraphs to be given to the accused person, or the accused person's lawyer, as soon as practicable after that commencement.
- (7) Paragraphs 169A(2)(c) and 169B(1)(c) of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, apply as if a reference in those paragraphs to the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) included a reference to the *Domestic Violence Act 1995* (Norfolk Island).
- (8) Subsection 174D(2) of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, applies in relation to proceedings instituted before that commencement as if that subsection required the copy of the recorded statement mentioned in that subsection to be given to the lawyer representing the accused person as soon as practicable after that commencement.
- (9) Subsection 174E(2) of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, applies in relation to proceedings instituted before that commencement as if that subsection required the audio copy of the recorded statement mentioned in that subsection to be given to the accused person as soon as practicable after that commencement.
- (10) Subdivisions E and F of Division 2 of Chapter 7 of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, apply in relation to new trial proceedings, even if the new trial was ordered or listed before that commencement.

- (11) Subdivisions C and D of Division 3 of Chapter 7 of the *Criminal Procedure Act 2007* (Norfolk Island), as inserted by this Schedule at the commencement of this item, apply in relation to a recorded statement, even if it was made before that commencement.

### **378 Provisions affecting the *Evidence Act 2004* (Norfolk Island)**

- (1) Section 18 of the *Evidence Act 2004* (Norfolk Island) does not apply in proceedings for an offence constituted by domestic violence as defined in the *Domestic Violence Act 1995* (Norfolk Island) immediately before its repeal by this Ordinance (despite the repeal and substitution of paragraph 19(c) of the *Evidence Act 2004* (Norfolk Island) by this Schedule).
- (2) The definition of **prescribed sexual offence** in section 181R of the *Evidence Act 2004* (Norfolk Island), as in force after its substitution by this Schedule at the commencement of this item, applies as if a reference in that definition to Part 3.6 of the *Criminal Code* included a reference to the following provisions of the *Crimes Act 1900* (NSW) as they applied in Norfolk Island because of the *Criminal Law Act 1960* (Norfolk Island):
- (a) Part 3A;
  - (b) sections 62 to 81 inclusive, sections 86 to 89 inclusive and sections 91A and 91B, as those sections were in force immediately before the commencement of the *Criminal Law Amendment Act 1993* (Norfolk Island).

### **379 Provisions affecting the *Firearms and Prohibited Weapons Act 1997* (Norfolk Island)**

- (1) Item 8 of the table in subsection 16(3) of the *Firearms and Prohibited Weapons Act 1997* (Norfolk Island), as in force immediately before its repeal by this Schedule, continues to apply despite that repeal. This does not limit the application of item 8 of the table in subsection 16(3) of that Act as amended by this Schedule.
- (2) Item 4 of the table in subsection 26A(3) of the *Firearms and Prohibited Weapons Act 1997* (Norfolk Island), as in force immediately before its repeal by this Schedule, continues to apply despite that repeal. This does not limit the application of item 4 of the table in subsection 26A(3) of that Act as amended by this Schedule.

### **380 Provisions affecting the *Sentencing Act 2007* (Norfolk Island)**

Subsections 5(4) and 43(1) of the *Sentencing Act 2007* (Norfolk Island), as amended by this Schedule at the commencement of this item, apply in relation to the sentencing of an offender on or after that commencement, even if an offence for which the offender is being sentenced was committed before that commencement.

### **381 Provisions affecting the *Summary Offences Act 2005* (Norfolk Island)**

- (1) Paragraph 30(1)(a) of the *Summary Offences Act 2005* (Norfolk Island), as in force immediately before its repeal by this Schedule, continues to apply despite that repeal.



This does not limit the application of paragraph 30(1)(a) of that Act as amended by this Schedule.

- (2) Despite the repeal of subparagraphs 30(1)(b)(i) and (ii) of the *Summary Offences Act 2005* (Norfolk Island) by this Schedule, those subparagraphs continue to apply in relation to paragraph 30(1)(a) of that Act as it applies because of subitem (1).

## **Division 16—Transitional provisions relating to the Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018**

### **382 Definitions**

In this Division:

**amending Ordinance** means the *Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018*.

**commencement time** means the time at which the amending Ordinance commences.

**repealed body** means:

- (a) the Fire Advisory Board; or
- (b) the Legal Aid Advisory Committee; or
- (c) the Liquor Licensing Board; or
- (d) the Norfolk Island Planning Board.

### **383 General saving provision**

- (1) The amendments made by the operation of the amending Ordinance do not affect the validity at or after the commencement time of anything done before that time.

Example: Applications, appointments and instruments made, and permits granted, before the commencement time under an enactment amended by this Schedule continue to have effect at and after that time for the purposes of that enactment as amended.

- (2) To avoid doubt, subitem (1) does not prevent the variation or revocation, at or after the commencement time, under an enactment amended by this Schedule, of anything done under the enactment before the commencement time.

### **384 General transitional provision**

- (1) This item applies, subject to item 385, if an enactment is amended by the operation of the amending Ordinance to include a reference to the Chief Executive Officer.
- (2) If the exercise of a power, or the performance of a function or duty, by the Chief Executive Officer at or after the commencement time is affected by the doing of anything before that time, the enactment has effect at and after that time as if anything that was done by or in relation to the Minister or Administrator before that time had been done by or in relation to the Chief Executive Officer.

### **385 Transitional—things done by, or in relation to, repealed bodies**

Anything done by, or in relation to, a repealed body before the commencement time has effect, at and after that time, as if it had been done by, or in relation to, the Chief Executive Officer.

### **386 Transitional—transfer of records and documents of repealed bodies**

- (1) This item applies to any records or documents that were in the possession of a repealed body immediately before the commencement time.

- (2) The records and documents are to be transferred to the Norfolk Island Regional Council after the commencement time.

### **387 Immunity and secrecy obligations of former Legal Aid Advisory Committee members**

Section 27 and 28 of the *Legal Aid Act 1995*, as in force immediately before the commencement time, continue to apply on and after that time in relation to a person who was a member of the Legal Aid Advisory Committee at any time before that time despite the amendments of that Act by the operation of the amending Ordinance.

### **388 Security deposits under the *Airport Act 1991* (Norfolk Island)**

- (1) Despite the repeal of the security deposit provisions by this Schedule at the commencement time, those provisions continue to apply at and after that time in relation to an aircraft operator to whom they applied immediately before that time, until:
- (a) the operator enters into an arrangement with the Chief Executive Officer under subsection 3(5) of the *Airport Act 1991* (Norfolk Island), as in force at and after that time; or
  - (b) the Chief Executive Officer notifies the operator, in writing, that those provisions no longer apply in relation to the operator.
- (2) If the Chief Executive Officer gives an aircraft operator a notice under paragraph (1)(b), the Norfolk Island Regional Council must refund to the operator the amount of any security deposit paid by the operator under the security deposit provisions, less the amount of any landing or other charge payable to the Council as at the time the notice is given.
- (3) In this item:
- security deposit provisions*** means the following provisions, as in force immediately before the commencement time:
- (a) subsections 3(5) to (7) of the *Airport Act 1991* (Norfolk Island);
  - (b) regulations 3B and 4 of, and Table B of the Schedule to, the *Airport Regulations 1992* (Norfolk Island).

### **389 Levy imposed under the *Fuel Levy Act 1987* (Norfolk Island) and the *Waste Management Regulations 2004* (Norfolk Island)**

- (1) The amendments of the levy provisions by the operation of the amending Ordinance apply in relation to levy imposed on and after 1 October 2018.
- (2) In this item:
- levy provisions*** means the following provisions, as in force immediately before the commencement time:
- (a) section 8 of the *Fuel Levy Act 1987* (Norfolk Island);
  - (b) regulation 3 of the *Waste Management Regulations 2004* (Norfolk Island).

**390 Passing on of fuel levy under the *Fuel Levy Act 1987* (Norfolk Island)**

The amendment of section 10 of the *Fuel Levy Act 1987* (Norfolk Island) by the operation of the amending Ordinance applies in relation to fuel sold on and after 1 October 2018.

## **Division 17—Transitional provisions relating to the Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019**

### **391 Definitions**

In this Division:

**amending Ordinance** means the *Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019*.

**commencement time** means the time at which the amending Ordinance commences.

**fee provisions** means the provisions of enactments that are amended by Part 2 of Schedule 1 to the amending Ordinance, as in force immediately before the commencement time.

### **392 Application of amendments relating to fees—services generally**

- (1) The repeal of section 12BA of the *Interpretation Act 1979* (Norfolk Island) by the amending Ordinance does not affect the validity at or after the commencement time of anything done before that time.
- (2) The amendments of the fee provisions by this Schedule at the commencement time apply in relation to:
  - (a) in the case of services provided for periods beginning, but not ending, before the commencement time in respect of which fees have been charged—services provided after the end of the period; and
  - (b) in any other case—services provided on or after the commencement time, including such a service applied for or requested before the commencement time.

### **393 Application of amendments relating to fees—aircraft**

The reference to approved fees in the definition of **outstanding amount** in section 2 of the *Airport Act 1991* (Norfolk Island) as amended by the amending Ordinance is taken to include a reference to any charges incurred under that Act before the commencement time.

### **394 Application of amendments relating to fees—telecommunications**

The reference to approved fees in paragraph 49(3)(c) of the *Telecommunications Act 1992* (Norfolk Island) as amended by the amending Ordinance is taken to include a reference to any charges incurred under that Act before the commencement time.

### **395 Transitional—references to Chief Executive Officer**

- (1) This item applies if an enactment is amended by the amending Ordinance to substitute a reference to the Minister with a reference to the Chief Executive Officer.
- (2) If the exercise of a power, or the performance of a function or duty, by the Chief Executive Officer at or after the commencement time is affected by the doing of

anything before that time, the enactment has effect at and after that time as if anything that was done by or in relation to the Minister before that time had been done by or in relation to the Chief Executive Officer.

### **396 Application of amendments relating to approved forms**

The amendments of the definitions of ***approved form*** in subsection 3(1) of the *Land Administration Fees Act 1996* (Norfolk Island), subsection 3(1) of the *Land Titles Act 1996* (Norfolk Island) and subsection 4(1) of the *Liquor Act 2005* (Norfolk Island) by the amending Ordinance apply in relation to:

- (a) applications made for the purposes of those enactments after the commencement time; and
- (b) instruments issued for the purposes of those enactments after the commencement time.

## **Division 18—Transitional provisions relating to the Norfolk Island Continued Laws Amendment (Employment) Ordinance 2020**

### **397 Definitions for Division 18**

In this Division:

***amended Employment Act*** means the *Employment Act 1988* (Norfolk Island) as amended by the operation of the amending Ordinance.

***amending Ordinance*** means the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2020*.

***claim for compensation*** means a claim for compensation under section 37A of the Employment Act.

***commencement*** means the time that Part 1 of Schedule 1 to the amending Ordinance commences.

***correspond*** has the following meaning:

- (a) a provision of the amended Employment Act and a provision of the old Employment Act ***correspond*** if each provision deals with the same subject matter with substantially similar effect;
- (b) a power or function exercised or performed by a person for the purposes of the amended Employment Act and a power or function exercised or performed by that person (or another person) for the purposes of the old Employment Act ***correspond*** if the powers or functions may be exercised or performed in relation to the same subject matter in a substantially similar way.

***new public scheme***: see subitem 398(1).

***old Employment Act*** means the *Employment Act 1988* (Norfolk Island) as in force before the commencement.

***old public scheme***: see subitem 398(1).

***responsible person***: see subitem 399(2).

***transitional certificate***, in relation to a transitional complaint: see subitem 400(2).

***transitional complaint***: see subitem 400(1).

### **398 Continuation of public scheme**

#### ***Establishment of new public scheme***

- (1) The public scheme established before commencement for the purposes of subsection 39(4) of the old Employment Act (the ***old public scheme***) continues in

force after commencement as a public scheme (the ***new public scheme***) within the meaning of the amended Employment Act, subject to the amended Employment Act and this Division.

- (2) At commencement, all rights and liabilities of the Administration in relation to the old public scheme are transferred to the Commonwealth by the operation of this subitem.
- (3) At commencement, any moneys held by the Administration for the purposes of the old public scheme are transferred to the Commonwealth by the operation of this subitem.

***Transition to new public scheme***

- (4) To the extent practicable, anything done before commencement for the purposes of the old public scheme, by or under a provision of the old Employment Act, is taken to have been done for the purposes of the new public scheme:
  - (a) by or under a corresponding provision of the amended Employment Act; and
  - (b) if the thing was done by a person in the exercise of a power, or the performance of a function, under or for the purposes of the old Employment Act—by a person (whether or not the same person) who has a corresponding power or function under the amended Employment Act.

**399 Liability for compensation for work-related accidents occurring before commencement**

***Scope***

- (1) This item applies in relation to a work-related accident, within the meaning of the amended Employment Act, that occurs, or that starts to occur, before commencement, and that is the subject of:
  - (a) a claim for compensation lodged before commencement that has not been assessed immediately before commencement; or
  - (b) a claim for compensation lodged after commencement.

***Application in relation to work-related accidents***

- (2) After commencement, the amended Employment Act applies in relation to the liability of a person (the ***responsible person***) to pay compensation in relation to the work-related accident.

***No disadvantage test***

- (3) However, if the operation of subitem (2) would result in the amount of compensation payable (including a nil amount) in relation to the work-related accident being less than the amount of compensation that would have been payable if the amended Employment Act had not been amended by the amending Ordinance, the responsible person is liable to pay the amount of compensation that would have been so payable.



- (4) Subitem (3) does not apply in relation to amendments of the Employment Act made by the amending Ordinance by the operation of which an employee's right to compensation is suspended.

Note: An employee's right to compensation may be suspended under the amended Employment Act if the employee fails to attend for a permanent incapacity assessment or an independent medical examination, fails to begin or continue a rehabilitation program or fails to give the Employment Liaison Officer certain information on request.

*Transitional compensation claims*

- (5) To the extent practicable, anything done before commencement in relation to a claim for compensation for the work-related accident, by or under a provision of the old Employment Act, is taken to have been done in relation to that claim:
- (a) by or under a corresponding provision of the amended Employment Act; and
  - (b) if the thing was done by a person in the exercise of a power, or the performance of a function, under or for the purposes of the old Employment Act—by a person (whether or not the same person) who has a corresponding power or function under the amended Employment Act.
- (6) Subitem (5) does not apply in relation to a provision of Part 5 of the Employment Act (review of matters relating to compensation).

*Transfer of Administration's liability to pay compensation to the Commonwealth*

- (7) Any liability of the Administration, immediately before commencement, to pay compensation under the old Employment Act in relation to the work-related accident is transferred to the Commonwealth at commencement.

## **400 Review—complaints before the Board**

*Transitional complaints*

- (1) This item applies to a complaint (the **transitional complaint**) lodged with a member of the Board before commencement under section 76 of the old Employment Act.

*Transitional certificates*

- (2) If the Board considers that it will not be able to finish dealing with the complaint before the time when, in accordance with advice from the Department, Part 1 of Schedule 2 to the amending Ordinance is to commence, the Board must give a certificate (a **transitional certificate**) in relation to the transitional complaint to the person or entity lodging the transitional complaint, and, in the case of a dispute (as mentioned in subsection 77(4) of the old Employment Act), to each party to the dispute.
- (3) A transitional certificate must include the following statements:
- (a) a statement to the effect that the Board has not been able to finish dealing with the complaint;

- (b) a statement describing the progress (if any) made by the Board in resolving the transitional complaint, including any preliminary findings by the Board;
- (c) a statement to the effect that, subject to the amended Employment Act and item 402 of this Schedule, the person to whom the certificate is given may apply for internal review under the amended Employment Act in relation to the matter that is the subject of the transitional complaint;
- (d) a statement to the effect that, subject to the amended Employment Act and item 403 of this Schedule, the person to whom the certificate is given may apply to the Tribunal for an inquiry in relation to the matter that is the subject of the transitional complaint.

#### **401 Review—Tribunal inquiry application before commencement**

##### *Scope*

- (1) This item applies if, before commencement:
  - (a) a person or entity applies (or has applied) to the Secretary under section 82 of the Employment Act for an inquiry by the Tribunal in relation to a complaint lodged with a member of the Board under section 76 of that Act; and
  - (b) immediately before commencement, the Tribunal had not made a determination in proceedings in relation to the subject matter of the complaint.

##### *Law applicable to inquiry process*

- (2) Despite the amendments of the Employment Act made by the amending Ordinance, but subject to this item, the old Employment Act continues to apply after commencement in relation to the convening of the Tribunal and proceedings before the Tribunal.
- (3) The Tribunal may make any orders that are reasonably necessary for the conduct of the proceedings in the inquiry, including an order varying or waiving the operation of a provision of the old Employment Act otherwise applying under this item.

##### *Law applicable to determination in inquiry*

- (4) If the inquiry relates to a claim for compensation that was assessed before commencement, or a decision in relation to any other matter arising under Part 3 of the old Employment Act that was made before commencement, Part 3 of the old Employment Act as in force at the time the claim was assessed, or the decision was made, continues to apply in relation to the Tribunal's determination in the inquiry.
- (5) In any other case, Part 3 of the amended Employment Act as in force at the commencement time, subject to this Division, applies in relation to the Tribunal's determination in the inquiry.

## **402 Review—internal review after commencement**

### *Application for internal review in relation to matters arising before commencement*

- (1) After commencement, a person or entity may apply to the Employment Liaison Officer under section 65 of the amended Employment Act for an internal review of:
  - (a) the subject matter of a complaint lodged with a member of the Board before commencement under section 76 of the old Employment Act, or any related matter; or
  - (b) any other matter arising under Part 3 of the old Employment Act before commencement that affects the interests of the person or entity.
- (2) If the application relates to the subject matter of a complaint lodged with a member of the Board, the application must include the certificate given by the Board in relation to the complaint.

Note: The certificate may have been given under section 77 of the old Employment Act, or under subitem 400(2) of this Schedule (a transitional certificate).

- (3) Despite subsection 65(4) of the amended Employment Act, an application for internal review in relation to a matter arising under Part 3 of the Employment Act before commencement must be made within 30 days after commencement, or within such longer period as is approved by the Employment Liaison Officer.

### *Law applicable to determination of internal review*

- (4) If the internal review relates to a claim for compensation that was assessed before commencement, or a decision in relation to any other matter arising under Part 3 of the old Employment Act that was made before commencement, Part 3 of the old Employment Act as in force at the time the claim was assessed, or the decision was made, applies in relation to the determination of the internal review.
- (5) In any other case, Part 3 of the amended Employment Act as in force at the time of the application mentioned in subitem (1), subject to this Division, applies in relation to the determination of the internal review.

## **403 Review—Tribunal inquiry application after commencement**

### *Application for inquiry in relation to matters arising before commencement*

- (1) After commencement, the matters in relation to which an application may be made to the Secretary for an inquiry under section 82 of the amended Employment Act include matters (*transitional matters*) arising before commencement under Part 3 of the old Employment Act.
- (2) If a transitional matter was the subject of a complaint lodged with the Board under section 76 of the old Employment Act, an application to the Secretary for an inquiry under section 82 of the amended Employment Act must include the certificate given by the Board in relation to the complaint.

Note: The certificate may have been given under section 77 of the old Employment Act, or under subitem 400(2) of this Schedule (a transitional certificate).

*Law applicable to determination in inquiry*

- (3) If the inquiry relates to a claim for compensation that was assessed before commencement, or a decision in relation to any other matter arising under Part 3 of the old Employment Act that was made before commencement, Part 3 of the old Employment Act as in force at the time the claim was assessed, or the decision was made, applies in relation to the Tribunal's determination in the inquiry.
- (4) In any other case, Part 3 of the amended Employment Act as in force at the time of the application mentioned in subitem (1), subject to this Division, applies in relation to the Tribunal's determination in the inquiry.

#### **404 Approvals**

An approval by the Minister, for the purposes of a provision of Part 3 of the old Employment Act, that was in force immediately before commencement continues in force (subject to the amended Employment Act) as if it had been made by the Employment Liaison Officer under subsection 47E(3) of the amended Employment Act, for the purposes of the corresponding provision of the amended Employment Act.

#### **405 Part 4—safe working practices**

*Directions given to inspectors before commencement*

- (1) A direction given to an inspector by the Employment Liaison Officer before commencement for the purposes of paragraph 39A(2)(e) of the old Employment Act continues in force after commencement, subject to the amended Employment Act, as if the direction had been given to the inspector by the Chief Executive Officer under subsection 57A(2) of the amended Employment Act.

*Complaints made before commencement*

- (2) If, immediately before commencement, a complaint had been made to the Employment Liaison Officer, the Minister or an inspector under section 55 of the old Employment Act, but an investigation into the complaint had not started, or had not finished, then after commencement:
  - (a) the Chief Executive Officer, and any inspector to whom the complaint was referred before commencement, may investigate, or continue to investigate, the complaint as if the complaint had been made or referred to the Chief Executive Officer, or an inspector, under section 55 of the amended Employment Act; and
  - (b) section 55 of the amended Employment Act applies accordingly in relation to the investigation.

#### **406 Regulations and rules**

- (1) This item applies if:
    - (a) immediately before commencement, a provision of the old Employment Act provided for regulations to be made prescribing a matter (the *transitional matter*) under section 108 of the old Employment Act; and
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- (b) immediately before commencement, a provision (the ***transitional regulation***) of the *Employment Regulations 1991* (Norfolk Island) was in force prescribing the transitional matter; and
  - (c) the amending Ordinance amends the old Employment Act to provide for the transitional matter to be prescribed by rules under section 108 of the amended Employment Act; and
  - (d) at commencement, no rules had come into force prescribing the transitional matter under section 108 of the amended Employment Act.
- (2) Despite the amendments of the old Employment Act, and the repeal of the *Employment Regulations 1991* (Norfolk Island), by the amending Ordinance, the transitional regulation continues in force as if it were a rule made under section 108 of the amended Employment Act prescribing the transitional matter.
- (3) Subitem (2) stops applying in relation to the prescription of the transitional matter when a rule (or a provision of a rule) under section 108 of the amended Employment Act comes into force after commencement prescribing the transitional matter.

#### **406A References to amending Ordinance**

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

## **Division 19—Transitional provisions relating to the Coronavirus Economic Response Measures**

### **407 Definitions**

In this Division:

*amending Rules* means the *Norfolk Island Continued Laws Amendment (Coronavirus Economic Response Measures) Rules 2020*.

*commencement time* means the time at which the amending Rules commence.

### **408 Application of amendments to the *Bankruptcy Act 2006* (Norfolk Island)**

The amendments of the *Bankruptcy Act 2006* (Norfolk Island) made by the operation of the amending Rules apply to the following:

- (a) bankruptcy notices issued on or after commencement time;
- (b) petitions presented on or after the commencement time.

### **409 Application of amendments to the *Companies Act 1985* (Norfolk Island)**

The amendments of the *Companies Act 1985* (Norfolk Island) made by the operation of the amending Rules apply to demands that are served on or after the commencement time.

## **Division 20—Application and transitional provisions relating to the Norfolk Island Continued Laws Amendment (Traffic and Other Measures) Ordinance 2020**

### **411 Transitional provision affecting the *Traffic Act 2010* (Norfolk Island)**

The Registrar must refund to the applicant an approved fee paid under paragraph 16A(1)(b) of the *Traffic Act 2010* (Norfolk Island) in respect of an application for a provisional licence, made before the commencement of this item, if:

- (a) at or after that commencement, the applicant withdraws the application before the Registrar decides it; and
- (b) the applicant holds a recognised provisional licence at the time of the withdrawal.

### **412 Application provisions affecting the *Traffic Act 2010* (Norfolk Island)**

#### *Main application provisions*

- (1) Paragraph (da) of the definition of **major driving offence** in subsection 3(1) of the *Traffic Act 2010* (Norfolk Island), as amended by this Schedule, applies in relation to an offence committed on or after the commencement of this item.
- (2) Subsection 3(9) of the *Traffic Act 2010* (Norfolk Island), as added by this Schedule, applies in relation to findings of guilt without the recording of a conviction that are made before, on or after the commencement of this item.
- (3) Paragraph 19(ba) of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, applies in relation to a conviction, judgment, order or decision imposed or made before, on or after the commencement of this item.
- (4) Section 22A of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, applies in relation to:
  - (a) the holder of a licence driving a motor vehicle after the commencement of this item; and
  - (b) a condition, restriction or endorsement imposed or made before, on or after the commencement of this item.
- (5) Section 24A of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, applies in relation to acts or omissions on or after the commencement of this item.
- (6) Subject to subitem (10), the amendments of section 32 of the *Traffic Act 2010* (Norfolk Island) made by this Schedule apply in relation to acts after the commencement of this item.
- (7) Section 44M of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, applies in relation to charges after the commencement of this item.
- (8) The following provisions of the *Traffic Act 2010* (Norfolk Island), as amended or inserted by this Schedule, apply in relation to offences committed on or after the commencement of this item:

- (a) subsections 15(3A) and (3B);
- (b) subsection 16(7);
- (c) subsection 16A(7);
- (d) subsections 45(1) and (2);
- (e) paragraph 46(1)(a).

*Application provisions relating to ute tray riding*

- (9) The amendments of subsection 17A(2) of the *Traffic Act 2010* (Norfolk Island) made by this Schedule apply in relation to licences issued on or after the day (the ***ute tray riding application day***) that is 3 months after the day on which the *Norfolk Island Continued Laws Amendment (Traffic and Other Measures) Ordinance 2020* commences.
- (10) Subparagraph 32(1)(b)(ia) and paragraph 32(1A)(d) of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, apply in relation to acts on or after the ute tray riding application day.
- (11) Paragraph 32B(1)(aa) of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, applies in relation to an exercise of powers by a member of the police force on or after the ute tray riding application day.
- (12) Paragraph 44G(2)(b) of the *Traffic Act 2010* (Norfolk Island), as inserted by this Schedule, applies in relation to a person in or on a motor vehicle on or after the ute tray riding application day.

**413 Application provision affecting the Traffic (General) Regulations (Norfolk Island)**

The amendments of Schedule 1 to the Traffic (General) Regulations (Norfolk Island) made by this Schedule apply in relation to offences committed on or after the commencement of this item.



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

### **414 Publication of substituted amounts**

- (1) Subsection 42(6) of the *Employment Act 1988* (Norfolk Island), as amended by the operation of the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*, applies in relation to the March quarter ending on 31 March 2021 and later March quarters.
- (2) However, if the publication of the index number for the March quarter ending on 31 March 2021 occurs before the day on which this item commences (the **commencement day**), the reference in that subsection to the day on which the Australian Statistician publishes the index number is taken to be a reference to the commencement day.

**Division 22—Application, saving and transitional provisions  
relating to the Norfolk Island Legislation Amendment  
(Criminal and Civil Matters) Ordinance 2021**

**415 Application provisions affecting the *Bail Act 2005* (Norfolk Island)**

- (1) Section 8 of the *Bail Act 2005* (Norfolk Island), as amended by this Schedule, applies in relation to the first occurring reference of an offence in a paragraph of subsection (1) of that section alleged to have been committed on or after the commencement of this item.
- (2) Section 37 of the *Bail Act 2005* (Norfolk Island), as amended by this Schedule, applies in relation to the review, under Division 2 of Part 6 of that Act, of a bail decision made before, on or after the commencement of this item.

**416 Application provision affecting the *Court of Petty Sessions Act 1960* (Norfolk Island)**

Sections 107, 116, 117 and 140 of the *Court of Petty Sessions Act 1960* (Norfolk Island), as amended by this Schedule, apply in relation to a civil claim in respect of a sum, or matter, made before, on or after the commencement of this item.

**417 Saving provision affecting the *Criminal Code 2007* (Norfolk Island)**

Despite the repeal and substitution of paragraphs 113A(3)(b) and 119A(3)(b) of the *Criminal Code 2007* (Norfolk Island) by this Schedule at the commencement of this item, subsections 113A(3) and 119A(3) of the *Criminal Code 2007 (Norfolk Island)*, as in force immediately before that commencement, continue to apply in relation to offences alleged to have been committed before that commencement.

**418 Application provisions affecting the *Criminal Code 2007* (Norfolk Island)**

- (1) The amendments of sections 281 and 282, and the definition of *law of Norfolk Island* in the Dictionary, of the *Criminal Code 2007* (Norfolk Island) made by this Schedule apply in relation to acts or omissions on or after the commencement of this item.
- (2) The amendment of paragraph 353(2)(c) of the *Criminal Code 2007* (Norfolk Island) made by this Schedule applies in relation to acts or omissions on or after the commencement of this item.

**419 Application provisions affecting the *Dangerous Drugs Act 1927* (Norfolk Island)**

- (1) An authorisation for the purposes of the definition of *authorised officer* in subsection 3(1) of the *Dangerous Drugs Act 1927* (Norfolk Island) that was in force immediately before the commencement of this item has effect, after the commencement of this item, as if it had been made under paragraph (a) of that definition as amended by this Schedule.

- (2) The amendment of the definition of *cannabis plant* in subsection 3(1) of the *Dangerous Drugs Act 1927* (Norfolk Island) made by this Schedule applies in relation to acts or omissions on or after the commencement of this item.
- (3) The amendment of Part 1 of Schedule 5 to the *Dangerous Drugs Act 1927* (Norfolk Island) made by this Schedule applies in relation to acts or omissions on or after the commencement of this item.

**420 Application provision affecting the *Interpretation Act 1979* (Norfolk Island)**

The repeal and substitution of section 40 of the *Interpretation Act 1979* (Norfolk Island) made by this Schedule applies in relation to a penalty imposed on or after the commencement of this item in relation to an offence that is committed before, on or after the commencement of this item.

**421 Application provisions affecting the *Sentencing Act 2007* (Norfolk Island)**

- (1) The amendment of paragraph 5(2)(p) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule applies in relation to the revocation of an order before, on or after the commencement of this item.
- (2) The amendments of subsection 8(2) and paragraph 8(3)(a) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to a finding of guilt before, on or after the commencement of this item.
- (3) The amendments of paragraph 7(l), of subsections 21(1), 101(1), 118(2) and 119(2) and of sections 91 and 168, the repeal and substitution of section 16, and the insertion of sections 16A and 92 of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to a sentence imposed on or after the commencement of this item in relation to an offence that is committed before, on or after the commencement of this item.
- (4) The amendments of subsections 39(5) and (7) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to a sentence suspended before, on or after the commencement of this item.
- (5) The amendments of subsections 90(1), 147(1) and 151(1) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to a sentence imposed before, on or after the commencement of this item.
- (6) The insertion of section 93 of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule applies in relation to a sentence imposed on an offender on or after the commencement of this item, whether the offender is serving a term of imprisonment imposed, or existing non-parole period fixed, before, on or after the commencement of this item.
- (7) The amendment of paragraph 147(2)(a) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule applies in relation to a parole order made on or after the commencement of this item in relation to a sentence imposed before, on or after the commencement of this item.

- (8) The amendment of paragraph 166(2)(a) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule applies in relation to an order made on or after the commencement of this item.
- (9) The amendments of subsections 169(1) and (2) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to an increase or decrease that occurs on or after the commencement of this item.
- (10) The amendments of section 20 and subsection 170(1) of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to a fine imposed on or after the commencement of this item in relation to an offence that is committed before, on or after the commencement of this item.
- (11) The amendments of section 171 of the *Sentencing Act 2007* (Norfolk Island) made by this Schedule apply in relation to a finding of guilt or conviction before, on or after the commencement of this item.

**422 Application provision affecting the *Supreme Court Act 1960* (Norfolk Island)**

Section 33A of the *Supreme Court Act 1960* (Norfolk Island), as inserted by this Schedule, applies in relation to a sentence passed on or after the commencement of this item.

**423 Application provision affecting the *Traffic Act 2010* (Norfolk Island)**

The amendments of section 40A of the *Traffic Act 2010* (Norfolk Island) made by this Schedule apply in relation to acts or omissions on or after the commencement of this item.

## **Schedule 2—Repeals**

### **Part 1—Repeals of Acts**

#### **1 Repeal of Acts**

Repeal the following Acts of Norfolk Island:

*Airport Runways Loan Act 2003*

*Cascade Cliff Loan Act 1998*

*Census and Statistics Act 1961*

*Contagious Diseases Act 1957*

*Criminal Law Act 1960*

*Customs Act 1913*

*Departure Fee Act 1980*

*Domestic Violence Act 1995*

*Education Act 1931*

*Fees Act 1976*

*Foreign Marriages Act 1963*

*Goods and Services Tax Act 2007*

*Greenwich University Act 1998*

*Healthcare Act 1989*

*Healthcare Levy Act 1990*

*Immigration Act 1980*

*Infants' Maintenance and Protection Act 1913*

***Legislative Assembly Act 1979***

***Legislative Assembly (Register of Members' Interests) Act 2004***

***Maintenance Orders (Facilities for Enforcement) Act 1960***

***Norfolk Island Government Tourist Bureau Act 1980***

***Norfolk Island Planning and Environment Board Act 2002***

***Ombudsman Act 2012***

***Postal Services Act 1983***

***Provident Account Act 1958***

***Public Health Act 1996***

***Public Moneys Act 1979***

***Public Sector Remuneration Tribunal Act 1992***

***Public Service Act 2014***

***Referendum Act 1964***

***Registration of Dentists Act 1931***

***Social Services Act 1980***

***Standard Time and Daylight Saving Act 1974***

***Tuberculosis Act 1950***

***Weights Act 1926***

## **Part 2—Repeals of regulations**

### **2 Repeal of regulations**

Repeal the following regulations of Norfolk Island:

*Animals (Importation) Regulations 1985*

*Apiaries Regulations 1976*

*Census and Statistics Regulations 2011*

*Criminal Code Regulations 2013*

*Customs Regulations 1986*

*Domestic Violence Regulations 1995*

*Education Regulations*

*Employment Regulations 1991*

*Goods and Services Tax Regulations 2007*

*Health (General) Regulations*

*Healthcare Levy Regulations 2012*

*Healthcare Regulations 1991*

*Immigration Regulations 1984*

*Legislative Assembly (Register of Members' Interests) Regulations 2005*  
*(No. 4 of 2005)*

*Legislative Assembly Regulations*

*Maintenance Orders (Facilities for Enforcement) Regulations*

*Medical Practitioners Registration Regulations 1987*

***Norfolk Island Government Tourist Bureau Regulations***

***Norfolk Island Hospital Finance Regulations 1989***

***Plant and Fruit Diseases Regulations***

***Poisons and Dangerous Substances Regulations***

***Postal Services Regulations 2013***

***Public Service Regulations 2014***

***Social Services Regulations***

***Traffic (Fees) Regulations***



## **Part 3—Transitional provisions relating to repeal of the Norfolk Island Government Tourist Bureau Act 1980**

### **Division 1—Introduction**

#### **3 Definitions**

In this Part:

**Advisory Board** has the same meaning as in the *Norfolk Island Government Tourist Bureau Act 1980* (Norfolk Island) as in force immediately before the repeal time.

**asset** means:

- (a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and
- (b) any right, power, privilege or immunity, whether actual, contingent or prospective.

**assets official**, in relation to an asset other than land, means the person or authority who:

- (a) under a law of the Commonwealth, a State or a Territory; or
- (b) under a trust instrument; or
- (c) otherwise;

has responsibility for keeping a register in relation to assets of the kind concerned.

**Bureau** has the same meaning as in the *Norfolk Island Government Tourist Bureau Act 1980* (Norfolk Island) as in force immediately before the repeal time.

**land** means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

**land registration official**, in relation to land, means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

**liability** means any liability, duty or obligation, whether actual, contingent or prospective.

**repeal time** means the commencement of Schedule 4 to the *Norfolk Island Continued Laws Amendment (2015 Measures No. 1) Ordinance 2015*.

## **Division 2—Transfer of assets and liabilities of Bureau**

### **4 Vesting of assets of the Bureau**

- (1) This item applies to an asset of the Bureau immediately before the repeal time.
- (2) The following provisions have effect:
  - (a) at the repeal time, the asset ceases to be an asset of the Bureau and becomes an asset of the Administration without any conveyance, transfer or assignment;
  - (b) the Administration becomes the successor in law in relation to the asset.

### **5 Vesting of liabilities of the Bureau**

- (1) This item applies to a liability of the Bureau immediately before the repeal time.
- (2) The following provisions have effect:
  - (a) at the repeal time, the liability ceases to be a liability of the Bureau and becomes a liability of the Administration without any conveyance, transfer or assignment;
  - (b) the Administration becomes the successor in law in relation to the liability.

### **6 Transfers of land to the Administration may be registered**

- (1) This item applies if:
  - (a) any land vests in the Administration under item 4; and
  - (b) there is lodged with a land registration official a certificate that:
    - (i) is signed by the responsible Commonwealth Minister; and
    - (ii) identifies the land, whether by reference to a map or otherwise; and
    - (iii) states that the land has become vested in the Administration under this Part.
- (2) The land registration official may:
  - (a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
  - (b) deal with, and give effect to, the certificate.

### **7 Certificates relating to vesting of assets (other than land) in the Administration**

- (1) This item applies if:
  - (a) any asset other than land vests in the Administration under item 4; and
  - (b) there is lodged with an assets official a certificate that:
    - (i) is signed by the responsible Commonwealth Minister; and
    - (ii) identifies the asset; and
    - (iii) states that the asset has become vested in the Administration under this Part.

- (2) The assets official may:
- (a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and
  - (b) make such entries in the register as are necessary having regard to the effect of this Part.

## Division 3—Transfer of other matters relating to the Bureau

### 8 Acts of the Bureau to be attributed to the Administration

Anything done by, or in relation to, the Bureau before the repeal time has effect, at and after that time, as if it had been done by, or in relation to, the Administration.

### 9 Substitution of the Administration as a party to certain pending proceedings

If, immediately before the repeal time, the Bureau was a party to proceedings pending in any court or tribunal, the Administration is substituted for the Bureau as a party to the proceedings at and after that time.

### 10 Transfer of records to the Administration

Any records or documents that were in possession of the Bureau or the Advisory Board immediately before the repeal time are to be transferred to the Administration after the repeal time.

### 11 References in certain instruments to the Bureau

(1) If:

- (a) an instrument was in force immediately before the repeal time; and
- (b) a reference is made in the instrument to the Bureau; and
- (c) the instrument is an instrument covered by one or more of the following subparagraphs:
  - (i) an instrument that was made by the Bureau;
  - (ii) an instrument to which the Bureau was a party;
  - (iii) an instrument that was given to, or in favour of, the Bureau;
  - (iv) an instrument under which any right or liability accrues or may accrue to the Bureau;
  - (v) any other instrument in which a reference is made to the Bureau;

then the reference has effect after the repeal time as if the reference to the Bureau were a reference to the Administration.

(2) In this item:

**exempt instrument** means:

- (a) an Act; or
- (b) an instrument made under the *Norfolk Island Act 1979*; or
- (c) an enactment (within the meaning of that Act).

**instrument**:

- (a) includes:
  - (i) a contract, deed, undertaking or agreement; and
  - (ii) a notice, authority, order or instruction; and
  - (iii) an instrument made under an Act or under regulations; but

(b) does not include an exempt instrument.

## Division 4—Employees of the Bureau

### 12 Transfer of employees

- (1) For the purposes of this item, a person is a *transferring employee* if the person was employed by the Bureau immediately before the repeal time.
- (2) At the repeal time, the transferring employee:
  - (a) ceases to be an employee of the Bureau; and
  - (b) becomes an employee of the Administration.
- (3) A transferring employee who becomes an employee of the Administration under subitem (2) is taken to have been engaged by the Administration on the same terms and conditions as those that applied to the transferring employee, immediately before the repeal time, as an employee of the Bureau.
- (4) This item does not prevent the terms and conditions of a transferring employee's employment after the repeal time from being varied:
  - (a) in accordance with those terms and conditions; or
  - (b) by or under a law, award, determination or agreement.
- (5) A transferring employee is not entitled to receive any payment or other benefit merely because he or she stopped being an employee of the Bureau as a result of this item.
- (6) In this item:

*vary*, in relation to terms and conditions, includes:

  - (a) omit any of those terms and conditions; or
  - (b) add to those terms and conditions; or
  - (c) substitute new terms or conditions for any of those terms and conditions.

### 13 Accrued entitlements

- (1) This item applies to a person if:
  - (a) the person was employed by the Bureau immediately before the repeal time; and
  - (b) at the repeal time, the person becomes an employee of the Administration.
- (2) The person is taken to have accrued an entitlement to benefits, in connection with the person's employment with the Administration, as the case may be, that is equivalent to the entitlement that the person had as an employee of the Bureau immediately before the repeal time.
- (3) The service of the person as an employee of the Bureau is taken, for all purposes, to have been continuous with his or her service as an employee of the Administration.

## **Division 5—Other matters**

### **14 Constitutional safety net**

- (1) If the operation of a provision of this Part would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.
- (2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

### **15 Certificates taken to be authentic**

A document that appears to be a certificate made or issued under a particular provision of this Part:

- (a) is taken to be such a certificate; and
- (b) is taken to have been properly given;

unless the contrary is established.

## Part 4—Transitional provisions relating to the repeal of the Immigration Act 1980 and the Immigration Regulations 1984

### 16 Definitions

In this Part:

**former Administrator** means the Administrator of the Territory appointed under the *Norfolk Island Act 1979*, as in force immediately before 1 July 2016.

**new Administrator** means the Administrator of the Territory appointed under the *Norfolk Island Administrator Ordinance 2016*.

**old Act** means the *Immigration Act 1980* (Norfolk Island) as in force immediately before 1 July 2016.

**old Regulations** means the *Immigration Regulations 1984* (Norfolk Island) as in force immediately before 1 July 2016.

### 17 Review of decisions

- (1) This item applies if:
  - (a) before 1 July 2016, a person, under section 84 of the old Act, requested the Commonwealth Minister to review a decision in relation to:
    - (i) an application for a general entry permit or a temporary entry permit; or
    - (ii) an application for an extension of the period during which a temporary entry permit remains in force; or
    - (iii) an application to be declared to be a resident of Norfolk Island; and
  - (b) a decision on the application for review had not been made before 1 July 2016.
- (2) The Commonwealth Minister must make a decision on the application for review on, or as soon as practicable after, 1 July 2016 and for that purpose the old Act and the old Regulations continue in force on and after 1 July 2016 as if they had not been repealed.
- (3) If the Commonwealth Minister grants the application, then the following provisions apply:
  - (a) if the application is of a kind mentioned in subparagraph (1)(a)(i)—the person is taken to have been granted a general entry permit or a temporary entry permit, as the case may be, on 30 June 2016;
  - (b) if the application is of a kind mentioned in subparagraph (1)(a)(ii)—the person is taken to have been granted, on 30 June 2016, an extension of the period for which the temporary entry permit remains in force;
  - (c) if the application is of a kind mentioned in subparagraph (1)(a)(iii)—the person is taken to have been declared to be a resident of Norfolk Island on 30 June 2016.



**18 General transitional provision relating to the repeal of the  
*Immigration Act 1980 (Norfolk Island)***

Despite the repeal of the old Act and the old Regulations by this Schedule, that Act and those Regulations, as in force immediately before the repeal, continue to apply for the purpose of completing any processes that were commenced under that Act or those Regulations before the repeal.

## **Part 5—Saving provisions relating to repeal of the Public Service Act 2014**

### **20 Saving of section 75 of the *Public Service Act 2014***

- (1) Despite the repeal of the *Public Service Act 2014* (Norfolk Island) by this Schedule, section 75 of that Act (which is about protection from liability for acts or omissions relating to appeals and reviews) continues to apply in relation to acts or omissions that occurred before the repeal.
- (2) However, that section continues to apply as if the reference in subsection (3) of that section to the Administration were a reference to the Norfolk Island Regional Council.

### **21 Saving of section 88 of the *Public Service Act 2014***

Despite the repeal of the *Public Service Act 2014* (Norfolk Island) by this Schedule, section 88 of that Act (which is about protection from liability for reports about employees) continues to apply in relation to reports prepared before the repeal.

## **Part 6—Transitional provisions relating to repeal of the Goods and Services Tax Act 2007**

### **22 Definitions**

In this Part:

*old Act* means the *Goods and Services Tax Act 2007* (Norfolk Island) as in force immediately before 1 July 2016.

*registered person* has the same meaning as in the old Act.

*taxable supply* has the same meaning as in the old Act.

*termination day* means 1 January 2018.

*transition period* means the period commencing on 1 July 2016 and ending on 1 January 2018.

### **23 The Goods and Services Tax Act 2007 to continue for certain purposes despite its repeal**

- (1) This item applies if:
- (a) a registered person made a taxable supply before 1 July 2016; and
  - (b) all steps and processes required or permitted under the old Act had not been completed by, or in relation to, the person, or in relation to the taxable supply, before 1 July 2016.
- (2) Despite the repeal of the old Act by this Schedule, those steps and processes continue to be required or permitted during the transition period as if the old Act had not been repealed and for that purpose:
- (a) a power or function conferred on the Chief Revenue Officer under the old Act may be exercised and performed by the Norfolk Island Regional Council; and
  - (b) sections 9 and 9A of the old Act continue to apply in relation to the registered person in relation to the taxable supply; and
  - (c) an assessment under section 11 of the old Act must not be issued after 1 July 2017; and
  - (d) the registered person must retain the records mentioned in section 12D of the old Act for a period of 5 years commencing on the day the records were created and ending on termination day.

## **Part 7—Transitional provisions relating to repeal of the Public Moneys Act 1979**

### **24 Requirement to pay money to public account under the *Public Moneys Act 1979* etc.**

On and after 1 July 2016, a requirement in a continued law to pay money into the Public Account or into a Fund (however described) within the Public Account is taken to be satisfied if the money is paid to the Norfolk Island Regional Council.

## **Part 8—Transitional provisions relating to the repeal of the Public Health Act 1996 and the Health (General) Regulations**

### **25 Definitions**

In this Part:

*commencement day* means the day on which Schedule 1 to the *Norfolk Island Legislation Amendment (Public Health) Ordinance 2018* commences.

### **26 Notices under the *Public Health Act 1996***

- (1) A notice issued under section 21 of the *Public Health Act 1996* (Norfolk Island) before the commencement day has effect on and after that day as if it were a notice issued under section 78 of the *Environment Act 1990* (Norfolk Island).
- (2) A notice issued under section 22 of the *Public Health Act 1996* (Norfolk Island) before the commencement day has effect on and after that day as if it were a notice issued under section 79 of the *Environment Act 1990* (Norfolk Island).

### **27 Approvals, notices and proceedings under the *Health (General) Regulations***

- (1) An approval given under regulation 10 of the *Health (General) Regulations* (Norfolk Island) that is in force immediately before the commencement day has effect on and after that day as if it were a development approval given under subsection 41(5) of the *Planning Act 2002* (Norfolk Island) for permitted use or development.
- (2) A notice given under paragraph 15(b) of the *Health (General) Regulations* (Norfolk Island) before the commencement day has effect on and after that day as if it were an order given under section 124 of the *Local Government Act 1993* (NSW) (NI) in the terms of order No 25 in the table in that section.
- (3) A notice given under paragraph 16(b) of the *Health (General) Regulations* (Norfolk Island) before the commencement day has effect on and after that day as if it were a direction given under subsection 7(2) of the *Public Health Act 2010* (NSW) (NI).
- (4) A notice given under paragraph 29(1)(b) of the *Health (General) Regulations* (Norfolk Island) before the commencement day has effect on and after that day as if it were an order given under section 124 of the *Local Government Act 1993* (NSW) (NI) in the terms of order No 21 in the table in that section.
- (5) Despite the repeal of the *Health (General) Regulations* (Norfolk Island) by this Schedule, regulation 40 of those regulations continues to apply on and after the commencement day in relation to a notice given under subregulation 40(1) of those regulations before that day.

## Part 9—Transitional provisions relating to repeal of the Domestic Violence Act 1995

### 28 Protection orders in force immediately before repeal

A protection order in force under the *Domestic Violence Act 1995* (Norfolk Island) immediately before the repeal of that Act by this Schedule has effect after that repeal as if it were an apprehended domestic violence order made under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

Note: An apprehended domestic violence order may be varied or revoked under Division 5 of Part 10 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

### 29 Interim protection orders in force immediately before repeal

An interim protection order in force under the *Domestic Violence Act 1995* (Norfolk Island) immediately before the repeal of that Act by this Schedule has effect after that repeal as if it were an interim apprehended domestic violence order made under Part 6 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).

Note: An interim apprehended domestic violence order made under Part 6 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) may be varied or revoked under Division 5 of Part 10 of that Act.

### 30 Applications on foot immediately before repeal

An application made (and not decided or withdrawn) for a protection order under the *Domestic Violence Act 1995* (Norfolk Island) before the repeal of that Act by this Schedule has effect after that repeal as if it were an application made under Part 4 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) for an apprehended domestic violence order.

Note: The application has that effect even if an interim protection order was made before that repeal as a result of the application.

### 31 Directions and orders for seizure etc. of firearms

The following continue to have effect despite the repeal of the *Domestic Violence Act 1995* (Norfolk Island) by this Schedule:

- (a) a direction, that was in force under paragraph 15(1)(b) of that Act immediately before that repeal, to seize and detain a firearm for a period;
- (b) an order, that was in force under paragraph 15(6)(a) of that Act immediately before that repeal, to seize a firearm.

### 32 Weapons seized before repeal

Division 1 of Part 17 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (NI) applies to a weapon seized under the *Domestic Violence Act 1995* (Norfolk Island) before its repeal by this Schedule as if the weapon were a dangerous implement that had been seized under the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (NI):

- (a) if the seizure actually occurred before the repeal of the *Domestic Violence Act 1995*—when that Act was repealed; or

- (b) if the seizure actually occurred at a time on or after the repeal of the *Domestic Violence Act 1995*—at that time.

Note: Paragraph (b) could apply if the seizure occurred under a direction or order that was made under section 15 of the *Domestic Violence Act 1995* (Norfolk Island) and continued in effect by this Part despite the repeal of that Act.

### **33 Registered orders from other jurisdictions**

- (1) A registered external order in force under the *Domestic Violence Act 1995* (Norfolk Island) immediately before the repeal of that Act has effect after that repeal as if it were a registered external protection order for the purposes of Part 13 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI).
- (2) However, paragraph 97(1)(a) of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI) does not have the effect that the order is a local DVO for the purposes of Part 13B of that Act.
- (3) The order ceases to be registered under Part 13 of that Act if the order becomes a recognised DVO in Norfolk Island under Part 13B of that Act. In that case, Part 13B of that Act applies to the order in the same way as it applies to any other recognised DVO that is a non-local DVO for the purposes of that Part.

Note: Under this item, a registered external order under the *Domestic Violence Act 1995* (Norfolk Island) immediately before its repeal will continue to be enforceable in Norfolk Island as provided for by Part 13 of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (NI). If the order becomes a recognised DVO for the purposes of Part 13B of that Act (because of section 98ZX of that Act or because of a declaration under section 98ZZB of that Act), the order ceases to be registered under Part 13 of that Act and is enforceable in Norfolk Island under Part 13B of that Act and corresponding laws (of States and other Territories).

## Endnotes

### Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	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

## Endnotes

### Endnote 3—Legislation history

### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015)	17 June 2015 (F2015L00835)	18 June 2015 (s 2(1) item 1)	
Norfolk Island Continued Laws Amendment (Standard Time) Ordinance 2015 (No. 7, 2015)	24 Sept 2015 (F2015L01491)	12.30 am (N.S.W.) 4 Oct 2015 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (2015 Measures No. 1) Ordinance 2015 (No. 10, 2015)	14 Dec 2015 (F2015L01994)	Sch 1–4 and Sch 5 (item 1): 15 Dec 2015 (s 2(1) items 2, 3) Sch 5 (items 2–5): 1 Dec 2016 (s 2(1) item 4)	—
Norfolk Island Continued Laws Amendment (2016 Measures No. 1) Ordinance 2016 (No. 4, 2016)	10 May 2016 (F2016L00771)	Sch 1 (item 1) and Sch 2 (items 1, 2): 11 May 2016 (s 2(1) items 2, 4) Sch 1 (items 2–10), Sch 2 (items 3–9), Sch 3 and 4: 1 July 2016 (s 2(1) items 3, 5, 6)	—
Norfolk Island Continued Laws Amendment (2016 Measures No. 2) Ordinance 2016 (No. 5, 2016)	10 May 2016 (F2016L00751)	Sch 4 (items 1–5): 11 May 2016 (s 2(1) item 3) Sch 1–3, Sch 4 (items 6–57) and Sch 5: 1 July 2016 (s 2(1) items 2, 4, 5)	—
Norfolk Island Continued Laws Amendment (Public Holidays) Ordinance 2016 (No. 13, 2016)	14 Dec 2016 (F2016L01949)	15 Dec 2016 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Public Health) Ordinance 2016 (No. 14, 2016)	14 Dec 2016 (F2016L01942)	20 Jan 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Gaming) Ordinance 2017 (No. 1, 2017)	24 Mar 2017 (F2017L00300)	1 Apr 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Gaming Authority) Rules 2017	31 Mar 2017 (F2017L00367)	1 Apr 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (2017 Measures No. 1) Ordinance 2017 (No. 2, 2017)	23 May 2017 (F2017L00581)	Sch 1 (item 6): 1 Aug 2017 (s 2(1) item 3) Sch 1 (item 7): 1 July 2017 (s 2(1) item 4) Remainder: 24 May 2017 (s 2(1) items 1, 2, 5)	—

## Endnote 3—Legislation history

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
Norfolk Island Continued Laws Amendment (Chief Magistrate) Ordinance 2017	14 July 2017 (F2017L00922)	15 July 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Director of Public Prosecutions) Ordinance 2017	3 Aug 2017 (F2017L00986)	5 Aug 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (2017 Measures No. 2) Ordinance 2017	17 Oct 2017 (F2017L01360)	18 Oct 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (2017 Measures No. 3) Ordinance 2017	20 Nov 2017 (F2017L01499)	21 Nov 2017 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Community Title) Ordinance 2018	9 Mar 2018 (F2018L00236)	10 Mar 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Public Health) Ordinance 2018	9 Mar 2018 (F2018L00237)	Sch 1 (items 10–20) and Sch 2: 10 Mar 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Public Sector Employment and Education) Ordinance 2018	21 Mar 2018 (F2018L00342)	Sch 1 (item 14) and Sch 2 (items 3–13): 22 Mar 2018 (s 2(1) items 2, 3)	—
Norfolk Island Legislation Amendment (Fees) Ordinance 2018	31 May 2018 (F2018L00697)	Sch 1 (Pt 1, item 2) and (Pt 2): 1 June 2018 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Child Welfare Officer) Ordinance 2018	8 June 2018 (F2018L00745)	9 June 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Protecting Vulnerable People) Ordinance 2018	28 Sept 2018 (F2018L01377)	Sch 1 (items 5–8) and Sch 2–6: 29 Sept 2018 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Statutory Appointments and Other Matters) Ordinance 2018	28 Sept 2018 (F2018L01378)	29 Sept 2018 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Planning Measures) Ordinance 2018	12 Oct 2018 (F2018L01420)	Sch 1 (items 2–18): 13 Oct 2018 (s 2(1) item 1)	—

## Endnotes

### Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Norfolk Island Legislation Amendment (Criminal Justice Measures) Ordinance 2019	5 Apr 2019 (F2019L00546)	Sch 1 (items 1–7): 6 Apr 2019 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019	12 Aug 2019 (F2019L01048)	Sch 1 (items 3–114): 13 Aug 2019 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Land Valuation) Ordinance 2019	15 Nov 2019 (F2019L01468)	16 Nov 2019 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Employment) Ordinance 2020	2 July 2020 (F2020L00870)	Sch 1 (items 1–3, 5): 3 Jan 2021 (s 2(1) items 2, 4) Remainder: 3 July 2020 (s 2(1) items 1, 3)	—
Norfolk Island Continued Laws Amendment (Coronavirus Economic Response Measures) Rules 2020	20 July 2020 (F2020L00926)	21 July 2020 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Coronavirus Economic Response Measures) Rules (No. 2) 2020	24 Sept 2020 (F2020L01207)	25 Sept 2020 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Registration of Births, Deaths and Marriages) Ordinance 2020	19 Oct 2020 (F2020L01323)	1 Jan 2021 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Traffic and Other Measures) Ordinance 2020	18 Dec 2020 (F2020L01644)	19 Dec 2020 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Coronavirus Economic Response Measures) Rules (No. 3) 2020	24 Dec 2020 (F2020L01708)	25 Dec 2020 (s 2(1) item 1)	—
Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021	16 Apr 2021 (F2021L00451)	17 Apr 2021 (s 2(1) item 1)	—
Norfolk Island Legislation Amendment (Criminal and Civil Matters) Ordinance 2021	9 July 2021 (F2021L00975)	Sch 1 and Sch 2 (items 3–7): 10 July 2021 (s 2(1) item 1)	—

## Endnote 3—Legislation history

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<b>Act</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
National Emergency Declaration (Consequential Amendments) Act 2020	129, 2020	15 Dec 2020	Sch 1 (item 34): 16 Dec 2020 (s 2(1) item 2)	—

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## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

Provision affected	How affected
s 1 .....	rs No 7, 2015
s 2 .....	rep LIA s 48D
s 4 .....	rs No 5, 2016
s 4A.....	ad No 5, 2016
s 6 .....	ad No 5, 2016
s 7 .....	ad No 5, 2016
<b>Schedule 1</b>	
<b>Part 1</b>	
Heading preceding item 1A .....	ad No 5, 2016
item 1AAAA (prev item 1AA first occurring)	
item 1AA (first occurring) .....	ad F2017L01360
	renum
	ed C14
item 1AAAB (prev item 1AB first occurring)	
item 1AB (first occurring).....	ad F2017L01360
	renum
	ed C14
item 1A .....	ad No 5, 2016
item 1B .....	ad No 5, 2016
item 1C .....	ad No 5, 2016
Heading preceding item 1D .....	ad F2018L01378
item 1D .....	ad F2018L01378
item 1E.....	ad F2018L01378
item 1F.....	ad F2018L01378
item 1G.....	ad F2018L01378
item 1AAA .....	ad No 14, 2016
item 1AA (second occurring).....	ad No 5, 2016
item 1AB (second occurring).....	ad No 14, 2016
item 2A .....	ad No 5, 2016
Heading preceding item 2AA.....	ad F2018L01377
item 2AA .....	ad F2018L01377
Heading preceding item 2B.....	ad F2017L01360
item 2B .....	ad F2017L01360
item 2BA .....	ad F2018L01378
	rs F2019L01048
item 2BB.....	ad F2019L01048

## Endnote 4—Amendment history

Provision affected	How affected
item 2BC.....	ad F2019L01048
item 2BD .....	ad F2019L01048
item 2C .....	ad F2017L01360
	am F2019L01048
item 2D.....	ad F2017L01360
	rs F2018L01378
item 2E.....	ad F2017L01360
	rep F2018L01378
	ad F2019L01048
item 2F.....	ad F2017L01360
	rs F2019L01048
Heading preceding item 2F .....	ad F2017L01360
item 2G.....	ad F2017L01360
	rs F2019L01048
item 2H.....	ad F2017L01360
	rs F2018L01378; F2019L01048
item 2J .....	ad F2017L01360
	rs F2018L01378; F2019L01048
item 2K.....	ad F2017L01360
	rs F2019L01048
item 2L.....	ad F2017L01360
	rs F2019L01048
item 2M .....	ad F2017L01360
	rs F2019L01048
item 2N.....	ad F2017L01360
	rs F2019L01048
item 2P.....	ad F2017L01360
	rep F2019L01048
item 2Q.....	ad F2017L01360
	rep F2019L01048
item 2R .....	ad F2017L01360
	rs F2018L01378
	rep F2019L01048
Heading preceding item 2S.....	ad F2018L01378
item 2S.....	ad F2018L01378
item 2SA.....	ad F2019L01048
item 2T.....	ad F2018L01378
item 2U.....	ad F2019L01048
item 2V .....	ad F2019L01048
item 3.....	rs No 5, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 3A .....	ad No 5, 2016
item 3B .....	ad No 5, 2016
item 21A .....	ad F2018L01378
Heading preceding item 21B.....	ad F2018L01378
item 21B .....	ad F2018L01378
item 21BA.....	ad F2019L01048
item 21BB.....	ad F2019L01048
item 21BC.....	ad F2019L01048
item 21BD.....	ad F2019L01048
item 21C .....	ad F2018L01378
	am F2019L01048
Heading preceding item 22A .....	ad No 5, 2016
item 21D .....	ad F2018L01378
item 21E.....	ad F2018L01378
item 21F.....	ad F2019L01048
item 21G .....	ad F2019L01048
Heading preceding item 21H .....	ad F2019L01048
item 21H .....	ad F2019L01048
item 21J .....	ad F2019L01048
item 21K.....	ad F2019L01048
Heading preceding item 21L.....	ad F2019L01048
item 21L.....	ad F2019L01048
item 21M .....	ad F2019L01048
item 21N .....	ad F2019L01048
item 21P.....	ad F2019L01048
item 22 .....	rep F2018L01378
item 22A .....	ad No 5, 2016
	rep F2018L01378
Heading preceding item 22B.....	ad No 5, 2016
item 22AAA .....	ad F2018L01377
item 22AA .....	ad F2017L00986
item 22AAAAA.....	ad F2021L00975
item 22AAAA.....	ad F2018L01377
item 22AAAAAB.....	ad F2021L00975
item 22AAAAAC.....	ad F2021L00975
item 22AAAAAD.....	ad F2021L00975
item 22AAAB.....	ad F2018L01377
item 22AAAC.....	ad F2018L01377
item 22AAAD.....	ad F2018L01377
item 22AAAE.....	ad F2018L01377



## Endnote 4—Amendment history

Provision affected	How affected
item 22AAAF .....	ad F2018L01377
item 22AAAG.....	ad F2018L01377
item 22AAAH.....	ad F2018L01377
item 22AAAI .....	ad F2018L01377
item 22AB.....	ad F2017L00986
item 22B .....	ad No 5, 2016
item 22BAA.....	ad F2021L00975
item 22BAB.....	ad F2021L00975
item 22BAC.....	ad F2021L00975
item 22BA.....	ad F2017L00986
item 22BB.....	ad F2017L00986
item 22BC.....	ad F2018L01377
Heading preceding item 22C.....	ad No 5, 2016
item 22BD.....	ad F2020L00926
	am F2020L01207; F2020L01708
item 22BE.....	ad F2020L00926
item 22BF .....	ad F2020L00926
item 22BG.....	ad F2020L00926
	ed C26
item 22BH.....	ad F2020L00926
item 22C .....	ad No 5, 2016
item 22D .....	ad No 5, 2016
item 22E.....	ad F2020L00926
item 22F.....	ad F2020L00926
	am F2020L01207; F2020L01708
item 23AAA .....	ad F2017L00367
item 23AA .....	ad No 1, 2017
item 23A .....	ad No 1, 2017
item 23B .....	ad No 1, 2017
item 23C .....	ad No 1, 2017
item 23D .....	ad No 1, 2017
item 23E.....	ad No 1, 2017
item 23F.....	ad No 1, 2017
item 23G .....	ad No 1, 2017
item 23H .....	ad No 1, 2017
item 23J .....	ad No 1, 2017
item 24 .....	rs No 5, 2016
item 24AA .....	ad No 1, 2017
item 24AB.....	ad No 1, 2017
item 24AC.....	ad No 1, 2017

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 24AD .....	ad No 1, 2017
item 24ADA .....	ad F2017L00367
item 24ADB.....	ad F2017L00367
item 24AE.....	ad No 1, 2017
item 24AF .....	ad No 1, 2017
Heading preceding .....	ad F2018L01378
item 24AFA	
item 24AFAA .....	ad F2019L01048
item 24AFAB .....	ad F2019L01048
item 24AFAC .....	ad F2019L01048
item 24AFAD .....	ad F2019L01048
item 24AFA .....	ad F2018L01378
item 24AFB .....	ad F2019L01048
Heading preceding item 24AFC....	ad F2019L01048
item 24AFC .....	ad F2019L01048
Heading preceding item 24AG.....	ad F2018L00237
item 24AG .....	ad F2018L00237
item 24AH .....	ad F2018L00237
item 24AI.....	ad F2018L00237
item 24AJ.....	ad F2018L00237
Heading preceding item 24A .....	ad No 5, 2016
item 24AK .....	ad F2018L00237
item 24A .....	ad No 5, 2016
item 24AAA .....	ad F2019L01048
item 24AAB.....	ad F2019L01048
item 24AAC.....	ad F2019L01048
item 24AAD .....	ad F2019L01048
item 24AAE.....	ad F2019L01048
item 24AAF .....	ad F2019L01048
item 24AAA .....	ad F2018L01378
	renum F2019L01048
item 24AAG (prev item 24AAA)	
item 24B .....	ad No 5, 2016
item 24C .....	ad F2019L01048
Heading preceding item 24D .....	ad F2019L01048
item 24D .....	ad F2019L01048
item 28A .....	ad No 5, 2016
item 29AAA .....	ad F2017L01499
item 29AA .....	ad F2017L00581

## Endnote 4—Amendment history

Provision affected	How affected
	rs F2018L00745
item 29AB.....	ad F2017L00581
item 29AC.....	ad F2017L00581
	rep F2018L00745
item 29AD .....	ad F2017L00581
	rep F2018L00745
item 29A .....	ad No 5, 2016
	rs F2018L00745
item 29B .....	ad F2017L00581
item 30AAA .....	ad F2018L00745
item 30AAB.....	ad F2018L00745
item 30AA .....	ad F2017L01499
item 30AB.....	ad F2017L01499
item 30ABA.....	ad F2018L00745
item 30AC.....	ad F2017L01499
	am F2018L00745
item 30AD .....	ad F2017L01499
item 30A .....	ad F2017L00581
item 30B .....	ad F2017L00581
	rep F2017L01499
item 31 .....	rs F2017L01499
	am F2018L00745
item 31AAA .....	ad F2018L01377
item 31AA .....	ad F2018L00342
item 31A .....	ad F2017L00581
item 31B .....	ad F2017L00581
item 31C .....	ad F2017L00581
item 31D .....	ad F2017L00581
item 31DA .....	ad F2018L00342
item 31DB.....	ad F2018L00342
item 31DC.....	ad F2018L00342
item 31DD .....	ad F2018L00342
item 31DE.....	ad F2018L01377
item 31DF .....	ad F2018L01377
item 31DG .....	ad F2018L01377
item 31E.....	ad F2017L00581
	rs F2017L01499
item 31EA.....	ad F2017L01499
item 31EB.....	ad F2017L01499
item 31F.....	ad F2017L00581

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 31G .....	ad F2017L00581
item 31H .....	ad F2017L00581
item 31J .....	ad F2017L00581
item 31K .....	ad F2017L00581
item 31KA .....	ad F2018L01377
item 31L .....	ad F2017L00581
item 32 .....	rs F2018L00342
item 32AA .....	ad F2018L00342
item 32AAA .....	ad F2018L01377
item 32AB .....	ad F2018L00342
item 32AC .....	ad F2018L00745
item 32AD .....	ad F2018L00745
item 32A .....	ad F2017L01499
item 37 .....	rs F2018L01377
item 37AA .....	ad F2018L01377
item 37AAA .....	ad F2018L00342
item 37AAB .....	ad F2018L00342
item 37A .....	ad F2018L00236 ed C16
item 37B .....	ad F2018L00236
item 37C .....	ad F2018L00236
item 37D .....	ad F2018L00236
item 37E .....	ad F2018L00236
item 37EA .....	ad F2018L01420
item 37F .....	ad F2018L00236
item 37G .....	ad F2018L00236
item 37H .....	ad F2018L00236
item 37J .....	ad F2018L00236
item 37K .....	ad F2018L00236
item 37L .....	ad F2018L00236
item 37M .....	ad F2018L00236
item 37N .....	ad F2018L00236
item 37P .....	ad F2018L00236
item 37Q .....	ad F2018L00236
item 37R .....	ad F2018L00236
item 37S .....	ad F2018L00236
item 37T .....	ad F2018L00236
item 38A .....	ad F2020L00926 am F2020L01207; F2020L01708
item 38B .....	ad F2020L00926

## Endnote 4—Amendment history

Provision affected	How affected
item 38C .....	ad F2020L00926
item 38D .....	ad F2020L00926
	ed C26
item 38E.....	ad F2020L00926
item 42AA .....	ad F2020L00926
	ed C26
item 42AB.....	ad F2020L00926
	ed C26
	am F2020L01207; F2020L01708
Heading preceding .....	ad F2018L01378
item 42A	
item 42A .....	ad F2018L01378
Heading preceding .....	ad F2018L01378
item 42B	
item 42B .....	ad F2018L01378
item 43A .....	ad No 5, 2016
item 43AA .....	ad F2018L01378
Heading preceding item 43B.....	ad No 5, 2016
item 43AL.....	ad F2017L00922
	rs F2018L01377
item 43ALA.....	ad F2018L01377
item 43ALB .....	ad F2018L01377
item 43AM.....	ad F2017L00922
item 43AN .....	ad F2017L00922
item 43AO .....	ad F2017L00922
item 43AP .....	ad F2017L00922
item 43AT.....	ad F2018L01377
item 43AU .....	ad F2018L01377
item 43AW .....	ad F2018L01377
item 43AX .....	ad F2021L00975
item 43AY .....	ad F2021L00975
item 43AZ.....	ad F2021L00975
item 43B .....	ad No 5, 2016
item 48AA .....	ad F2017L00986
item 48A .....	ad No 5, 2016
item 48B .....	ad No 5, 2016
item 48C .....	ad No 5, 2016
item 48D .....	ad F2017L00986
item 51A .....	ad No 5, 2016
item 51B .....	ad No 5, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 51C .....	ad No 5, 2016
item 51D .....	ad No 5, 2016
item 52A .....	ad F2021L00975
item 53A .....	ad No 10, 2015
	rs F2017L01499
item 53AA .....	ad F2017L01499
item 53AB.....	ad F2017L01499
item 53AC.....	ad F2017L01499
item 53AD .....	ad F2017L01499
item 53AE.....	ad F2017L01499
item 53B .....	ad No 10, 2015
	am F2017L01499
item 53BA.....	ad F2017L01499
item 53C .....	ad No 10, 2015
item 53CA.....	ad F2017L00986
item 53CB.....	ad F2017L01499
item 53CC.....	ad F2017L01499
item 53CCA.....	ad F2021L00975
item 53CD.....	ad F2017L01499
item 53D .....	ad No 10, 2015
item 53DAAA.....	ad F2019L00546
item 53DAAB.....	ad F2019L00546
item 53DAAC.....	ad F2019L00546
	am F2021L00975
item 53DA .....	ad F2017L00986
item 53DAA .....	ad F2019L00546
item 53DAB.....	ad F2019L00546
item 53DAC.....	ad F2019L00546
	am F2021L00975
item 53DB.....	ad F2017L01499
item 53DBA.....	ad F2019L00546
item 53DBB.....	ad F2019L00546
item 53DC.....	ad F2017L01499
item 53DD .....	ad F2017L01499
item 53DE.....	ad F2019L00546
item 53DF.....	ad F2019L00546
item 53DG .....	ad F2019L00546
item 53DH .....	ad F2019L00546
item 53E.....	ad No 5, 2016
item 53F.....	ad No 5, 2016

## Endnote 4—Amendment history

Provision affected	How affected
item 53G .....	ad F2017L00986
item 53H .....	ad F2021L00975
item 53J .....	ad F2021L00975
item 53K .....	ad F2021L00975
item 53L .....	ad F2021L00975
item 54A .....	ad F2017L00986
item 54AA .....	ad F2021L00975
item 54B .....	ad F2017L01499
item 54C .....	ad F2017L01499
item 54D .....	ad F2017L01499
item 56AA .....	ad F2017L01499
item 56A .....	ad F2017L00986
item 56B .....	ad F2017L01499
item 56BA .....	ad F2021L00975
item 56C .....	ad F2017L01499
item 56D .....	ad F2021L00975
item 56E .....	ad F2021L00975
item 57A .....	ad No 5, 2016
	am F2017L00986
	rs F2018L01377
item 57AA .....	ad F2018L01377
item 57AC .....	ad F2018L01377
item 57AE .....	ad F2018L01377
item 57AG .....	ad F2018L01377
item 57AH .....	ad F2021L00975
item 57AI .....	ad F2021L00975
item 57AJ .....	ad F2021L00975
item 57AK .....	ad F2018L01377
item 57AL .....	ad F2018L01377
item 57AM .....	ad F2018L01377
item 57AN .....	ad F2018L01377
item 57AO .....	ad F2018L01377
item 57AP .....	ad F2018L01377
item 57AQ .....	ad F2018L01377
item 57AR .....	ad F2018L01377
item 57AS .....	ad F2018L01377
item 57AT .....	ad F2018L01377
item 57AU .....	ad F2018L01377
item 57AV .....	ad F2018L01377
item 57AW .....	ad F2018L01377

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 57AX .....	ad F2018L01377
item 57AY .....	ad F2018L01377
item 57B .....	ad F2017L00986
item 57C .....	ad F2017L00986
item 59 .....	rs F2018L01377
item 59D .....	ad F2018L01377
item 59E.....	ad F2018L01377
item 59F.....	ad F2018L01377
	ed C20
	am F2021L00975
item 59H.....	ad F2018L01377
item 59K.....	ad F2018L01377
item 59M .....	ad F2018L01377
item 59P.....	ad F2018L01377
item 59S.....	ad F2018L01377
item 59X.....	ad F2018L01377
item 60A .....	ad F2021L00975
Heading preceding item 62 .....	rep No 5, 2016
item 62 .....	rep No 5, 2016
Heading preceding item 62A .....	ad No 5, 2016
item 61A .....	ad F2021L00975
item 61B .....	ad F2021L00975
item 62A .....	ad No 5, 2016
item 62B .....	ad F2021L00975
item 62C .....	ad F2021L00975
item 63A .....	ad F2018L01378
item 63B .....	ad F2018L01378
item 63C .....	ad F2018L01378
item 64A .....	ad Act No 129, 2020
Heading preceding item 70A .....	ad F2018L01378
item 70A .....	ad F2018L01378
item 70B .....	ad F2018L01378
item 70BA.....	ad F2019L01048
item 70BB.....	ad F2019L01048
item 70C .....	ad F2018L01378
item 70D .....	ad F2019L01048
item 71A .....	ad F2018L01378
Heading preceding item 72A .....	ad F2017L00581
	ed C14
	rep F2018L01377



## Endnote 4—Amendment history

Provision affected	How affected
	ad F2018L01378
item 72AA .....	ad F2019L01048
item 72AB.....	ad F2019L01048
item 72A .....	ad F2017L00581
	rep F2018L01377
	ad F2018L01378
Heading preceding item 72AAA...	ad F2019L01048
item 72AAA .....	ad F2019L01048
item 72AAB.....	ad F2019L01048
item 72AAC.....	ad F2019L01048
Heading preceding item 72B.....	ad F2018L01378
item 72AAD .....	ad F2019L01048
item 72AAE .....	ad F2019L01048
item 72AAF .....	ad F2019L01048
item 72AAG .....	ad F2019L01048
item 72AAH .....	ad F2019L01048
item 72AAI.....	ad F2019L01048
item 72AAJ.....	ad F2019L01048
item 72AAK .....	ad F2019L01048
item 72AAL.....	ad F2019L01048
item 72AAM.....	ad F2019L01048
item 72AAN .....	ad F2019L01048
item 72B .....	ad F2017L00581
	rep F2018L01377
	ad F2018L01378
Heading preceding item 72C.....	ad F2018L01378
item 72BA.....	ad F2019L01048
item 72BB.....	ad F2019L01048
item 72BC.....	ad F2019L01048
item 72BD.....	ad F2019L01048
item 72BE.....	ad F2019L01048
item 72BF .....	ad F2019L01048
item 72BG.....	ad F2019L01048
item 72BH.....	ad F2019L01048
item 72C .....	ad F2017L00581
	rep F2018L01377
	ad F2018L01378
Heading preceding item 73 .....	rep F2018L00342
item 73 .....	rep F2018L00342
	ad F2020L00870

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 73A .....	ad F2020L00870
item 73B .....	ad F2020L00870
item 73C .....	ad F2020L00870
item 73D .....	ad F2020L00870
item 73E.....	ad F2020L00870
item 73F.....	ad F2020L00870
item 73G .....	ad F2020L00870
item 73H .....	ad F2020L00870
item 73J .....	ad F2020L00870
item 73K.....	ad F2020L00870
	rs F2021L00451
item 73KA .....	ad F2021L00451
item 73KB.....	ad F2021L00451
item 73L.....	ad F2020L00870
item 73M .....	ad F2020L00870
item 73N .....	ad F2020L00870
item 73P.....	ad F2020L00870
item 73Q .....	ad F2020L00870
item 73R .....	ad F2020L00870
item 73S.....	ad F2020L00870
item 73T.....	ad F2020L00870
item 73U .....	ad F2020L00870
item 73V .....	ad F2020L00870
item 73W .....	ad F2020L00870
item 73X .....	ad F2020L00870
item 73Y .....	ad F2020L00870
item 73Z.....	ad F2020L00870
item 73ZA.....	ad F2020L00870
item 73ZB.....	ad F2020L00870
item 73ZC.....	ad F2020L00870
item 73ZD.....	ad F2020L00870
item 73ZE .....	ad F2020L00870
item 73ZF .....	ad F2020L00870
item 73ZG.....	ad F2020L00870
item 73ZH.....	ad F2020L00870
item 73ZI .....	ad F2020L00870
item 73ZJ .....	ad F2020L00870
item 73ZK.....	ad F2020L00870
item 73ZL .....	ad F2020L00870
item 73ZM.....	ad F2020L00870

## Endnote 4—Amendment history

Provision affected	How affected
item 73ZN.....	ad F2020L00870
item 73ZO.....	ad F2020L00870
item 73ZP.....	ad F2020L00870
item 73ZPA.....	ad F2021L00451
item 73ZQ.....	ad F2020L00870
item 73ZR.....	ad F2020L00870
item 73ZS.....	ad F2020L00870
item 73ZT.....	ad F2020L00870
item 73ZU.....	ad F2020L00870
item 73ZV.....	ad F2020L00870
item 73ZW.....	ad F2020L00870
item 73ZX.....	ad F2020L00870
item 73ZY.....	ad F2020L00870
item 73ZZ.....	ad F2020L00870
Heading preceding item 74.....	rep F2018L00342
item 74.....	rep F2018L00342
	ad F2020L00870
item 74A.....	ad No 5, 2016
	rs F2020L00870
item 74B.....	ad No 5, 2016
	rs F2020L00870
item 74C.....	ad No 5, 2016
	rs F2020L00870
item 74CA.....	ad No 13, 2016
	rep F2020L00870
item 74D.....	ad No 5, 2016
	rs F2020L00870
item 74E.....	ad No 5, 2016
	rs F2020L00870
item 74F.....	ad No 5, 2016
	rs F2020L00870
item 74G.....	ad No 5, 2016
	rs F2020L00870
item 74H.....	ad No 5, 2016
	rs F2020L00870
item 74J.....	ad No 5, 2016
	rs F2020L00870
item 74K.....	ad No 5, 2016
	rs F2020L00870
item 74L.....	ad No 5, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
	rs F2020L00870
item 74M .....	ad No 5, 2016
	rs F2020L00870
item 74N .....	ad No 5, 2016
	rs F2020L00870
item 74P .....	ad No 5, 2016
	rs F2020L00870
item 74Q .....	ad No 5, 2016
	rs F2020L00870
item 74R .....	ad No 5, 2016
	rs F2020L00870
item 74S .....	ad F2020L00870
item 74T .....	ad F2020L00870
item 74U .....	ad F2020L00870
item 74V .....	ad F2020L00870
item 74W .....	ad F2020L00870
item 74X .....	ad F2020L00870
	rs F2021L00451
item 74Y .....	ad F2020L00870
	rep F2021L00451
item 74Z .....	ad F2020L00870
	rep F2021L00451
item 74ZA .....	ad F2020L00870
item 74ZB .....	ad F2020L00870
item 74ZC .....	ad F2020L00870
item 74ZD .....	ad F2020L00870
item 74ZE .....	ad F2020L00870
item 74ZF .....	ad F2020L00870
item 74ZG .....	ad F2020L00870
item 74ZH .....	ad F2020L00870
item 74ZI .....	ad F2020L00870
item 74ZJ .....	ad F2020L00870
item 74ZK .....	ad F2020L00870
item 74ZL .....	ad F2020L00870
item 74ZM .....	ad F2020L00870
item 74ZN .....	ad F2020L00870
item 74ZO .....	ad F2020L00870
item 74ZP .....	ad F2020L00870
item 74ZQ .....	ad F2020L00870
item 74ZR .....	ad F2020L00870

## Endnote 4—Amendment history

Provision affected	How affected
item 74ZS .....	ad F2020L00870
item 74ZT .....	ad F2020L00870
item 74ZU .....	ad F2020L00870
item 74ZV .....	ad F2020L00870
item 74ZW .....	ad F2020L00870
item 74ZX .....	ad F2020L00870
item 74ZY .....	ad F2020L00870
item 74ZZ .....	ad F2020L00870
item 75 .....	rs F2020L00870
	ed C32
item 75A .....	ad F2018L01378
	rs F2020L00870
item 75B .....	ad F2020L00870
item 75C .....	ad F2020L00870
item 75D .....	ad F2020L00870
item 75E .....	ad F2020L00870
item 75F .....	ad F2020L00870
item 75G .....	ad F2020L00870
item 75H .....	ad F2020L00870
item 75J .....	ad F2020L00870
item 75K .....	ad F2020L00870
item 75L .....	ad F2020L00870
item 75M .....	ad F2020L00870
item 75N .....	ad F2020L00870
item 75P .....	ad F2020L00870
item 75Q .....	ad F2020L00870
item 75R .....	ad F2020L00870
item 75S .....	ad F2020L00870
item 75T .....	ad F2020L00870
item 75U .....	ad F2020L00870
item 75V .....	ad F2020L00870
item 75W .....	ad F2020L00870
item 75X .....	ad F2020L00870
item 75Y .....	ad F2020L00870
item 75Z .....	ad F2020L00870
item 76 .....	rs F2020L00870
item 76A .....	ad No 5, 2016
	rep F2020L00870
item 76B .....	ad No 5, 2016
	rep F2020L00870

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 76C .....	ad No 5, 2016 rep F2020L00870
item 76D .....	ad No 5, 2016 rep F2020L00870
item 76E.....	ad No 5, 2016 rep F2020L00870
item 76F.....	ad No 5, 2016 rep F2020L00870
item 76G .....	ad No 5, 2016 rep F2020L00870
item 76H .....	ad No 5, 2016 rep F2020L00870
item 76J .....	ad No 5, 2016 rep F2020L00870
item 76K .....	ad No 5, 2016 rep F2020L00870
item 76KA .....	ad F2019L01048 rep F2020L00870
item 76L.....	ad No 5, 2016 rep F2020L00870
Heading preceding item 76M.....	ad No 5, 2016 rep F2020L00870
item 76M .....	ad No 5, 2016 rep F2020L00870
item 76N .....	ad No 5, 2016 rep F2020L00870
item 76P.....	ad No 5, 2016 rs No 13, 2016 rep F2020L00870
item 76Q .....	ad No 5, 2016 rep No 13, 2016
item 76R .....	ad No 5, 2016 rep F2020L00870
item 76S.....	ad No 5, 2016 rep F2020L00870
Heading preceding item 76T.....	ad No 5, 2016
item 76T.....	ad No 5, 2016
item 76U .....	ad F2018L00237
item 78.....	rs F2018L01378
item 79 .....	rs F2018L01378

## Endnote 4—Amendment history

Provision affected	How affected
item 80 .....	rs F2018L01378
item 81 .....	rs F2018L01378
item 82AA .....	ad F2019L01048
item 82A .....	ad F2018L01378
item 82B .....	ad F2018L01378
item 82C .....	ad F2018L01378
item 82D .....	ad F2018L01378
item 82E .....	ad F2018L01378
item 82F .....	ad F2018L01378
item 83 .....	rs F2018L01378
item 84 .....	rs F2018L01378
item 85 .....	am F2018L01378
item 86A .....	ad F2018L01378
item 86B .....	ad F2018L01378
item 86C .....	ad F2018L01378
item 88A .....	ad F2019L01048
item 88B .....	ad F2019L01048
item 88C .....	ad F2019L01048
item 88D .....	ad F2019L01048
item 88A .....	ad F2018L01378
	renum F2019L01048
item 88E (prev item 88A)	
item 88K .....	ad F2018L01377
item 88L .....	ad F2018L01377
item 97AAA .....	ad F2018L01377
item 97AAB .....	ad F2018L01377
item 97AAC .....	ad F2018L01377
item 97AAH .....	ad F2018L01377
item 97AAL .....	ad F2018L01377
item 97AAM .....	ad F2018L01377
Heading preceding .....	ad F2018L01378
item 97AAN	
item 97AAN .....	ad F2018L01378
Heading preceding .....	ad F2018L01378
item 97AANA	
item 97AANA .....	ad F2019L01048
item 97AANB .....	ad F2019L01048
item 97AANA .....	ad F2018L01378
	renum F2019L01048
item 97AANC (prev item 97AANA)	

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
Heading preceding item 97AA.....	ad F2017L00581 ed C14
item 97AAO .....	ad F2018L01377
item 97AAP .....	ad F2018L01377
item 97AAQ .....	ad F2018L01377
item 97AAR.....	ad F2018L01377
item 97AAS .....	ad F2018L01377
item 97AAT .....	ad F2018L01377
item 97AAX .....	ad F2018L01377
item 97AAY .....	ad F2018L01377
item 97AA .....	ad F2017L00581
Heading preceding item 97A .....	ad No 5, 2016
item 97A .....	ad No 5, 2016
item 97B .....	ad No 5, 2016
Heading preceding item 97C.....	ad F2018L01378
item 97C .....	ad F2018L01378
item 97D .....	ad F2018L01378
item 97E.....	ad F2018L01378
item 97F.....	ad F2018L01378
item 97G .....	ad F2018L01378
item 97H .....	ad F2018L01378
item 97J .....	ad F2018L01378
item 97K .....	ad F2018L01378
item 97L.....	ad F2018L01378
item 97M .....	ad F2018L01378
item 97N .....	ad F2018L01378
item 97P.....	ad F2018L01378
item 97Q.....	ad F2018L01378
item 97R .....	ad F2018L01378
item 97S.....	ad F2019L01048
item 98A .....	ad F2018L01378
item 99AAA .....	ad F2017L00367
item 99AA .....	ad No 1, 2017
item 99A .....	ad No 1, 2017
item 99B .....	ad No 1, 2017
item 99C .....	ad No 1, 2017
item 99D .....	ad No 1, 2017
item 99E.....	ad No 1, 2017
item 99F.....	ad No 1, 2017
item 99G .....	ad No 1, 2017



## Endnote 4—Amendment history

Provision affected	How affected
item 99H .....	ad No 1, 2017
item 99J .....	ad No 1, 2017
item 100 .....	rs No 10, 2015
item 100A .....	ad No 1, 2017
item 100B .....	ad No 1, 2017
item 100C .....	ad No 1, 2017
item 100D .....	ad No 1, 2017
item 100DA .....	ad F2017L00367
item 100E.....	ad No 1, 2017
item 100EA.....	ad F2017L00367
item 100EB.....	ad F2017L00367
item 100EC .....	ad F2017L00367
item 100ED.....	ad F2017L00367
item 100EF .....	ad F2017L00367
item 100EG.....	ad F2017L00367
item 100F.....	ad No 1, 2017
item 100G .....	ad No 1, 2017
item 101 .....	rs F2017L00367
item 101AA .....	ad No 5, 2016
	rep F2017L00367
item 101A .....	ad No 10, 2015
	am No 5, 2016
	rs F2017L00367
item 101B .....	ad F2017L00367
item 101C .....	ad F2017L00367
item 101D .....	ad F2017L00367
item 101E.....	ad F2017L00367
item 101F.....	ad F2017L00367
item 101G .....	ad F2017L00367
item 101H .....	ad F2017L00367
item 101J .....	ad F2017L00367
item 101K .....	ad F2017L00367
item 101L.....	ad F2017L00367
item 101M.....	ad F2017L00367
item 101N .....	ad F2017L00367
Heading preceding .....	ad No 5, 2016
item 102AA	
item 102AA .....	ad No 5, 2016
	rep F2018L00237
Heading preceding item 102 .....	rep No 5, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 102 .....	rep No 5, 2016 ad No 14, 2016 rs F2018L00237
item 103 .....	rep No 5, 2016 ad F2018L00237
item 104 .....	rep No 5, 2016 ad F2018L00237
item 105 .....	rep No 5, 2016 ad F2018L00237
item 106 .....	rep No 5, 2016 ad F2018L00237
Heading preceding item 107 .....	rep No 4, 2016
item 107 .....	rep No 4, 2016 ad F2018L00237
item 107A .....	ad F2019L01048
item 107B .....	ad F2019L01048
item 107C .....	ad F2019L01048
item 108 .....	rep No 4, 2016 ad F2018L00237
Heading preceding item 108A .....	rep No 4, 2016 ad F2019L01048
item 108A .....	ad No 4, 2016 rep No 4, 2016 ad F2019L01048
item 108B .....	ad No 4, 2016 rep No 4, 2016
item 109 .....	rep No 4, 2016 ad F2018L01420
item 109A .....	ad No 4, 2016 rep No 4, 2016
item 109B .....	ad No 4, 2016 rep No 4, 2016
item 109C .....	ad No 4, 2016 rep No 4, 2016
item 110AA .....	ad No 5, 2016
Heading preceding item 112 .....	rep No 4, 2016
item 112 .....	rep No 4, 2016 ad F2018L01420
Heading preceding item 113 .....	ad F2018L01420
item 113 .....	rep No 4, 2016

## Endnote 4—Amendment history

Provision affected	How affected
	ad F2018L01420
item 114.....	rep No 4, 2016
	ad F2018L01420
item 115.....	rep No 4, 2016
	ad F2018L01420
item 116.....	rep No 4, 2016
item 117.....	rep No 4, 2016
item 118.....	rep No 4, 2016
item 119.....	rep No 4, 2016
item 120.....	rep No 4, 2016
item 121.....	rep No 4, 2016
item 122.....	rep No 4, 2016
item 123.....	rep No 4, 2016
item 124.....	rep No 4, 2016
item 125.....	rep No 4, 2016
item 126.....	rep No 4, 2016
item 127.....	rep No 4, 2016
item 128.....	rep No 4, 2016
item 129.....	rep No 4, 2016
item 130.....	rep No 4, 2016
item 131.....	rep No 4, 2016
item 132.....	rep No 4, 2016
item 133.....	rep No 4, 2016
item 134.....	rep No 4, 2016
item 135.....	rep No 4, 2016
item 136.....	rep No 4, 2016
item 137.....	rep No 4, 2016
item 138.....	rep No 4, 2016
item 139.....	rep No 4, 2016
item 140.....	rep No 4, 2016
item 140A.....	ad No 4, 2016
	rep No 4, 2016
Heading preceding item 141 .....	rep No 4, 2016
item 141.....	rep No 4, 2016
item 142.....	rep No 4, 2016
item 143.....	rep No 4, 2016
item 144.....	rep No 4, 2016
item 145.....	rep No 4, 2016
item 146.....	rep No 4, 2016
item 147.....	rep No 4, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 148 .....	rep No 4, 2016
item 148A .....	ad No 10, 2015
	rep No 4, 2016
item 149A .....	ad No 5, 2016
item 150 .....	am F2018L00342
item 155 .....	am No 4, 2016
item 157A .....	ad No 5, 2016
item 157B .....	ad No 5, 2016
item 158 .....	rs No 4, 2016
item 159 .....	rs No 5, 2016; F2019L01048
item 159AA .....	ad F2019L01048
item 159AB .....	ad F2019L01048
item 159A .....	ad No 5, 2016
item 159B .....	ad No 5, 2016
item 165 .....	rs No 5, 2016
item 165A .....	ad No 5, 2016
item 165B .....	ad No 5, 2016
item 165C .....	ad No 5, 2016
item 165D .....	ad No 5, 2016
item 167 .....	rs F2017L00581
	am F2018L00697; F2019L01048
item 167A .....	ad No 5, 2016
	am F2017L00986; F2017L01360; F2018L01378
item 181A .....	ad F2018L00237
item 182A .....	ad F2018L00237
item 186A .....	ad F2021L00975
item 190 .....	am No 7, 2015; No 10, 2015; No 4, 2016; No 5, 2016; F2018L00342
Heading preceding item 190A .....	ad No 5, 2016
item 190A .....	ad No 5, 2016
	rs F2017L00581
item 190AA .....	ad F2017L00581
item 190B .....	ad No 5, 2016
	rs F2017L00986
item 190BA .....	ad F2017L01360
item 190C .....	ad No 5, 2016
	rs F2017L00986
item 190CAA .....	ad F2017L00986
item 190CAB .....	ad F2017L00986
item 190CA .....	ad F2017L00581
item 190CB .....	ad F2017L00581

## Endnote 4—Amendment history

Provision affected	How affected
item 190CC.....	ad F2017L00581
Heading preceding item 190D .....	ad No 5, 2016
item 190D .....	ad No 5, 2016
item 190E.....	ad No 5, 2016
item 190F.....	ad No 5, 2016
item 190G .....	ad No 5, 2016
Heading preceding item 190H .....	ad F2019L01048
item 190H .....	ad F2019L01048
item 190J .....	ad F2019L01048
item 190K .....	ad F2019L01048
item 190L.....	ad F2019L01048
item 190M.....	ad F2019L01048
item 190N .....	ad F2019L01048
item 190P.....	ad F2019L01048
item 190Q .....	ad F2019L01048
item 190R .....	ad F2019L01048
Heading preceding item 190RA.....	ad F2019L01048
item 190RA.....	ad F2019L01048
item 190RB.....	ad F2019L01048
item 190RC.....	ad F2019L01048
item 190S.....	ad No 5, 2016
item 190T.....	ad No 5, 2016
item 190U .....	ad No 5, 2016
item 190V .....	ad F2019L01048
item 190W .....	ad F2019L01048
item 191A .....	ad F2019L01048
item 191B .....	ad F2019L01048
item 191C .....	ad F2019L01468
item 191D .....	ad F2019L01468
item 191E.....	ad F2019L01468
item 191F.....	ad F2019L01468
item 191G .....	ad F2019L01468
item 191H .....	ad F2019L01468
item 191J .....	ad F2019L01468
item 191K .....	ad F2019L01468
item 191L.....	ad F2019L01468
item 191M.....	ad F2019L01468
item 191N .....	ad F2019L01468
item 191P.....	ad F2019L01468
item 191Q .....	ad F2019L01468

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### Endnote 4—Amendment history

Provision affected	How affected
item 191R .....	ad F2019L01468
item 191S.....	ad F2019L01468
item 191T.....	ad F2019L01468
item 193AA .....	ad F2019L01468
item 193AB.....	ad F2019L01468
item 193AC.....	ad F2019L01468
item 193AD .....	ad F2019L01468
item 193AE.....	ad F2019L01468
item 193AF.....	ad F2019L01468
item 193AG .....	ad F2019L01468
item 193AH .....	ad F2019L01468
item 193AI.....	ad F2019L01468
item 193AJ.....	ad F2019L01468
item 193AK .....	ad F2019L01468
item 193AL.....	ad F2019L01468
item 193AM.....	ad F2019L01468
item 193AN .....	ad F2019L01468
Heading preceding item 193A .....	ad No 5, 2016
item 193A .....	ad No 5, 2016
item 193B .....	ad No 5, 2016
item 193C .....	ad No 5, 2016
item 193D .....	ad No 5, 2016
item 194A .....	ad No 5, 2016
	rs F2018L01378
item 195A .....	ad F2018L01378
item 195B .....	ad F2018L01378
item 197A .....	ad No 5, 2016
	rs F2018L01378
item 197AA .....	ad F2018L01378
item 197AB.....	ad F2018L01378
item 197AC.....	ad F2018L01378
item 197AD .....	ad F2018L01378
item 197AE.....	ad F2018L01378
item 197AF.....	ad F2018L01378
item 197AG .....	ad F2018L01378
item 197AH .....	ad F2018L01378
item 197AI.....	ad F2018L01378
item 197AJ.....	ad F2018L01378
item 197AK .....	ad F2018L01378
item 197AL.....	ad F2018L01378

## Endnote 4—Amendment history

Provision affected	How affected
item 197B .....	ad No 5, 2016
item 198A .....	ad No 5, 2016
Heading preceding item 199A .....	ad F2018L01378
item 199AA .....	ad F2019L01048
item 199A .....	ad F2018L01378
item 199B .....	ad F2018L01378
	am F2019L01048
item 200AA .....	ad No 5, 2016
	rs F2018L01378
	renum F2019L01048
item 199C (prev item 200AA)	
item 199D .....	ad F2019L01048
item 200AB.....	ad F2018L01378
item 200AC.....	ad F2018L01378
item 200AAA .....	ad F2018L01378
item 200A .....	ad No 5, 2016
item 200B .....	ad F2018L01378
item 200C .....	ad F2018L01378
item 200D .....	ad F2018L01378
item 200E.....	ad F2018L01378
item 200F.....	ad F2018L01378
item 200G .....	ad F2018L01378
item 200H .....	ad F2018L01378
item 200J .....	ad F2018L01378
item 200K .....	ad F2018L01378
item 200L.....	ad F2018L01378
item 200LA.....	ad F2019L01048
item 200M.....	ad F2018L01378
item 200N .....	ad F2018L01378
item 200P.....	ad F2018L01378
item 200Q .....	ad F2018L01378
item 201A .....	ad F2018L01378
item 201AA .....	ad F2019L01048
item 201B .....	ad F2018L01378
item 201C .....	ad F2018L01378
item 201D .....	ad F2018L01378
item 201E.....	ad F2018L01378
item 201EA.....	ad F2019L01048
item 201EB.....	ad F2019L01048
item 201F.....	ad F2018L01378

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 201G .....	ad F2018L01378
item 201H .....	ad F2018L01378
item 201J .....	ad F2018L01378
item 201JA .....	ad F2019L01048
item 201K .....	ad F2018L01378
item 201L .....	ad F2018L01378
item 201M .....	ad F2018L01378
item 201N .....	ad F2018L01378
item 201P .....	ad F2018L01378
item 201Q .....	ad F2018L01378
item 201QA .....	ad F2019L01048
item 201R .....	ad F2018L01378
item 201S .....	ad F2018L01378
item 201T .....	ad F2018L01378
item 201U .....	ad F2018L01378
item 202AA .....	ad F2018L01378
item 202AB .....	ad F2018L01378
item 202AC .....	ad F2018L01378
item 202AD .....	ad F2018L01378
item 202AE .....	ad F2018L01378
item 202AEA .....	ad F2019L01048
item 202AF .....	ad F2018L01378
item 202AG .....	ad F2018L01378
item 202AH .....	ad F2018L01378
item 202AI .....	ad F2018L01378
item 202AJ .....	ad F2018L01378
item 202AJA .....	ad F2019L01048
item 202AJB .....	ad F2019L01048
item 202AK .....	ad F2018L01378
item 202AL .....	ad F2018L01378
	rs F2019L01048
item 202A (first occurring) .....	ad No 5, 2016
item 202B .....	ad No 5, 2016
item 202C .....	ad No 5, 2016
item 202D .....	ad No 5, 2016
	rs F2018L01378
item 202DAA .....	ad F2019L01048
item 202DA .....	ad F2018L01378
Heading preceding .....	ad F2018L01378
item 202DB	



## Endnote 4—Amendment history

Provision affected	How affected
item 202DAAA.....	ad F2019L01048
item 202DAB.....	ad F2019L01048
item 202DAC.....	ad F2019L01048
item 202DB.....	ad F2018L01378
item 202DC.....	ad F2018L01378
item 202DD.....	ad F2018L01378
item 202DDA.....	ad F2019L01048
item 202DE.....	ad F2018L01378
	rs F2019L01048
item 202DF.....	ad F2018L01378
	rep F2019L01048
item 202DG.....	ad F2018L01378
	ed C22
Heading preceding item 202DH....	ad F2019L01048
item 202DH.....	ad F2019L01048
item 202DJ.....	ad F2019L01048
Heading preceding item 202DK....	ad F2019L01048
item 202DK.....	ad F2019L01048
item 202DL.....	ad F2019L01048
item 202DM.....	ad F2019L01048
item 202DN.....	ad F2019L01048
item 202E.....	ad No 5, 2016
item 202EAA.....	ad F2017L00986
item 202EA (prev item 202A second occurring)	
item 202EAA (second occurring).....	ad F2019L01048
item 202EAB.....	ad F2019L01048
item 202EB.....	ad F2018L01378
item 202F.....	ad No 5, 2016
item 202G.....	ad No 5, 2016
item 202GA.....	ad F2017L00986
item 202H.....	ad No 5, 2016
item 202J.....	ad No 5, 2016
item 202A (second occurring).....	ad No 10, 2015
	renum and reloc
	ed C5
item 205AA.....	ad F2019L01048
item 205AB.....	ad F2019L01048
Heading preceding item 205AC....	ad F2019L01048

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 205AC.....	ad F2019L01048
item 205AD .....	ad F2019L01048
Heading preceding item 205A .....	ad No 5, 2016
item 205A .....	ad No 5, 2016
item 205B .....	ad No 5, 2016
item 205C .....	ad No 5, 2016
item 205D .....	ad No 5, 2016
Heading preceding .....	ad No 5, 2016
item 206AA	
item 206AAA .....	ad F2018L01377
item 206AA .....	ad No 5, 2016
item 206AAAA.....	ad F2018L01377
item 206AB.....	ad No 5, 2016
item 206AH .....	ad F2018L01377
item 206AI.....	ad F2018L01377
item 206AL.....	ad F2018L01377
item 206AM.....	ad F2018L01377
item 206AN .....	ad F2018L01377
item 206AP .....	ad F2018L01377
item 206AQ .....	ad F2018L01377
item 206AR.....	ad F2018L01377
item 206AS.....	ad F2018L01377
item 206AT.....	ad F2018L01377
item 206AU .....	ad F2018L01377
item 206AV .....	ad F2018L01377
Heading preceding .....	ad F2019L01048
item 206AVA	
item 206AVA .....	ad F2019L01048
item 206AVB.....	ad F2019L01048
item 206AVC.....	ad F2019L01048
item 206AVD .....	ad F2019L01048
item 206AVE.....	ad F2019L01048
item 206AVF .....	ad F2019L01048
Heading preceding .....	ad F2018L01378
item 206AW	
item 206AW .....	ad F2018L01378
item 206AWA.....	ad F2019L01048
item 207 .....	rs No 5, 2016
item 207A .....	ad No 5, 2016
item 207B .....	ad No 5, 2016
item 207C .....	ad No 5, 2016

## Endnote 4—Amendment history

Provision affected	How affected
item 207D .....	ad No 5, 2016
item 207E.....	ad No 5, 2016
item 207F.....	ad No 5, 2016
item 207G .....	ad No 5, 2016
item 207H .....	ad No 5, 2016
item 207J .....	ad No 5, 2016
item 207K .....	ad No 5, 2016
item 207L.....	ad No 5, 2016
item 207M.....	ad No 5, 2016
item 207N .....	ad No 5, 2016
	am F2017L00581
item 207P.....	ad No 5, 2016
item 207Q.....	ad No 5, 2016
item 207R .....	ad No 5, 2016
item 208 .....	rs No 5, 2016
	am F2017L00581
item 208A .....	ad No 5, 2016
item 208B .....	ad No 5, 2016
item 209 .....	rs No 5, 2016
Heading preceding .....	ad F2018L01378
item 209AA	
item 209AA .....	ad F2018L01378
item 209AB.....	ad F2018L01378
Heading preceding item 209A .....	ad No 5, 2016
	rep F2018L01420
item 209A .....	ad No 5, 2016
	rep F2018L01420
Heading preceding item 209B.....	ad F2018L01378
item 209B .....	ad F2018L01378
Heading preceding item 210A .....	ad F2018L01378
item 210AAA .....	ad F2019L01048
item 210AAB.....	ad F2019L01048
item 210AABA.....	ad F2020L01644
item 210AAC.....	ad F2019L01048
item 210A .....	ad F2018L01378
item 210AA .....	ad F2019L01048
item 210AAAA.....	ad F2020L01644
item 210AB.....	ad F2019L01048
item 210B .....	ad F2018L01378
	am F2019L01048

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
Heading preceding item 210C.....	ad F2018L01378
item 210BA.....	ad F2019L01048
	ed C23
item 210C .....	ad F2018L01378
Heading preceding item 211 .....	rep No 5, 2016
item 211 .....	rep No 5, 2016
Heading preceding item 211A .....	ad No 5, 2016
item 211A .....	ad No 5, 2016
item 211B .....	ad No 5, 2016
item 211C .....	ad No 5, 2016
item 211D .....	ad No 5, 2016
item 211E.....	ad No 5, 2016
Heading preceding item 211F .....	ad No 5, 2016
item 211F.....	ad No 5, 2016
item 211G .....	ad No 5, 2016
item 211H .....	ad F2018L01420
item 212 .....	rs F2019L01048
item 213 .....	rs F2019L01048
item 213AA .....	ad F2018L01420
	rep F2019L01048
item 213A .....	ad No 5, 2016
	rep F2019L01048
item 213B .....	ad F2018L01420
item 214A .....	ad F2018L01420
item 214AA .....	ad F2019L01048
item 214B .....	ad F2018L01420
item 214C .....	ad F2018L01420
item 214D .....	ad F2019L01048
item 221A .....	ad F2018L01420
	am F2019L01048
item 221B .....	ad F2018L01420
item 221BA.....	ad F2019L01048
item 221BC.....	ad F2019L01048
item 221C .....	ad F2018L01420
item 221D .....	ad F2018L01420
item 221DA .....	ad F2019L01048
item 221E.....	ad F2018L01420
item 221F.....	ad F2018L01420
item 221G .....	ad F2018L01420
item 221H .....	ad F2018L01420

## Endnote 4—Amendment history

Provision affected	How affected
item 221J .....	ad F2018L01420
item 221K .....	ad F2018L01420
item 221L .....	ad F2018L01420
item 221M .....	ad F2018L01420
item 221N .....	ad F2018L01420
item 221P .....	ad F2018L01420
item 221PA .....	ad F2019L01048
item 221PB .....	ad F2019L01048
item 221PC .....	ad F2019L01048
item 221Q .....	ad F2018L01420
item 221R .....	ad F2018L01420
item 221S .....	ad F2018L01420
item 221T .....	ad F2018L01420
item 225A .....	ad F2018L01420
item 225B .....	ad F2018L01420
item 225C .....	ad F2018L01420
item 225D .....	ad F2018L01420
item 228AA .....	ad F2018L01378
item 228A .....	ad No 5, 2016
item 229A .....	ad F2018L01420
item 230AA .....	ad F2019L01048
item 230AB .....	ad F2019L01048
Heading preceding item 230A .....	ad F2018L00237
item 230A .....	ad F2018L00237
item 231A .....	ad F2018L01420
item 231B .....	ad F2018L01420
item 231C .....	ad F2018L01420
item 231D .....	ad F2018L01420
item 231E .....	ad F2018L01420
item 231F .....	ad F2018L01420
item 231G .....	ad F2018L01420
item 231H .....	ad F2018L01420
item 231J .....	ad F2018L01420
item 231K .....	ad F2018L01420
item 231L .....	ad F2018L01420
item 231M .....	ad F2018L01420
item 231N .....	ad F2018L01420
item 231P .....	ad F2018L01420
item 231Q .....	ad F2018L01420
item 231R .....	ad F2018L01420

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 231S.....	ad F2018L01420
item 231T.....	ad F2018L01420
item 231U .....	ad F2018L01420
item 231V .....	ad F2018L01420
item 232AA .....	ad F2018L01420
	rs F2019L01048
item 232AB.....	ad F2018L01420
	rep F2019L01048
item 232AC.....	ad F2018L01420
item 232AD .....	ad F2018L01420
	rs F2019L01048
Heading preceding .....	ad F2018L01378
item 232AE	
item 232AE.....	ad F2018L01378
item 232AF .....	ad F2018L01378
item 232AG .....	ad F2019L01048
item 232AH .....	ad F2019L01048
Heading preceding item 232A .....	ad No 5, 2016
item 232A .....	ad No 5, 2016
item 232B .....	ad No 5, 2016
item 232BAA.....	ad F2019L01048
Heading preceding .....	ad F2018L01378
item 232BA	
item 232BAB.....	ad F2019L01048
item 232BAC.....	ad F2019L01048
item 232BAD.....	ad F2019L01048
item 232BAE.....	ad F2019L01048
item 232BAF .....	ad F2019L01048
item 232BAG.....	ad F2019L01048
item 232BAH.....	ad F2019L01048
item 232BAJ .....	ad F2019L01048
item 232BA.....	ad F2018L01378
Heading preceding .....	ad F2019L01048
item 232BAAA	
item 232BAAA.....	ad F2019L01048
item 233AA .....	ad No 5, 2016
Heading preceding item 259 .....	rep No 4, 2016
item 259 .....	rep No 4, 2016
item 260 .....	rep No 4, 2016
Heading preceding item 261 .....	rep F2018L00237
item 261 .....	rep F2018L00237

## Endnote 4—Amendment history

Provision affected	How affected
item 262 .....	rep F2018L00237
item 263 .....	rep F2018L00237
Heading preceding item 264 .....	rep No 5, 2016
item 264 .....	rep No 5, 2016
item 265 .....	rep No 5, 2016
item 266 .....	rep No 5, 2016
item 267 .....	rep No 5, 2016
item 268 .....	rep No 5, 2016
item 269 .....	rep No 5, 2016
item 270 .....	rep No 5, 2016
item 271 .....	rep No 5, 2016
item 272 .....	rep No 5, 2016
	ad F2018L01378
item 273 .....	rep No 5, 2016
	ad F2018L01378
item 275A .....	ad F2018L01378
item 275B .....	ad F2018L01378
item 275C .....	ad F2018L01378
item 275D .....	ad F2019L01048
item 275E .....	ad F2019L01048
item 276A .....	ad F2019L01048
item 276B .....	ad F2019L01048
Heading preceding item 277 .....	rep No 5, 2016
item 277 .....	rep No 5, 2016
	ad F2018L01378
Heading preceding item 278 .....	ad F2019L01048
item 278 .....	rep No 5, 2016
	ad F2019L01048
	rs F2020L01323
item 278A .....	ad F2020L01323
item 278B .....	ad F2020L01323
item 278C .....	ad F2020L01323
item 278D .....	ad F2020L01323
item 278E .....	ad F2020L01323
item 278F .....	ad F2020L01323
item 278G .....	ad F2020L01323
item 278H .....	ad F2020L01323
item 278J .....	ad F2020L01323
item 278K .....	ad F2020L01323
item 278L .....	ad F2020L01323

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 278M.....	ad F2020L01323
item 278N.....	ad F2020L01323
item 278P.....	ad F2020L01323
item 278Q.....	ad F2020L01323
item 278R.....	ad F2020L01323
item 278S.....	ad F2020L01323
item 278T.....	ad F2020L01323
item 278U.....	ad F2020L01323
item 278V.....	ad F2020L01323
item 278W.....	ad F2020L01323
item 278X.....	ad F2020L01323
item 278Y.....	ad F2020L01323
item 278Z.....	ad F2020L01323
item 278ZA.....	ad F2020L01323
item 278ZB.....	ad F2020L01323
item 278ZC.....	ad F2020L01323
item 278ZD.....	ad F2020L01323
item 278ZE.....	ad F2020L01323
item 278ZF.....	ad F2020L01323
item 278ZG.....	ad F2020L01323
item 278ZH.....	ad F2020L01323
item 278ZI.....	ad F2020L01323
item 278ZJ.....	ad F2020L01323
item 279.....	rep No 5, 2016
	ad F2019L01048
item 279A.....	ad F2020L01323
item 279B.....	ad F2020L01323
item 279C.....	ad F2020L01323
item 279D.....	ad F2020L01323
item 279E.....	ad F2020L01323
item 279F.....	ad F2020L01323
item 279G.....	ad F2020L01323
item 279H.....	ad F2020L01323
item 279J.....	ad F2020L01323
item 279K.....	ad F2020L01323
item 279L.....	ad F2020L01323
item 279M.....	ad F2020L01323
item 279N.....	ad F2020L01323
item 279P.....	ad F2020L01323
item 279Q.....	ad F2020L01323



## Endnote 4—Amendment history

Provision affected	How affected
item 279R .....	ad F2020L01323
item 279S .....	ad F2020L01323
item 279T .....	ad F2020L01323
item 279U .....	ad F2020L01323
item 279V .....	ad F2020L01323
item 279W .....	ad F2020L01323
item 279X .....	ad F2020L01323
item 279Y .....	ad F2020L01323
item 279Z .....	ad F2020L01323
item 279ZA .....	ad F2020L01323
item 279ZB .....	ad F2020L01323
item 279ZC .....	ad F2020L01323
item 279ZD .....	ad F2020L01323
item 279ZE .....	ad F2020L01323
item 279ZF .....	ad F2020L01323
item 279ZG .....	ad F2020L01323
item 279ZH .....	ad F2020L01323
item 280 .....	rep No 5, 2016
	ad F2019L01048
item 281 .....	rep No 5, 2016
	ad F2019L01048
	rs F2020L01323
item 281A .....	ad F2020L01323
item 281B .....	ad F2020L01323
item 281C .....	ad F2020L01323
item 282 .....	rep No 5, 2016
	ad F2019L01048
	rs F2020L01323
item 283 .....	rep No 5, 2016
	ad F2019L01048
	rs F2020L01323
item 283A .....	ad F2020L01323
item 283B .....	ad F2020L01323
item 283C .....	ad F2020L01323
item 284 .....	rep No 5, 2016
	ad F2019L01048
	rs F2020L01323
item 285 .....	rep No 5, 2016
	ad F2019L01048
	rs F2020L01323

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 285A .....	ad F2020L01323
item 285B .....	ad F2020L01323
item 285C .....	ad F2020L01323
item 285D .....	ad F2020L01323
item 286 .....	rep No 5, 2016
item 287 .....	rep No 5, 2016
item 288 .....	rep No 5, 2016
item 289 .....	rep No 5, 2016
item 290 .....	rep No 5, 2016
item 290A .....	ad No 10, 2015
	rep No 5, 2016
item 290B .....	ad No 10, 2015
	rep No 5, 2016
Heading preceding item 291 .....	rep No 5, 2016
item 291 .....	rep No 5, 2016
item 292 .....	rep No 5, 2016
Heading preceding .....	ad No 5, 2016
item 294A .....	
item 294A .....	ad No 5, 2016
item 294B .....	ad F2018L01420
item 294C .....	ad F2018L01378
Heading preceding .....	ad F2018L01378
item 294D .....	
item 294D .....	ad F2018L01378
item 294DA .....	ad F2019L01048
item 294E .....	ad F2018L01378
	rs F2019L01048
item 294EA .....	ad F2019L01048
item 294EB .....	ad F2019L01048
item 294F .....	ad F2018L01378
Heading preceding .....	ad F2018L01378
item 294G .....	
item 294G .....	ad F2018L01378
item 294H .....	ad F2018L01378
item 294J .....	ad F2018L01378
item 294K .....	ad F2018L01378
item 294L .....	ad F2018L01378
item 294M .....	ad F2018L01378
item 295A .....	ad F2018L01378
item 295B .....	ad F2019L01048
item 297AAAA .....	ad F2019L01048

## Endnote 4—Amendment history

Provision affected	How affected
Heading preceding ..... item 297AAAB	ad F2019L01048
item 297AAAB .....	ad F2019L01048
Heading preceding item 297A .....	ad No 5, 2016
item 297AA .....	ad F2017L00986
item 297AAA .....	ad F2018L01378
item 297AB.....	ad F2018L01377
item 297ABA.....	ad F2021L00975
item 297AC.....	ad F2018L01377
item 297AD .....	ad F2021L00975
item 297AE.....	ad F2021L00975
item 297AF .....	ad F2021L00975
item 297AG .....	ad F2021L00975
item 297AGA .....	ad F2021L00975
item 297AGB.....	ad F2021L00975
item 297AH .....	ad F2018L01377
item 297A .....	ad No 5, 2016
item 297B .....	ad F2021L00975
item 297C .....	ad F2021L00975
item 297D .....	ad F2021L00975
item 297E.....	ad F2021L00975
item 297F.....	ad F2021L00975
item 297G .....	ad F2021L00975
item 297GA .....	ad F2021L00975
item 297GB.....	ad F2021L00975
item 297GC.....	ad F2021L00975
item 297GD .....	ad F2021L00975
item 297GE.....	ad F2021L00975
item 297GF .....	ad F2021L00975
item 297GG .....	ad F2021L00975
item 297GH .....	ad F2021L00975
item 297GI.....	ad F2021L00975
item 297GJ.....	ad F2021L00975
item 297GK .....	ad F2021L00975
item 297GL.....	ad F2021L00975
item 297GM.....	ad F2021L00975
item 297GN .....	ad F2021L00975
item 297GO .....	ad F2021L00975
item 297H .....	ad F2018L01377
Heading preceding item 298 .....	rep No 5, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
	ad F2017L00986
item 298 .....	rep No 5, 2016
	ad F2017L00986
Heading preceding item 299 .....	ad F2018L01378
item 299 .....	rep No 5, 2016
	ad F2018L01378
item 299A .....	ad F2019L01048
item 300 .....	rep No 5, 2016
	ad F2018L01378
item 300A .....	ad F2019L01048
item 301 .....	rep No 5, 2016
	ad F2018L01378
Heading preceding item 302 .....	ad F2018L01378
item 302 .....	rep No 5, 2016
	ad F2018L01378
item 303 .....	rep No 5, 2016
item 304 .....	rep No 5, 2016
item 305 .....	rep No 5, 2016
item 306 .....	rep No 5, 2016
item 307 .....	rep No 5, 2016
item 308 .....	rep No 5, 2016
item 309 .....	rep No 5, 2016
item 310 .....	rep No 5, 2016
item 311 .....	rep No 5, 2016
item 312 .....	rep No 5, 2016
item 313 .....	rep No 5, 2016
item 314 .....	rep No 5, 2016
item 315 .....	rep No 5, 2016
item 316 .....	rep No 5, 2016
item 317 .....	rep No 5, 2016
item 318 .....	rep No 5, 2016
item 319 .....	rep No 5, 2016
item 320 .....	rep No 5, 2016
item 321 .....	rep No 5, 2016
item 322 .....	rep No 5, 2016
item 323 .....	rep No 5, 2016
item 324 .....	rep No 5, 2016
item 325 .....	rep No 5, 2016
item 326 .....	rep No 5, 2016
item 327 .....	rep No 5, 2016

## Endnote 4—Amendment history

Provision affected	How affected
item 328 .....	rep No 5, 2016
item 329 .....	rep No 5, 2016
item 330 .....	rep No 5, 2016
item 331 .....	rep No 5, 2016
item 332 .....	rep No 5, 2016
item 333 .....	rep No 5, 2016
item 334 .....	rep No 5, 2016
Heading preceding item 335 .....	rep No 5, 2016
item 335 .....	rep No 5, 2016
Heading preceding item 335A .....	ad No 5, 2016
item 335A .....	ad No 5, 2016
item 335B .....	ad F2018L01420
item 335C .....	ad F2018L01378
Heading preceding item 335P .....	ad F2018L01377
item 335P .....	ad F2018L01377
item 335Q .....	ad F2018L01377
item 336A .....	ad F2017L00986
item 336B .....	ad F2017L00986
item 336C .....	ad F2017L00986
item 336D .....	ad F2017L00986
	am F2021L00975
item 336DA .....	ad F2021L00975
item 336DB .....	ad F2021L00975
Heading preceding item 336E .....	ad F2019L01048
item 336E .....	ad F2019L01048
item 337AA .....	ad No 5, 2016
item 337AB .....	ad F2019L01048
item 337 .....	rs F2019L01048
item 338 .....	rs No 5, 2016
	rep F2019L01048
item 338AA .....	ad F2019L00546
item 338AB .....	ad F2019L00546
	rep F2019L01048
item 338A .....	ad No 5, 2016
	rs F2019L01048
item 338B .....	ad No 5, 2016
item 338C .....	ad No 5, 2016
item 338D .....	ad F2018L01378
item 338E .....	ad F2018L01378
	rs F2019L01048

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 339 .....	rs F2018L01378; F2019L01048
item 339AA .....	ad F2018L01378
	rs F2019L01048
item 339AB.....	ad F2018L01378
	rs F2019L01048
item 339AC.....	ad F2018L01378
	rep F2019L01048
item 339A .....	ad No 5, 2016
item 339AAA .....	ad F2019L01048
item 339AAB.....	ad F2019L01048
item 339B .....	ad No 5, 2016
item 339C .....	ad No 5, 2016
item 339D .....	ad No 5, 2016
item 339DA .....	ad F2019L00546
item 339DB.....	ad F2019L00546
item 339DBA.....	ad F2019L01048
item 339DC.....	ad F2019L00546
item 339DD .....	ad F2019L00546
item 339DE.....	ad F2019L00546
item 339E.....	ad No 5, 2016
item 339EA.....	ad F2019L01048
item 339F.....	ad No 5, 2016
item 339G .....	ad No 5, 2016
item 340 .....	rs No 5, 2016
item 340A .....	ad No 5, 2016
item 340AA .....	ad F2019L00546
item 340AB.....	ad F2019L00546
item 340B .....	ad No 5, 2016
item 340C .....	ad No 5, 2016
item 340D .....	ad F2019L01048
Heading preceding .....	ad F2018L01378
item 341AAA .....	ad F2018L01378
item 341AAB.....	ad F2018L01378
item 341A .....	ad No 10, 2015
	am F2020L01644
item 341AAAA.....	ad F2020L01644
item 341AAAB.....	ad F2020L01644
item 341AAAC.....	ad F2020L01644
item 341AA .....	ad No 10, 2015

## Endnote 4—Amendment history

Provision affected	How affected
item 341AB.....	ad F2020L01644
item 341AC.....	ad F2020L01644
item 341AD .....	ad F2020L01644
item 341AE.....	ad F2020L01644
item 341AF.....	ad F2020L01644
item 341AG .....	ad F2020L01644
item 341AH .....	ad F2020L01644
item 341AI.....	ad F2020L01644
item 341AJ.....	ad F2020L01644
item 341AK .....	ad F2020L01644
item 341B .....	ad No 10, 2015
	am F2020L01644
item 341BA.....	ad F2019L01048
item 341BB.....	ad F2019L01048
	rs F2020L01644
item 341BBA.....	ad F2020L01644
item 341BBB.....	ad F2020L01644
item 341BBC .....	ad F2020L01644
item 341BBD.....	ad F2020L01644
item 341BC.....	ad F2019L01048
item 341BD.....	ad F2019L01048
item 341BE.....	ad F2019L01048
item 341BF.....	ad F2019L01048
item 341BG.....	ad F2019L01048
item 341BH.....	ad F2019L01048
item 341BI.....	ad F2019L01048
item 341BJ.....	ad F2019L01048
item 341BK.....	ad F2019L01048
item 341BL.....	ad F2019L01048
item 341BM.....	ad F2019L01048
item 341BMA .....	ad F2020L01644
item 341BMB .....	ad F2020L01644
item 341BMC .....	ad F2020L01644
item 341BMD.....	ad F2020L01644
item 341BN.....	ad F2019L01048
	rs F2020L01644
item 341BNA.....	ad F2020L01644
item 341BNB.....	ad F2020L01644
item 341BND.....	ad F2020L01644
item 341BNE.....	ad F2020L01644

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 341BNF .....	ad F2020L01644
item 341BNG.....	ad F2020L01644
item 341BNH.....	ad F2020L01644
item 341BNI .....	ad F2020L01644
item 341BNJ .....	ad F2020L01644
item 341BO.....	ad F2019L01048
item 341BOA.....	ad F2020L01644
item 341BOB.....	ad F2020L01644
item 341BOC.....	ad F2020L01644
item 341BOD.....	ad F2020L01644
item 341BOE.....	ad F2020L01644
item 341BOF .....	ad F2020L01644
item 341BOG.....	ad F2020L01644
item 341BOH.....	ad F2020L01644
item 341BOI .....	ad F2020L01644
item 341BOJ .....	ad F2020L01644
item 341BOK.....	ad F2020L01644
item 341BOL .....	ad F2020L01644
item 341BOM.....	ad F2020L01644
item 341BON.....	ad F2020L01644
item 341BOO.....	ad F2020L01644
item 341BOP .....	ad F2020L01644
item 341BOQ.....	ad F2020L01644
item 341BOR.....	ad F2020L01644
item 341BOS .....	ad F2020L01644
item 341BOT .....	ad F2020L01644
item 341BOU.....	ad F2020L01644
item 341BOV.....	ad F2020L01644
item 341BOW.....	ad F2020L01644
item 341BOX.....	ad F2020L01644
item 341BA.....	ad No 10, 2015
	renum F2019L01048
item 341BP (prev item 341BA)	
item 341C .....	ad No 10, 2015
item 341CAA.....	ad F2020L01644
item 341CA.....	ad F2019L01048
item 341D .....	ad No 10, 2015
	am No 10, 2015; F2020L01644
item 341DA .....	ad No 5, 2016
	rs F2020L01644



## Endnote 4—Amendment history

Provision affected	How affected
item 341DAAA.....	ad F2020L01644
item 341DAAB.....	ad F2020L01644
item 341DAAC.....	ad F2020L01644
item 341DAAD.....	ad F2020L01644
item 341DAADA.....	ad F2021L00975
item 341DAADB.....	ad F2021L00975
item 341DAAE.....	ad F2020L01644
item 341DAAF.....	ad F2020L01644
item 341DAAG.....	ad F2020L01644
item 341DAAH.....	ad F2020L01644
item 341DAAI.....	ad F2020L01644
item 341DAAJ.....	ad F2020L01644
item 341DAAK.....	ad F2020L01644
item 341DAAAL.....	ad F2020L01644
item 341DAAM.....	ad F2020L01644
item 341DAA.....	ad F2019L01048
	rs F2020L01644
item 341DAB.....	ad F2019L01048
item 341DABA.....	ad F2020L01644
item 341DAC.....	ad F2019L01048
item 341DAD.....	ad F2019L01048
item 341DAE.....	ad F2019L01048
item 341DAF.....	ad F2019L01048
item 341DAG.....	ad F2019L01048
item 341DB.....	ad F2018L01378
	am F2019L01048
item 341DBA.....	ad F2020L01644
item 341DBB.....	ad F2020L01644
item 341DBC.....	ad F2020L01644
item 341DC.....	ad F2019L01048
item 341DD.....	ad F2019L01048
item 341DE.....	ad F2019L01048
item 341DF.....	ad F2019L01048
item 341DG.....	ad F2019L01048
item 341DH.....	ad F2019L01048
item 341DI.....	ad F2019L01048
item 341DJ.....	ad F2019L01048
item 341DK.....	ad F2019L01048
item 341DL.....	ad F2019L01048
item 341DM.....	ad F2020L01644

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 341DN .....	ad F2020L01644
item 341DO .....	ad F2020L01644
item 341DP .....	ad F2020L01644
item 341E.....	ad No 10, 2015
item 341F.....	ad No 10, 2015
item 341G .....	ad No 10, 2015
item 341GA .....	ad F2020L01644
item 341H .....	ad F2018L01378
	rs F2020L01644
item 341HA .....	ad F2020L01644
item 341HB.....	ad F2020L01644
item 341HC.....	ad F2020L01644
item 341HD .....	ad F2020L01644
item 341J .....	ad F2018L01378
item 341K .....	ad F2018L01378
item 341L.....	ad F2018L01378
item 341M.....	ad F2020L01644
item 341N .....	ad F2020L01644
item 341P.....	ad F2020L01644
item 341Q .....	ad F2020L01644
item 341R .....	ad F2020L01644
item 341T.....	ad No 5, 2016
item 341U .....	ad F2018L01378
item 341V .....	ad F2019L01048
item 343AAA .....	ad F2019L01048
item 343AAB.....	ad F2019L01048
item 343AA .....	ad F2018L01378
item 343A (prev item 344 first occurring)	
item 343AB.....	ad F2019L01048
item 344 (first occurring) .....	ad No 5, 2016
	renum
	ed C4
Heading preceding item 343B.....	ad No 5, 2016
	rep No 14, 2016
item 343B (prev item 345 .....	rep No 14, 2016
first occurring)	ad F2018L01378
Heading preceding item 343BA....	ad F2019L01048
item 343BA.....	ad F2019L01048
Heading preceding item 343C.....	ad F2018L01378

## Endnote 4—Amendment history

Provision affected	How affected
item 343BB.....	ad F2019L01048
item 343BC.....	ad F2019L01048
item 343C .....	ad F2018L01378
item 343CA.....	ad F2019L01048
item 343CB.....	ad F2019L01048
item 343CC.....	ad F2019L01048
item 343CD.....	ad F2019L01048
item 343CE.....	ad F2019L01048
item 343CF .....	ad F2019L01048
item 343D .....	ad F2018L01378
Heading preceding item 343E.....	ad F2018L01378
item 343E.....	ad F2018L01378
item 343F.....	ad F2018L01378
item 343G .....	ad F2018L01378
item 343H .....	ad F2018L01378
item 343J .....	ad F2018L01378
item 343K .....	ad F2018L01378
item 343L.....	ad F2018L01378
item 343LA.....	ad F2019L01048
item 343LB.....	ad F2019L01048
Heading preceding item 343LC ....	ad F2019L01048
item 343LC .....	ad F2019L01048
item 343LD.....	ad F2019L01048
item 343LE .....	ad F2019L01048
item 343LF .....	ad F2019L01048
item 343LG.....	ad F2019L01048
item 343LH.....	ad F2019L01048
item 343LI .....	ad F2019L01048
item 343LJ .....	ad F2019L01048
item 343LK.....	ad F2019L01048
item 343LL .....	ad F2019L01048
item 343LM .....	ad F2019L01048
item 343LN.....	ad F2019L01048
item 343LO.....	ad F2019L01048
item 345 (first occurring).....	ad No 5, 2016
	renum
	ed C4
<b>Part 2</b>	
<b>Division 2</b>	
Division 2 heading .....	rs No 5, 2016

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 348 .....	rep No 4, 2016
item 349 .....	rep No 4, 2016
item 351 .....	rep No 5, 2016
<b>Division 3</b>	
Division 3 .....	ad No 5, 2016
item 352 .....	ad No 5, 2016
item 353 .....	ad No 5, 2016
item 353A .....	ad No 13, 2016
<b>Division 4</b>	
Division 4 .....	ad No 5, 2016
item 354 .....	ad No 5, 2016
item 355 .....	ad No 5, 2016
<b>Division 5</b>	
Division 5 .....	ad No 5, 2016
item 356 .....	ad No 5, 2016
Division 6 .....	ad No 14, 2016
	rep F2018L00237
item 357 .....	ad No 14, 2016
	rep F2018L00237
<b>Division 7</b>	
Division 7 .....	ad No 1, 2017
item 358 .....	ad No 1, 2017
<b>Division 8</b>	
Division 8 .....	ad F2017L00367
item 359 .....	ad F2017L00367
item 360 .....	ad F2017L00367
item 361 .....	ad F2017L00367
item 362 .....	ad F2017L00367
<b>Division 9</b>	
Division 9 .....	ad F2017L00581
item 363 .....	ad F2017L00581
item 364 .....	ad F2017L00581
item 365 .....	ad F2017L00581
<b>Division 10</b>	
Division 10 .....	ad F2017L00922
item 366 .....	ad F2017L00922
<b>Division 11</b>	
Division 11 .....	ad F2017L00986
item 367 .....	ad F2017L00986
item 368 .....	ad F2017L00986

## Endnote 4—Amendment history

Provision affected	How affected
item 369 .....	ad F2017L00986
item 370 .....	ad F2017L00986
item 371 .....	ad F2017L00986
item 372 .....	ad F2017L00986
<b>Division 12</b>	
Division 12 .....	ad F2017L01360
item 373 .....	ad F2017L01360
<b>Division 13</b>	
Division 13 .....	ad F2017L01499
item 374 .....	ad F2017L01499
<b>Division 14</b>	
Division 14 .....	ad F2018L00697
item 375 .....	ad F2018L00697
<b>Division 15</b>	
Division 15 .....	ad F2018L01377
item 375A .....	ad F2018L01377
item 376 .....	ad F2018L01377
item 377 .....	ad F2018L01377
item 378 .....	ad F2018L01377
item 379 .....	ad F2018L01377
item 380 .....	ad F2018L01377
item 381 .....	ad F2018L01377
<b>Division 16</b>	
Division 16 .....	ad F2018L01378
item 382 .....	ad F2018L01378
item 383 .....	ad F2018L01378
item 384 .....	ad F2018L01378
item 385 .....	ad F2018L01378
item 386 .....	ad F2018L01378
item 387 .....	ad F2018L01378
item 388 .....	ad F2018L01378
item 389 .....	ad F2018L01378
item 390 .....	ad F2018L01378
<b>Division 17</b>	
Division 17 .....	ad F2019L01048
item 391 .....	ad F2019L01048
item 392 .....	ad F2019L01048
item 393 .....	ad F2019L01048
item 394 .....	ad F2019L01048
item 395 .....	ad F2019L01048

## Endnotes

### Endnote 4—Amendment history

Provision affected	How affected
item 396 .....	ad F2019L01048
<b>Division 18</b>	
Division 18 .....	ad F2020L00870
item 397 .....	ad F2020L00870
item 398 .....	ad F2020L00870
item 399 .....	ad F2020L00870
item 400 .....	ad F2020L00870
item 401 .....	ad F2020L00870
item 402 .....	ad F2020L00870
item 403 .....	ad F2020L00870
item 404 .....	ad F2020L00870
item 405 .....	ad F2020L00870
item 406 .....	ad F2020L00870
item 406A .....	ad F2021L00451
<b>Division 19</b>	
Division 19 heading .....	rs F2020L01207
Division 19 .....	ad F2020L00926
item 407 .....	ad F2020L00926
item 408 .....	ad F2020L00926
item 409 .....	ad F2020L00926
item 410 .....	ad F2020L00926
	am F2020L01207
	rep F2020L01708
<b>Division 20</b>	
Division 20 .....	ad F2020L01644
item 411 .....	ad F2020L01644
item 412 .....	ad F2020L01644
item 413 .....	ad F2020L01644
<b>Division 21</b>	
Division 21 .....	ad F2021L00451
item 414 .....	ad F2021L00451
<b>Division 22</b>	
Division 22 .....	ad F2021L00975
item 415 .....	ad F2021L00975
item 416 .....	ad F2021L00975
item 417 .....	ad F2021L00975
item 418 .....	ad F2021L00975
item 419 .....	ad F2021L00975
item 420 .....	ad F2021L00975
item 421 .....	ad F2021L00975

## Endnote 4—Amendment history

Provision affected	How affected
item 422 .....	ad F2021L00975
item 423 .....	ad F2021L00975
<b>Schedule 2</b>	
<b>Part 1</b>	
item 1 .....	am No 7, 2015; No 10, 2015; No 4, 2016; No 5, 2016; No 14, 2016; F2018L00237; F2018L00342; F2018L01377; F2018L01420; F2019L01048; F2021L00975
<b>Part 2</b>	
item 2 .....	am No 10, 2015; No 4, 2016; No 5, 2016; F2018L00237; F2018L00342; F2018L01377; F2019L01048; F2020L00870
<b>Part 3</b>	
Part 3 .....	ad No 10, 2015
item 3 .....	ad No 10, 2015
item 4 .....	ad No 10, 2015
item 5 .....	ad No 10, 2015
item 6 .....	ad No 10, 2015
item 7 .....	ad No 10, 2015
item 8 .....	ad No 10, 2015
item 9 .....	ad No 10, 2015
item 10 .....	ad No 10, 2015
item 11 .....	ad No 10, 2015
item 12 .....	ad No 10, 2015
item 13 .....	ad No 10, 2015
item 14 .....	ad No 10, 2015
item 15 .....	ad No 10, 2015
<b>Part 4</b>	
Part 4 .....	ad No 4, 2016
item 16 .....	ad No 4, 2016
item 17 .....	ad No 4, 2016
	ed C4
item 18 .....	ad No 4, 2016
<b>Part 5</b>	
Part 5 .....	ad No 5, 2016
item 20 .....	ad No 5, 2016
item 21 .....	ad No 5, 2016
<b>Part 6</b>	
Part 6 .....	ad No 5, 2016
item 22 .....	ad No 5, 2016
item 23 .....	ad No 5, 2016
<b>Part 7</b>	
Part 7 .....	ad No 5, 2016

## Endnotes

### Endnote 4—Amendment history

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Provision affected	How affected
item 24 .....	ad No 5, 2016
<b>Part 8</b>	
Part 8.....	ad F2018L00237
item 25 .....	ad F2018L00237
item 26 .....	ad F2018L00237
item 27 .....	ad F2018L00237
<b>Part 9</b>	
Part 9.....	ad F2018L01377
item 28 .....	ad F2018L01377
item 29 .....	ad F2018L01377
item 30 .....	ad F2018L01377
item 31 .....	ad F2018L01377
item 32 .....	ad F2018L01377
item 33 .....	ad F2018L01377

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