



Norfolk Island Continued Laws Amendment (2016 Measures No. 1) Ordinance 2016

Ordinance No. 4, 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 05 May 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Paul Fletcher
Minister for Territories, Local Government and Major Projects

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1 Name

This is the *Norfolk Island Continued Laws Amendment (2016 Measures No. 1) Ordinance 2016*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this Ordinance not elsewhere covered by this table	The day after this Ordinance is registered.	11 May 2016
2. Schedule 1, Part 1	The day after this Ordinance is registered.	11 May 2016
3. Schedule 1, Part 2	1 July 2016.	1 July 2016
4. Schedule 2, Part 1	The day after this Ordinance is registered.	11 May 2016
5. Schedule 2, Part 2	1 July 2016.	1 July 2016
6 Schedules 3 and 4	1 July 2016.	1 July 2016

Note: This table relates only to the provisions of this Ordinance as originally made.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

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

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

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1—Amendments relating to immigration arrangements

Part 1—Main amendments relating to immigration

Norfolk Island Continued Laws Ordinance 2015

1 After item 140 of Schedule 1

Insert:

140A At the end of the Act

Add:

Part 7—Transitional provisions relating to immigration arrangements

Division 1—Introduction

91 Application of Part

This Part applies despite anything else in this Act.

92 Definitions

In this Part:

transition period means the period commencing on 1 June 2016 and ending on 30 June 2016.

Division 2—Transitional arrangements for certain entry permits and declarations of residency

93 Applications for general entry permits or temporary entry permits or permit extensions during transition period are of no effect

- (1) During the transition period, a person must not make an application:
 - (a) for a general entry permit or a temporary entry permit; or
 - (b) for an extension of the period during which a temporary entry permit remains in force.
- (2) If a person purports to make an application in contravention of subsection (1), the purported application is of no effect.

94 No general entry permits or temporary entry permits to be granted or extended during transition period

To avoid doubt, the Administrator must not:

- (a) grant a general entry permit or a temporary entry permit to a person who applies for such a permit during the transition period; or

- (b) extend the period during which a temporary entry permit remains in force if the application for the extension is made during the transition period.

95 Applications for residency during the transition period are of no effect

- (1) During the transition period, a person must not make an application to be declared to be a resident of Norfolk Island.
- (2) If a person purports to make an application in contravention of subsection (1), the purported application is of no effect.

96 No grants of residency during transition period

To avoid doubt, the Administrator must not grant a declaration of residency to a person who makes an application to be declared to be a resident of Norfolk Island during the transition period.

97 Certain permits to continue in force

- (1) This section applies if:
 - (a) a person holds a general entry permit or a temporary entry permit that is in force immediately before the start of the transition period; and
 - (b) the permit would, but for this section, cease to be in force during the transition period.
- (2) The permit continues in force until the end of the transition period.

Division 3—Other transitional arrangements

98 Disclosure of and access to records, documents and papers etc.

Authority to disclose records, documents and papers

- (1) The following persons are authorised to disclose the things mentioned in subsection (2) to a Commonwealth authorised officer for a purpose mentioned in subsection (4):
 - (a) the Administrator;
 - (b) an authorised person.
- (2) For subsection (1), the things are all records, documents and papers in the possession of, or under the control of, the Administration relating directly or indirectly to matters arising under this Act.

Authority to access etc. records, documents and papers

- (3) A Commonwealth authorised officer is entitled, at all reasonable times:
 - (a) to full and free access to all records, documents and papers in the possession of, or under the control of, the Administration relating directly or indirectly to matters arising under this Act; and
 - (b) to make copies of, or take extracts from, any records, documents or papers mentioned in paragraph (a).

Schedule 1 Amendments relating to immigration arrangements

Part 1 Main amendments relating to immigration

- (4) The Commonwealth authorised officer may use the records, documents and papers for purposes arising, directly or indirectly, under any of the following:
- (a) this Act;
 - (b) the *Migration Act 1958* (Commonwealth);
 - (c) the *Australian Citizenship Act 2007* (Commonwealth);
 - (d) the *Norfolk Island Legislation Amendment Act 2015* (Commonwealth).
- (5) In this section:

Commonwealth authorised officer means an APS employee in the Department of Immigration and Border Protection whose duties include responsibility for immigration, citizenship or border protection.

Part 2—Amendments commencing 1 July 2016

Norfolk Island Continued Laws Ordinance 2015

2 Part 1 of Schedule 1 (heading specifying *Immigration Act 1980 (Norfolk Island)*)

Repeal the heading.

3 Items 112 to 140A of Schedule 1

Repeal the items.

4 Part 1 of Schedule 1 (heading specifying *Immigration Regulations 1984 (Norfolk Island)*)

Repeal the heading.

5 Items 141 to 148A of Schedule 1

Repeal the items.

6 Item 190 of Schedule 1 (paragraphs 5(3)(c) and (d) of Schedule 1)

Repeal the paragraphs.

7 Item 349 of Schedule 1

Repeal the item.

8 Item 1 of Schedule 2

Insert:

Immigration Act 1980

9 Item 2 of Schedule 2

Insert:

Immigration Regulations 1984

10 In the appropriate position in Schedule 2

Insert:

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;
 - (b) 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.

Schedule 2—Amendments relating to healthcare levy

Part 1—Main amendments relating to healthcare levy

Norfolk Island Continued Laws Ordinance 2015

1 Before item 109 of Schedule 1

Insert:

108A Subsection 4(1) (paragraph (b) of the definition of *levy period*)

Repeal the paragraph, substitute:

- (b) in relation to a levy day of 1 June that occurs before 1 June 2016—the period from 1 June to the following 31 August; or
- (ba) in relation to levy day of 1 June 2016—the period from 1 June 2016 to the end of 30 June 2016; or

108B Subsection 6(1)

Omit “The amount”, substitute “Subject to section 6A, the amount”.

2 After item 109 of Schedule 1

Insert:

109A After section 6

Insert:

6A Amount of levy for the month of June 2016

The amount of levy payable by each liable person on the levy day that is 1 June 2016 is:

- (a) for the healthcare levy—\$73.35; and
- (b) for the medical evacuation levy—\$26.65.

109B Subsection 12(1)

Omit “When”, substitute “Subject to subsection (4), when”.

109C At the end of section 12

Add:

- (4) This section applies to a person who becomes a liable person on or after the levy day that is 1 June 2016 and before 1 July 2016 as if:
 - (a) a reference in subsection (1) to “after a levy day” were a reference to “on or after the levy day that is 1 June 2016”; and
 - (b) a reference in subsection (1) to “the next levy day” were a reference to “1 July 2016”.

Part 2—Amendments commencing 1 July 2016

Norfolk Island Continued Laws Ordinance 2015

3 Part 1 of Schedule 1 (heading specifying *Healthcare Act 1989 (Norfolk Island)*)

Repeal the heading.

4 Items 107 and 108 of Schedule 1

Repeal the items.

5 Part 1 of Schedule 1 (heading specifying *Healthcare Levy Act 1990 (Norfolk Island)*)

Repeal the heading.

6 Items 108A to 109C of Schedule 1

Repeal the items.

7 Item 348 of Schedule 1

Repeal the item.

8 Item 1 of Schedule 2

Insert:

Healthcare Act 1989

Healthcare Levy Act 1990

9 Item 2 of Schedule 2

Insert:

Healthcare Levy Regulations 2012

Healthcare Regulations 1991

Schedule 3—Amendments relating to the Administrator

Norfolk Island Continued Laws Ordinance 2015

1 Item 155 of Schedule 1 (notes 2 and 3)

Repeal the notes, substitute:

- 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*.

2 Item 158 of Schedule 1

Repeal the item, substitute:

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).

Schedule 4—Amendments relating to the closure of the Provident Account

Norfolk Island Continued Laws Ordinance 2015

1 Part 1 of Schedule 1 (heading specifying *Provident Account Act 1958 (Norfolk Island)*)

Repeal the heading.

2 Items 259 and 260 of Schedule 1

Repeal the items.

3 Item 1 of Schedule 2

Insert:

Provident Account Act 1958