



Norfolk Island Continued Laws Amendment (2017 Measures No. 2) Ordinance 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 16 October 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Fiona Nash
Minister for Local Government and Territories

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Norfolk Island Airport		2
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	2
Schedule 2—Absentee landowners levy		5
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	5
Schedule 3—Norfolk Island Health and Residential Aged Care Service Facility		6
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	6

1 Name

This Ordinance is the *Norfolk Island Continued Laws Amendment (2017 Measures No. 2) 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.	18 October 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Note: This table relates only to the provisions of this Ordinance as originally made.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 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Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.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—Norfolk Island Airport

Norfolk Island Continued Laws Ordinance 2015

1 After item 2A of Schedule 1

Insert:

Airport Act 1991 (Norfolk Island)

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

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

2C Sections 3B, 3D and 3F

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

2D Subsection 3FA(1)

Omit “Minister may by written instrument delegate to a person any of the powers or functions of the Minister under this Act”, substitute “Chief Executive Officer may by written instrument delegate to an employee of the Administration any of the powers or functions of the Chief Executive Officer under this Act or the Regulations”.

2E Subsections 3FA(2) and (3)

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

Airport Regulations 1992 (Norfolk Island)

2F Subregulations 3A(1) and (2)

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

2G Subregulation 3A(3)

Repeal the subregulation.

2H Subregulations 3B(5) to (9)

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

2J Regulation 3B (note)

Repeal the note.

2K Schedule (definition of *specified service*)

Repeal the definition.

2L Schedule (table A)

Omit “Specified Service” (first occurring), substitute “Regular Passenger Transport Service”.

2M Schedule (table A, table item 1, column headed “Fee”)

Omit “\$23.10”, substitute “\$45.00”.

2N Schedule (table A, table item 2, column headed “Fee”)

Omit “\$41.10”, substitute “\$45.00”.

2P Schedule (table A)

Omit “Specified Service” (second occurring), substitute “Regular Passenger Transport Service”.

2Q Schedule (table A, table item 12, column headed “Fee”)

Omit “\$25.70”, substitute “\$45.00”.

2R Schedule (table B)

Omit “\$500,000”, substitute “\$50,000”.

2 In the appropriate position in Part 2 of Schedule 1

Insert:

**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.

Schedule 2—Absentee landowners levy

Norfolk Island Continued Laws Ordinance 2015

1 Before item 1A of Schedule 1

Insert:

1AA Subsection 2(1) (definition of *levy day*)

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

1AB 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).

Schedule 3—Norfolk Island Health and Residential Aged Care Service Facility

Norfolk Island Continued Laws Ordinance 2015

1 Item 167A of Schedule 1 (after section 12C)

Add:

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.

2 After item 190B of Schedule 1

Insert:

190BA Paragraph 10(nd)

Omit “by the Norfolk Island Hospital”, substitute “for the purposes of the Norfolk Island Health and Residential Aged Care Service”.