

EXPLANATORY STATEMENT

Issued by the authority of the Assistant Minister for Regional Development and Territories,
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

Norfolk Island Act 1979

Norfolk Island Standard Time Amendment (Daylight Saving) Ordinance 2018

Authority

The *Norfolk Island Act 1979* (the Act) provides for the government of the Territory of Norfolk Island.

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

The *Norfolk Island Standard Time Amendment (Daylight Savings) Ordinance 2018* (the Ordinance) is made under section 19A of the Act.

Purpose and operation

The Ordinance amends the *Norfolk Island Standard Time Ordinance 2015* (the Principal Ordinance) to introduce daylight saving on Norfolk Island. From October 2019, daylight saving will commence each year from the first Sunday in October and end on the first Sunday in April in the following year. This daylight saving period will be consistent with other Australian jurisdictions where daylight saving period is presently observed.

Consultation

Daylight saving on Norfolk Island is being implemented at the formal request of the Norfolk Island Regional Council (the Council) which undertook comprehensive community consultation on the issue. The Council reports that there is strong community and local business support for the introduction of daylight saving in the Territory.

Details of the Ordinance are set out in the [Attachment](#).

The Ordinance is a legislative instrument for the purposes of the *Legislation Act 2003*.

The Ordinance commences the day after this Ordinance is registered on the Federal Register of Legislation.

Statement of Compatibility with Human Rights

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

Norfolk Island Standard Time Amendment (Daylight Saving) Ordinance 2018

This Disallowable Legislative 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*.

Overview of the Legislative Instrument

The *Norfolk Island Standard Time Amendment (Daylight Saving) Ordinance 2018* (the Ordinance) amends the *Norfolk Island Standard Time Ordinance 2015* (the Principal Ordinance) to introduce daylight saving on Norfolk Island. From October 2019, daylight saving will commence each year from the first Sunday in October and end on the first Sunday in April in the following year. This daylight saving period will be consistent with other Australian jurisdictions where daylight saving period is presently observed.

Human rights implications

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Assistant Minister for Regional Development and Territories,
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development
The Hon Sussan Ley MP**

Norfolk Island Standard Time Amendment (Daylight Saving) Ordinance 2018

Section 1 – Name

This section provides that the title of the Ordinance is the *Norfolk Island Standard Time Amendment (Daylight Saving.) Ordinance 2018*.

Section 2 – Commencement

This section provides that the Ordinance commences on the day after it is registered on the Federal Register of Legislation..

Section 3 – Authority

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

Section 4 – Schedules

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

Schedule 1 – Amendments

Norfolk Island Standard Time Ordinance 2015

Item 1 – Before section 1

This item inserts a new heading, ‘Part 1—Preliminary’, before section 1 of the *Norfolk Island Standard Time Ordinance 2015* (the Principal Ordinance). This amendment is consequential to the other amendments made to the Principal Ordinance by the proposed Ordinance.

Item 2 – Section 4

This item insert new definitions into section 4 to the Principal Ordinance.

The new definition of ‘daylight saving period’ means ‘a period starting at 2 am on the first Sunday in October in each year and ending at 2 am on the first Sunday in the following April’ or ‘if the Minister declares a different period under section 4A of this Ordinance—that period.’ The daylight saving period starting on the first Sunday in October in each year and ending on the first Sunday in the following April is consistent with other Australian jurisdictions where daylight saving period is presently observed.

The new definition of ‘daylight saving time’ means the time prescribed by section 7 of this Ordinance.

The new definition of ‘standard time’ means the time prescribed by section 6 of this Ordinance.

Item 3 – After section 4

This item inserts a new section 4A into the Principal Ordinance. Section 4A provides that the Minister may, by legislative instrument, declare a period to be a daylight saving period. If ever required in the future, new section 4A enables the daylight saving period in Norfolk Island to be changed by the Minister making a declaration, which would be a legislative

instrument for the purposes of the *Legislation Act 2003*. This provision might be utilised in the future, where for example, there is a change in the daylight saving period in other Australian daylight saving jurisdictions, and it is considered appropriate for the Norfolk Island daylight saving period to also be changed to continue to align with these other jurisdictions.

Item 4 – Before section 6

This item inserts a new heading, ‘Part 2—Time in Norfolk Island’, before section 6 of the Principal Ordinance. This amendment is consequential to the other amendments made to the Principal Ordinance by the proposed Ordinance.

Item 5 – Section 7

This item repeals section 7 of the Principal Ordinance and inserts new sections 7, 8 and 9.

New section 7 of the Principal Ordinance prescribes ‘daylight saving time’ for the purposes of the Principal Ordinance being, during a daylight saving period, 1 hour in advance of standard time. Standard time in Norfolk Island is 11 hours in advance of Co-ordinated Universal Time (UTC).

New section 8 deals with references to time in legal instruments or where such references have an effect in law. This provision is based on equivalent provisions found in the laws of other Australian jurisdictions which regulate standard time and daylight saving.

New section 9 is contained in new Part 3 of the Principal Ordinance, ‘Application, savings and transitional provisions’. New section 9 of the Principal Ordinance is an application provision, which provides that the amendments made by the Proposed Ordinance apply in relation to the daylight saving period that starts on 6 October 2019 and later daylight saving periods. The effect of this provision is that the first daylight saving period commences in Norfolk Island in October 2019 (finishing in the following April) and on an annual basis thereafter.