

EXPLANATORY STATEMENT

Ordinance No. 12, 2016

Issued by the authority of the Minister for Local Government and Territories

Norfolk Island Act 1979

Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2016

Authority

Section 19A of the *Norfolk Island Act 1979* provides the Governor-General may make Ordinances for the peace, order and good government of the Territory of Norfolk Island.

The *Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2016* is made under section 19A of the *Norfolk Island Act 1979*.

Purpose and operation

The purpose of this Ordinance is to amend the *Norfolk Island Applied Laws Ordinance 2016* (the Principal Ordinance) by omitting “1 January 2017” from Paragraph 1(1)(b) of Schedule 1 to the Principal Ordinance and substituting “1 July 2018”. The amendments to Schedule 1 to the Principal Ordinance provides additional time for further negotiations with the New South Wales (NSW) government for its officers and employees to perform functions and provide services in relation to Norfolk Island. It would also enable further consideration to be given to transitional arrangements which will need to be in place before more extensive application of NSW applied laws to Norfolk Island can occur.

Consultation

As the outcomes of the Ordinance are machinery in nature and are a continuation of the arrangements introduced by the Principal Ordinance, public consultation was not undertaken.

Statement of compatibility with human rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

The instrument does not engage any of the applicable rights or freedoms. It is compatible with human rights as it does not raise any human rights issues.

Detailed description of the Ordinance

Section 1 – Name

This section provides that the title of the Ordinance is the *Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2016*.

Section 2 – Commencement

This section provides the whole of the Ordinance commences on the day after the Ordinance is registered.

Section 3 – Authority

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

Section 4 – Schedules

This section provides that 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 – Suspension

Schedule 1 sets out the period for which the operation of the legislation of New South Wales, other than an Act specified or legislation made under such an Act, is suspended. Schedule 1 does not prevent specific Acts or legislation under Acts from being unsuspending earlier than 1 July 2018 by subsequent changes to the Principal Ordinance.