

Christmas Island Legislation Amendment (2017 Measures No. 1) Ordinance 2017

Ordinance No. 1, 2017

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 24 August 2017

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Fiona Nash

Minister for Local Government and Territories

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1 Name

This Ordinance is the *Christmas Island Legislation Amendment (2017 Measures No. 1) Ordinance 2017*.

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. The whole of this Ordinance | The day after this Ordinance is registered. | 31 August 2017 |

Note: This table relates only to the provisions of this Ordinance as originally made.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 the *Christmas Island Act 1958*.

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Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.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

Applied Laws (General) Ordinance 1992

1 Section 1

Omit “*Applied Laws (General)*”, substitute “*Christmas Island Applied Laws*”.

2 After Part 17 of Schedule 1

Insert:

Part 18—Mining Rehabilitation Fund Act 2012 (WA) (CI)

1 At the end of section 11

Add:

(4) Subsections (1) to (3) do not apply in relation to a mining authorisation if:

(a) the holder of the authorisation is the holder because of a lease or other agreement to which the holder and the Commonwealth are parties; and

(b) under the terms of the lease or agreement, the holder is required to pay to the Commonwealth a conservation levy.

Gambling (Clubs) Ordinance 1978

3 Section 1

After “cited as the”, insert “*Christmas Island*”.

4 Subsection 2(1) (definition of *club*)

Omit “*Associations Incorporation Act 1987* (W.A.)(C.I.)”, substitute “*Associations Incorporation Act 2015* (WA) (CI)”.

5 Subsection 2(1) (definition of *Court*)

Omit “Magistrate’s Court”, substitute “District Court of Western Australia”.

6 Subparagraph 3(1)(d)(i)

Omit “*Associations Incorporation Act 1987* (W.A.)(C.I.)”, substitute “*Associations Incorporation Act 2015* (WA) (CI)”.

7 Subsection 12(1)

Omit “in accordance with Form 2 in the Schedule,”.

8 Section 28

Repeal the section.

9 Schedule (Form 1)

Omit “*Gambling (Clubs) Ordinance 1978*” (wherever occurring), substitute “*Christmas Island Gambling (Clubs) Ordinance 1978*”.

10 Schedule (Form 1)

Omit “19 .” (wherever occurring), substitute “20 .”

11 Schedule (Form 2)

Repeal the form.

Interpretation Act 1984 (W.A.)(C.I.) (Amendment) Ordinance 1992

12 Subsection 5(5) (after definition of *Crown*)

Insert:

***notifiable instrument*** has the same meaning as in the *Legislation Act 2003* of the Commonwealth.

13 Subsection 7(1) (section 74A)

Repeal the section, substitute:

74A Requirements for publication in Gazette or newspaper

(1) If an applied law requires or permits a person to publish an instrument in the *Gazette* or the *Government Gazette* or in a newspaper circulating in Western Australia, then the requirement must be met, or the permission may only be exercised, by registration of the instrument as a notifiable instrument.

(2) However, subsection (1) does not apply in relation to an instrument published by or on behalf of Western Australia.