



Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 08 August 2019

David Hurley
Governor-General

By His Excellency's Command

Nola Marino
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Main amendments		2
	<i>Norfolk Island Applied Laws Ordinance 2016</i>	2
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	2
Part 2—Consequential amendments		4
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	4
Part 3—Other amendments		33
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	33
Part 4—Transitional, saving and application provisions		34
	<i>Norfolk Island Continued Laws Ordinance 2015</i>	34

1 Name

This Ordinance is the *Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019*.

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.	13 August 2019

Note: This table relates only to the provisions of this Ordinance as originally made.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Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.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

Part 1—Main amendments

Norfolk Island Applied Laws Ordinance 2016

1 After item 33 of Schedule 4

Insert:

33A Subsection 501(1)

Omit:

- sewerage services

2 Items 44B and 45 of Schedule 4

Repeal the items, substitute:

44B Subsection 610(1)

After “Act” (first occurring), insert “, or under any other law in force in the Territory of Norfolk Island”.

44C Paragraphs 610(1)(a) and (b)

After “Act”, insert “or law”.

44D Subsection 610(2)

After “Act” (first occurring), insert “, or under any other law in force in the Territory of Norfolk Island”.

44E At the end of section 610

Add:

- (3) The Norfolk Island Regional Council must not charge an approved fee on a person for a service in respect of any part of a period if:
 - (a) the amount of a fee for the service has been determined under any other law in force in the Territory of Norfolk Island, and has been charged on the person for the service in respect of the period; and
 - (b) that law is amended with the effect that from a day in that period the Norfolk Island Regional Council may charge approved fees for that service.

Norfolk Island Continued Laws Ordinance 2015

3 Item 159 of Schedule 1

Repeal the item, substitute:

159 Subsection 12(2) (definition of *appoint*)

Repeal the definition.

159AA Subsection 12(2)

Insert:

approved fee has the same meaning as in the *Local Government Act 1993* (NSW) (NI).

159AB Subsection 12(2) (definition of *calendar year*)

Repeal the definition.

4 Item 167 of Schedule 1 (section 12BA)

Repeal the section.

Part 2—Consequential amendments

Norfolk Island Continued Laws Ordinance 2015

5 Item 2BA of Schedule 1

Repeal the item, substitute:

2BA Section 2 (definition of *charge*)

Repeal the definition.

2BB Section 2 (definition of *outstanding amount*)

Repeal the definition, substitute:

outstanding amount, in relation to an aircraft, means all approved fees in respect of the aircraft that have become due for payment but have not been paid.

2BC Sections 3, 3A and 3B

Repeal the sections, substitute:

3 Approved fees for landing, take-off and movement of aircraft

- (1) The approved fees are payable for or in relation to the landing, take-off and movement of aircraft on or from the airport.
- (2) The Chief Executive Officer may enter into an arrangement with an aircraft operator for the deposit of an amount, in the form of a cash sum, a bank guarantee or other security, with the Norfolk Island Regional Council to be held by the Council as security for the payment of approved fees for or in relation to the landing, take-off or movement of aircraft on or from the airport.
- (3) The Chief Executive Officer may refuse to allow an aircraft to land at the airport if the aircraft operator has not entered into such an arrangement.

2BD Subsection 3C(1)

Omit “a charge”, substitute “an approved fee”.

6 Item 2C of Schedule 1 (heading)

Omit “3B,”.

7 After item 2D of Schedule 1

Insert:

2E Paragraph 3G(2)(d)

Repeal the paragraph.

2F Schedule 2

Repeal the Schedule.

8 Items 2F to 2R of Schedule 1

Repeal the items, substitute:

2G Part 1 (heading)

Repeal the heading, substitute:

Part 1—Preliminary

2H Regulations 3 to 4

Repeal the regulations.

2J Before regulation 4A

Insert:

Part 1A—Seizure of aircraft

2K Regulation 4A

Omit all the words before paragraph (b), substitute:

For the purposes of paragraph 3G(2)(da) of the Act, reasonable steps for the purpose of giving notice under subsection 3C(2) of the Act about the seizure of an aircraft are taken to have been made if an authorised officer:

- (a) gives notice of the seizure to the holder of the AOC (within the meaning of the *Civil Aviation Act 1988* of the Commonwealth) that authorises the operation of the aircraft at the last address notified to CASA in respect of that person; and

2L Paragraph 4A(b)

Omit “the *Civil Aviation Regulations 1988*”, substitute “regulations made for the purposes of paragraph 98(3)(a) of the *Civil Aviation Act 1988*”.

2M Subparagraph 4A(d)(i)

Omit “the *Civil Aviation Regulations 1988*”, substitute “regulations made for the purposes of paragraph 98(3)(a) of the *Civil Aviation Act 1988*”.

2N Schedule

Repeal the Schedule.

9 After item 2S of Schedule 1

Insert:

2SA Paragraph 7(2)(c)

Omit “prescribed fee”, substitute “approved fee”.

10 After item 2T of Schedule 1

Insert:

2U Subsection 13(1)

Omit “(1)”.

2V Subsection 13(2)

Repeal the subsection.

11 After item 21B of Schedule 1

Insert:

21BA Paragraph 4(1)(a)

Omit “prescribed steps”, substitute “steps approved by the Chief Executive Officer”.

21BB Paragraph 4(1)(b)

Omit “prescribed manner”, substitute “manner approved by the Chief Executive Officer”.

21BC Subsection 12(5)

Omit “made to the Minister in accordance with the prescribed form”, substitute “given to the Chief Executive Officer in accordance with a form approved by the Chief Executive Officer”.

21BD Section 17

Repeal the section.

12 Item 21C of Schedule 1 (table item 5, column headed “Provision”)

Omit “12(5) and (6)”, substitute “12(6)”.

13 After item 21E of Schedule 1

Insert:

21F After section 52

Insert:

52A Services for which approved fees may be charged

Approved fees may be charged for the making, giving, publishing, issuing, filing or inspecting of any application, notice, declaration, certificate or other document under this Act or the regulations under this Act.

21G Paragraph 53(g)

Repeal the paragraph.

Associations Incorporation Regulations 2005 (Norfolk Island)

21H Subregulations 10(1) and (2)

Omit “fee specified in Schedule 3”, substitute “approved fee”.

21J Regulation 11

Repeal the regulation.

21K Schedule 3

Repeal the Schedule.

Auctioneers Act 1926 (Norfolk Island)

21L Sections 12 and 13

Omit “prescribed fee”, substitute “approved fee”.

21M Section 17

Repeal the section, substitute:

17 Approved fee for general licence

The approved fee is payable for the issue of a general licence.

21N Subsection 18(1)

Omit “fee mentioned in subsection 18(4)”, substitute “approved fee”.

21P Subsection 18(4)

Repeal the subsection.

14 Before item 24AFA of Schedule 1

Insert:

24FAA Subsection 5(2)

Omit “a fee of .50 fee unit”, substitute “the approved fee”.

24FAB Subsection 6(1)

Omit “fee prescribed”, substitute “approved fee”.

24FAC Subsection 7(1)

After “prescribed form”, insert “, accompanied by the approved fee,”.

24FAD Paragraph 8(1)(c)

After “application”, insert “, accompanied by the approved fee,”.

15 After item 24AFA of Schedule 1

Insert:

24AFB Paragraph 19(b)

Repeal the paragraph.

Brands and Marks Regulations (Norfolk Island)

24AFC Regulation 8

Repeal the regulation.

16 After item 24A of Schedule 1

Insert:

24AAA Subsection 5(1) (definition of *prescribed fee*)

Repeal the definition.

24AAB Paragraph 10(2)(c)

Omit “prescribed fee”, substitute “approved fee”.

24AAC Subsection 10(5)

Repeal the subsection.

24AAD Subsection 14(2)

Omit “prescribed fee”, substitute “approved fee”.

24AAE Paragraph 24(2)(b)

Omit “prescribed fee”, substitute “approved fee”.

24AAF Subsection 25(2)

Omit “prescribed fee”, substitute “approved fee”.

17 Item 24AAA of Schedule 1

Re-number as item 24AAG.

18 After item 24B of Schedule 1

Insert:

24C Subsection 64(2)

Omit “prescribed fee”, substitute “approved fee”.

Building Regulations 2004 (Norfolk Island)

24D Regulations 17 and 18

Repeal the regulations.

19 After item 70B of Schedule 1

Insert:

70BA Subsections 5(2) and 5C(2)

Omit “prescribed fee”, substitute “approved fee”.

70BB Subsection 11(2)

Omit “a fee of .50 fee units”, substitute “the approved fee”.

20 Before item 71 of Schedule 1

Insert:

70D Regulation 2

Repeal the regulation.

21 Before item 72A of Schedule 1

Insert:

72AA Subsections 9(2) and 10(3)

Omit “prescribed fee”, substitute “approved fee”.

72AB Subsection 22(2)

Omit all the words from and including “prescribe” to and including “penalties”, substitute “prescribe penalties”.

22 After item 72A of Schedule 1

Insert:

Electricity (Licensing and Registration) Regulations 1986 (Norfolk Island)

72AAA Regulation 4

Repeal the regulation.

72AAB Subregulation 5(2)

Omit “prescribed fee”, substitute “approved fee”.

72AAC Schedule 2

Repeal the Schedule.

23 Before item 72B of Schedule 1

Insert:

72AAD Paragraph 11(3)(b)

Omit “prescribed fee”, substitute “approved fee”.

72AAE Subsection 11(3A)

Omit “for electricity charges”, substitute “in respect of an approved fee for the supply of electricity”.

72AAF Subsection 14(1)

Omit “prescribed rental fee”, substitute “approved fee”.

72AAG Section 21

Repeal the section, substitute:

21 Approved fee for supply of electricity

- (1) The approved fees are payable in relation to the supply of electricity.
- (2) As soon as practicable after the day (the *new fee day*) a person becomes liable to pay a new approved fee in an amount different from the previous approved fee, a special reading of the person’s meter must be carried out to work out how much electricity was supplied to the person during the period between the day the meter was last read and the new fee day (unless the meter was required to be read for another provision of this Act).

72AAH Section 23 (heading)

Repeal the heading, substitute:

23 Liability for approved fee

72AAI Subsection 23(5)

Omit “charges”, substitute “approved fees”.

72AAJ Subsection 28(2)

After “may prescribe”, insert “the following”.

72AAK Paragraph 28(2)(d)

Omit “charges”, substitute “approved fee”.

72AAL Paragraph 28(2)(e)

Omit “a minimum charge”, substitute “an approved fee”.

72AAM Paragraph 28(2)(k)

Omit “charges”, substitute “approved fees”.

72AAN Paragraph 28(2)(m)

Repeal the paragraph.

24 Before item 72C of Schedule 1

Insert:

72BA Paragraph 33(1)(a)

Omit “minimum charge”, substitute “approved fee for the charging period”.

72BB Paragraph 33(1)(b)

Repeal the paragraph, substitute:

- (b) the approved fee per unit of electricity measured by the meter referred to in section 14 of the Act;

72BC Subregulation 34(1)

Omit “prescribed fee”, substitute “approved fee”.

72BD Subparagraph 34A(1)(b)(ii)

Omit “prescribed fees”, substitute “approved fees”.

72BE Subregulation 34A(3)

Omit “charges”, substitute “approved fees”.

72BF Subregulation 34A(5)

Repeal the subregulation, substitute:

- (5) The approved fee for reading the meter recording the supply of power into the supply mains is payable by the consumer, and may not be offset against any amount payable to the consumer by the Administration.

72BG Regulation 35

Repeal the regulation.

72BH Schedule 1

Repeal the Schedule.

25 After item 76K of Schedule 1

Insert:

76KA Paragraph 108(2)(c)

Repeal the paragraph.

26 After item 82 of Schedule 1

Insert:

82AA Subsection 24(3)

Omit “fee, if any, prescribed”, substitute “approved fee (if any)”.

27 After item 88 of Schedule 1

Insert:

88A Subsection 33(3)

Omit “fee, if any, prescribed for development applications of that kind”, substitute “approved fee (if any) for applications of that kind”.

88B Subsection 98(3)

Omit “prescribed fee”, substitute “approved fee”.

88C Subsection 104(3)

Repeal the subsection.

88D Subsection 110(3)

Repeal the subsection.

28 Item 88A of Schedule 1

Re-number as item 88E.

29 Before item 97AANA of Schedule 1

Insert:

97AANA Section 5

Omit “A fee of 2 units”, substitute “The approved fee”.

97AANB Section 7

Omit “a fee of 0.50 fee unit”, substitute “the approved fee”.

30 Item 97AANA of Schedule 1

Re-number as item 97AANC.

31 After item 107 of Schedule 1

Insert:

107A Paragraph 25(1)(l)

Omit “birds; and”, substitute “birds.”.

107B Paragraph 25(1)(m)

Repeal the paragraph.

107C At the end of section 25

Add:

- (5) Approved fees are payable in respect of services provided under the Regulations, including services in relation to applications for approvals and registrations.

32 After item 108 of Schedule 1

Insert:

Health (Hairdressers) Regulations (Norfolk Island)

108A Paragraph 6(1)(d)

Omit “a fee of \$1”, substitute “the approved fee”.

33 After item 190G of Schedule 1

Insert:

Land Administration Fees Act 1996 (Norfolk Island)

190H Subsection 3(1) (definition of *approved form*)

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

190J Subsection 4(7)

Repeal the subsection.

190K Section 5

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

190L Section 6B

Repeal the section, substitute:

6B Registration fee

The approved fees are payable in respect of the registration of instruments under this Act, other than instruments referred to in the following provisions:

- (a) subsection 4(1);
- (b) paragraphs 6(a) to (e).

Note: Approved fees are determined by the Norfolk Island Regional Council under Part 10 of Chapter 15 of the *Local Government Act 1993 (NSW) (NI)*.

190M Subsection 7(1)

Repeal the subsection, substitute:

(1) A person may apply to the Chief Executive Officer for exemption from the fee payable under section 4.

190N Subsection 7(3)

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

190P Subsections 7(3A) and (4)

Repeal the subsections.

190Q Section 8A

Repeal the section.

190R Subsection 9(2)

Omit “the *Planning Act 1996* and”.

Land Administration Fees Regulations 1997 (Norfolk Island)

190RA Regulation 2 (definitions of *Land Titles Act* and *Register*)

Repeal the definitions.

190RB Regulations 3, 4 and 5

Repeal the regulations.

34 Before item 190S of Schedule 1

Insert:

190RC Subsection 3(1) (definition of *approved form*)

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

35 After item 190U of Schedule 1

Insert:

190V Section 30

Omit “fee prescribed under the *Land Administration Fees Act 1996*”, substitute “approved fee”.

190W At the end of section 49

Add “The Registrar may only register the subdivision proposal on payment of the approved fee (if any) for the registration.”.

36 After item 191 of Schedule 1

Insert:

191A Paragraph 133(2)(g)

Omit “fee prescribed under the *Land Administration Fees Act 1996*”, substitute “approved fee”.

191B Section 148

Omit “fee prescribed under the *Land Administration Fees Act 1996*”, substitute “approved fee”.

37 Before item 199A of Schedule 1

Insert:

199AA Section 5

Repeal the section, substitute:

5 Approved fees for Lighterage Services

Approved fees are payable in relation to the operations of the Lighterage Service.

38 Item 199B of Schedule 1 (table item 1, column headed “Provision”)

Omit “and 5(1) and (2)”.

39 Item 200AA of Schedule 1

Re-number as item 199C.

40 Before item 200AB of Schedule 1

Insert:

199D Subsection 4(1) (definition of *approved form*)

Repeal the definition, substitute:

approved form means a form approved by the Registrar.

41 After item 200L of Schedule 1

Insert:

200LA Paragraph 17(2)(a)

Omit “prescribed fee”, substitute “approved fee”.

42 After item 201A of Schedule 1

Insert:

201AA Subsection 26(3)

Omit “prescribed fee”, substitute “approved fee”.

43 After item 201E of Schedule 1

Insert:

201EA Subsection 28(2)

Omit “prescribed fee”, substitute “approved fee”.

201EB Paragraph 29(3)(a)

Omit “prescribed fee”, substitute “approved fee”.

44 After item 201J of Schedule 1

Insert:

201JA Subsection 31(2)

Omit “prescribed fee”, substitute “approved fee”.

45 After item 201Q of Schedule 1

Insert:

201QA Paragraph 38(2)(b)

Repeal the paragraph, substitute:

- (b) for an application that is not made by a member of the Police Force—
accompanied by the approved fee.

46 After item 202AE of Schedule 1

Insert:

202AEA Paragraph 55(2)(b)

Omit “prescribed fee”, substitute “approved fee”.

47 After item 202AJ of Schedule 1

Insert:

202AJA Subsection 60(5)

Omit “prescribed fee”, substitute “approved fee”.

202AJB Subsection 63(2)

Omit “(including different fees for different class of permit)”.

48 Item 202AL of Schedule 1

Repeal the item, substitute:

202AL Subsection 64(3)

Omit “of the chief inspector and the prescribed fee”, substitute “mentioned in subsection (2) and the approved fee”.

49 After item 202D of Schedule 1

Insert:

202DAA Subsection 99(5)

Omit “fees for the purposes of this Act, and”.

50 Before item 202DB of Schedule 1

Insert:

202DAAA Regulation 2

Omit “and a reference to forms is a reference to a form in the Schedule”.

202DAB Part 2

Repeal the Part.

202DAC Regulation 14

Omit “form of form 3”, substitute “approved form”.

51 After item 202DD of Schedule 1

Insert:

202DDA Regulation 22

Repeal the regulation.

52 Items 202DE and 202DF of Schedule 1

Repeal the items, substitute:

202DE Schedule

Repeal the Schedule.

53 After item 202DG of Schedule 1

Insert:

Lotteries and Fundraising Act 1987 (Norfolk Island)

202DH Paragraphs 6(3)(c) and 17(2)(b)

Omit “prescribed fee”, substitute “approved fee”.

202DJ Paragraph 32(2)(b)

Repeal the paragraph.

Lotteries and Fundraising Regulations 1987 (Norfolk Island)

202DK Subregulation 4(1)

Omit “(1)”.

202DL Subregulation 4(2)

Repeal the subregulation.

202DM Subregulation 6(1)

Omit “(1)”.

202DN Subregulation 6(2)

Repeal the subregulation.

54 After item 202EA of Schedule 1

Insert:

202EAA Section 30

Repeal the section, substitute:

30 Approved fees for certificates

Applications for certificates must be accompanied by the approved fees.

202EAB Section 32

Repeal the section.

55 After item 205 of Schedule 1

Insert:

205AA Subsection 5(2)

Repeal the subsection, substitute:

- (2) The Registrar must register the person as a registered mediator if:
 - (a) the Registrar is satisfied that the person has been registered by an approved agency; and
 - (b) the application is accompanied by the approved fee.

205AB Subsection 7(2)

Omit “fee”, substitute “approved fee”.

Mediation Regulations 2005 (Norfolk Island)

205AC Regulation 8

Repeal the regulation.

205AD Schedule 2

Repeal the Schedule.

56 After item 206AV of Schedule 1

Insert:

Mercantile Law Act 1959 (Norfolk Island)

206AVA Subsection 7(2)

Repeal the subsection, substitute:

- (2) The approved fee is payable for the registration of a bill of sale.

206AVB Subsection 9(5)

Repeal the subsection, substitute:

- (2) The approved fee is payable for the renewal of the registration of a bill of sale.

206AVC Subsection 10(1)

Omit “a fee of two fee units”, substitute “the approved fee”.

206AVD Subsection 14(3)

Repeal the subsection, substitute:

- (3) The approved fee is payable for the registration of the grant of a lien on the crop.

206AVE Subsection 23(1)

Omit “a fee of .50 fee unit”, substitute “the approved fee”.

206AVF Subsection 23(2)

Omit “a fee at the rate of .20 fee unit”, substitute “the approved fee”.

57 After item 206AW of Schedule 1

Insert:

206AWA Section 23

Omit “A fee of 2 fee units”, substitute “The approved fee”.

58 Before item 210A of Schedule 1

Insert:

210AAA Section 5

Before “An”, insert “(1)”.

210AAB At the end of section 5

Add:

- (2) An application for a right of pasturage must be accompanied by the approved fee (if any).

210AAC Subsection 7(4)

Omit “Minister the prescribed fee for the issue of a tag and the Minister”, substitute “Chief Executive Officer the approved fee for the issue of a tag and the Chief Executive Officer”.

59 After item 210A of Schedule 1

Insert:

210AA Section 13

After “and in particular for”, insert “the following”.

210AB Paragraph 13(e)

Repeal the paragraph.

60 Item 210B of Schedule 1 (table item 1, column headed “Provision”)

Omit “Section 5”, substitute “Subsection 5(1)”.

61 Item 210B of Schedule 1 (table item 2, column headed “Provision”)

Omit “7(1), (2) and (4)”, substitute “7(1) and (2)”.

62 Before item 201C of Schedule 1

Insert:

210BA Regulation 3

Repeal the regulation.

63 After item 214A of Schedule 1

Insert:

214AA Section 6 (definition of *prescribed fee*)

Repeal the definition.

64 After item 214C of Schedule 1

Insert:

214D Subsection 9(2)

Omit “prescribed fee”, substitute “approved fee”.

65 Item 221A of Schedule 1 (paragraph 28B(2)(b))

Omit “prescribed fee”, substitute “approved fee”.

66 Item 221A of Schedule 1 (at the end of section 28B)

Add:

- (3) The approved fee less 10% must be refunded if:
 - (a) the application is withdrawn; and
 - (b) at the time the application is withdrawn, the assessment of the application has not yet commenced.
- (4) The approved fee less 50% must be refunded if:
 - (a) the application is withdrawn; and
 - (b) at the time the application is withdrawn, the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer.

67 After item 221B of Schedule 1

Insert:

221BA Paragraph 34(2)(d)

Omit “prescribed fee”, substitute “approved fee”.

221BC At the end of section 34

Add:

- (5) The approved fee less 10% must be refunded if:
 - (a) the application is withdrawn; and
 - (b) at the time the application is withdrawn, the assessment of the application has not yet commenced.
- (6) The approved fee less 50% must be refunded if:
 - (a) the application is withdrawn; and
 - (b) at the time the application is withdrawn, the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer.

68 After item 221D of Schedule 1

Insert:

221DA Subsection 39(2)

Omit “prescribed fee”, substitute “approved fee”.

69 After item 221P of Schedule 1

Insert:

221PA Paragraph 53(3)(c)

Omit “prescribed fee”, substitute “approved fee”.

221PB At the end of section 53

Add:

- (6) The approved fee less 10% must be refunded if:
 - (a) the application is withdrawn; and
 - (b) at the time the application is withdrawn, the assessment of the application has not yet commenced.
- (7) The approved fee less 50% must be refunded if:
 - (a) the application is withdrawn; and
 - (b) at the time the application is withdrawn, the assessment of the application has commenced but no recommendation has been made by the Chief Executive Officer.

221PC Subsection 55(2)

Omit “prescribed fee”, substitute “approved fee”.

70 After item 230 of Schedule 1

Insert:

230AA Subsections 97(2) and 98(2)

Omit “prescribed fee”, substitute “approved fee”.

230AB After section 99

Insert:

99A Approved fees not payable by Commonwealth etc.

Despite anything in this Act, approved fees are not payable by the Commonwealth, an authority of the Commonwealth, the Norfolk Island Regional Council or a territory instrumentality.

71 Items 232AA and 232AB of Schedule 1

Repeal the items, substitute:

232AA Part 9

Repeal the Part.

72 Item 232AD of Schedule 1

Repeal the item, substitute:

232AD Schedule 3

Repeal the Schedule.

73 After item 232AF of Schedule 1

Insert:

232AG Subsection 20(1)

Omit “The regulations may prescribe the fees”, substitute “The approved fees are”.

232AH Subsection 20(3)

Repeal the subsection.

74 After item 232B of Schedule 1

Insert:

232BAA Subsections 6(1) and (5)

Omit “prescribed fee”, substitute “approved fee”.

75 Before item 232BA of Schedule 1

Insert:

232BAB Section 9

Repeal the section, substitute:

9 Approved fees for impounded stock

Approved fees are payable to the poundkeeper for stock impounded under the provisions of this Act.

232BAC Section 10

Omit “any fees or charges”, substitute “any approved fee or other charge”.

232BAD Section 11

Omit “such amount as would be payable in accordance with or in pursuance of the provisions of this Act as poundage fees”, substitute “the approved fees payable”.

232BAE Section 15

Omit “poundage fees”, substitute “approved fees”.

232BAF Section 22 (heading)

Omit “**poundage fees**”, substitute “**approved fees**”.

232BAG Section 22

Omit “poundage fees”, substitute “approved fees”.

232BAH Section 26

After “and in particular for prescribing”, insert “the following”.

232BAJ Paragraph 26(c)

Repeal the paragraph.

76 After item 232BA of Schedule 1

Insert:

Pounds Regulations (Norfolk Island)

232BAAA Regulation 4

Repeal the regulation.

77 After item 275C of Schedule 1

Insert:

275D Paragraph 25(1)(b)

Omit “the fee (if any) prescribed by the Regulations”, substitute “the approved fee (if any)”.

275E Section 36C

Repeal the section, substitute:

36C Burial fees

The approved fee is payable for burial and grave digging.

78 After item 276 of Schedule 1

Insert:

276A Subsection 54A(1)

Omit “(1)”.

276B Paragraph 54A(b)

Repeal the paragraph.

79 After item 277 of Schedule 1

Insert:

Registration of Births, Deaths and Marriages Act 1963 (Norfolk Island)

278 Subsection 22(1)

Omit “a fee prescribed by regulation”, substitute “the approved fee”.

279 Paragraph 23B(4)(e)

Omit “such fee as may be prescribed”, substitute “the approved fee (if any)”.

280 Subsection 51(3)

Omit “prescribed fee”, substitute “approved fee”.

281 Subsection 52(2)

Omit “a fee prescribed by regulation”, substitute “the approved fee”.

282 Subsection 52(3)

Omit “prescribed fee”, substitute “approved fee”.

283 Subsection 52(4)

Repeal the subsection.

284 Subsection 57(4)

Omit “a fee as prescribed by the regulation”, substitute “the approved fee (if any)”.

285 Subsection 57(7)

Omit “a fee prescribed by regulation”, substitute “the approved fee”.

80 After item 294D of Schedule 1

Insert:

294DA Paragraph 4(c)

Omit “appropriate fee”, substitute “approved fee”.

81 Item 294E of Schedule 1

Repeal the item, substitute:

294E Subsections 5(1) and (2)

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

294EA Subsections 5(4) and (5)

Repeal the subsections, substitute:

- (4) The approved fees are payable in relation to the grant and renewal of licences under this Act.

294EB Subsection 8(1)

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

82 After item 295A of Schedule 1

Insert:

295B Paragraph 7(1)(b)

Omit “prescribed fee”, substitute “approved fee”.

83 After item 297 of Schedule 1

Insert:

297AAAA Paragraph 25(2)(d)

Repeal the paragraph.

Sale of Tobacco Regulations 2004 (Norfolk Island)

297AAAB Regulation 3

Repeal the regulation.

84 After item 299 of Schedule 1

Insert:

299A Section 5

Omit “a fee of 13 fee units”, substitute “the approved fee”.

85 After item 300 of Schedule 1

Insert:

300A Subsection 10A(3)

Repeal the subsection, substitute:

- (3) The approved fee is payable for the examination of stock under subsection 10A(1).

86 After item 336D of Schedule 1

Insert:

Surveys Act 1937 (Norfolk Island)

336E Subsection 4(3)

Omit “A fee of 7 fee units is”, substitute “The approved fee is”.

87 After item 337AA of Schedule 1

Insert:

337AB Paragraph 2(c)

Repeal the paragraph.

88 Items 337 and 338 of Schedule 1

Repeal the items, substitute:

337 Section 3

Omit:

disallowable instrument

employee

89 Items 338AB and 338A of Schedule 1

Repeal the items, substitute:

338A Section 3

Omit:

Principal Police Officer
public payphone
telecommunications tariff notice

90 Items 338E to 339AC of Schedule 1

Repeal the items, substitute:

338E Section 28

Repeal the section, substitute:

28 Approved fees for telecommunications services

The approved fees are payable for telecommunications services provided in accordance with this Act, including for basic carriage services.

339 Sections 30 and 32

Repeal the sections.

339AA Subsection 33(2)

Omit “the charges payable under paragraph 32(a)”, substitute “any approved fees payable by the consumers”.

339AB Paragraph 34(a)

Omit “the charge paid or payable, under section 32,”, substitute “the amount of the approved fee paid or payable”.

91 After item 339A of Schedule 1

Insert:

339AAA Paragraph 43(a)

Omit “rental, fee or charge properly”, substitute “approved fee”.

339AAB Paragraph 43(b)

Omit “proper rental, fee or charge”, substitute “approved fee for the service”.

92 After item 339DB of Schedule 1

Insert:

339DBA Paragraph 49(3)(c)

Omit “charges payable under this Act”, substitute “approved fees”.

93 After item 339E of Schedule 1

Insert:

339EA Section 59

Repeal the section.

94 After item 340C of Schedule 1

Insert:

340D Item 2 of Schedule 1 (definition of *telecommunications tariff notice*)

Repeal the definition.

95 After item 341B of Schedule 1

Insert:

341BA Subsection 7(3)

Omit “a prescribed fee”, substitute “the approved fee”.

341BB Paragraphs 8(1)(c) and 12(3)(b)

Omit “prescribed fee”, substitute “approved fee”.

341BC Paragraph 13(1)(b)

Omit “registration fee paid in respect of the”, substitute “approved fee paid in respect of the registration of the”.

341BD Paragraph 13(1)(c)

Omit “fee”, substitute “approved fee”.

341BE Subsection 13(2)

Omit “prescribed administration fees”, substitute “approved fees for cancelling the registration”.

341BF Section 14A

Repeal the section.

341BG Paragraphs 14C(2)(c) and (d)

Repeal the paragraphs, substitute:

- (c) pay the approved fee (if any) for being appointed as an inspector; and
- (d) collect the approved fees (if any) for the issue of certificates of inspection under paragraph 8(1)(a).

341BH Paragraph 14D(1)(b)

Omit “prescribed fee”, substitute “approved fee”.

341BI Subsection 14D(4)

Omit “prescribed administration fee”, substitute “approved fee”.

341BJ Paragraph 14D(5)(b)

Omit “prescribed fee”, substitute “approved fee”.

341BK Subsection 14D(7)

Omit “prescribed registration fee in respect of the vehicle”, substitute “approved fee in respect of the registration of the vehicle”.

341BL Subsection 14D(12)

Omit “prescribed fee”, substitute “approved fee”.

341BM Subsection 14F(1)

Omit “prescribed fee”, substitute “approved fee”.

341BN Paragraphs 16(1)(b), 16A(1)(b) and 17(1)(b)

Omit “prescribed fee”, substitute “approved fee”.

341BO Subsection 17A(3)

Omit “a prescribed fee”, substitute “the approved fee”.

96 Item 341BA of Schedule 1

Renumber as item 341BP.

97 After item 341C of Schedule 1

Insert:

341CA Subsection 32(10)

Repeal the subsection.

98 After item 341DA of Schedule 1

Insert:

341DAA Paragraph 47K(1)(c)

Omit “fee payable on”, substitute “approved fee for”.

341DAB Subsection 47L(1)

Omit “prescribed fee”, substitute “approved fee”.

341DAC Subsection 56(1)

Omit all of the words after “particular”, substitute “may prescribe fines not exceeding 6 penalty units in respect of a first offence or 12 penalty units in respect of a second or subsequent offence for offences against the regulations”.

341DAD Paragraph 56(5)(f)

Omit “on payment of such fees as may be prescribed”.

341DAE Paragraph 56(7)(e)

Omit “on payment of such fee as may be prescribed”.

341DAF Paragraph 56(9)(f)

Omit “32;”, substitute “32.”.

341DAG Paragraph 56(9)(g)

Repeal the paragraph.

99 Item 341DB of Schedule 1 (table item 1, column headed “Provision”)

Omit “14A(1),”.

100 Before item 341E of Schedule 1

Insert:

341DC Subregulation 8AB(2)

After “he or she may”, insert “, on payment of the approved fee,”.

341DD Subregulation 8AB(5)

Repeal the subregulation.

341DE Subregulation 8B(6)

Omit all of the words after “Registrar”, substitute “the approved fee for the issue of the authority or duplicate”.

341DF Subregulation 8B(7)

Repeal the subregulation.

341DG Subregulation 8B(11)

Omit “a fee under this Regulation 8B”, substitute “an approved fee”.

341DH Subregulation 8C(8)

Omit “applicable prescribed fee for the issue of the authority”, substitute “the approved fee for the issue of the authority or duplicate”.

341DI Subregulation 8C(9)

Repeal the subregulation.

341DJ Subregulation 8D(4)

Omit “a fee of 1 fee unit”, substitute “the approved fee”.

341DK Subregulation 8E

Omit “a fee of 0.5 fee units”, substitute “the approved fee”.

341DL Regulations 8H and 9D

Repeal the regulations.

101 After item 341U of Schedule 1

Insert:

341V Paragraphs 6(2)(b) and 10(2)(c)

Omit “prescribed fee”, substitute “approved fee”.

102 After item 343 of Schedule 1

Insert:

343AAA Paragraph 16(3)(b)

Omit “prescribed fee”, substitute “approved fee”.

343AAB Section 23

Omit “prescribed fee”, substitute “approved fee”.

103 After item 343A of Schedule 1

Insert:

343AB Subsection 30A(2)

Omit “prescribed fee”, substitute “approved fee”.

104 After item 343B of Schedule 1

Insert:

Trees Regulations 1999 (Norfolk Island)

343BA Regulations 5, 7 and 9

Repeal the regulations.

105 Before item 343C of Schedule 1

Insert:

343BB Section 3 (definition of *waste disposal fee*)

Repeal the definition.

343BC Paragraph 6(2)(d)

Omit “prescribed fees”, substitute “approved fees”.

106 After item 343C of Schedule 1

Insert:

343CA Section 10

Repeal the section, substitute:

10 Approved fees for waste disposal services

The approved fees are payable for the following services provided under this Act:

- (a) the disposal of waste;
- (b) entry to designated places for the purposes of disposing of waste.

343CB Section 11 (heading)

Omit “Fees etc.”, substitute “Levies—“.

343CC Section 11

Omit “fee or charge”, substitute “levy”.

343CD Paragraph 19(2)(a)

Omit “or fees”.

343CE Paragraph 19(2)(a)

Omit “or a surcharge on another fee”.

343CF Paragraphs 19(2)(b) and (c)

Repeal the paragraphs.

107 At the end of Part 1 of Schedule 1

Add:

343LA Regulation 5

Repeal the regulation.

343LB Schedule 1

Repeal the Schedule.

Water Assurance Charges Act 1991 (Norfolk Island)

343LC Title

Omit “to impose charges”, substitute “to assess approved fees”.

343LD Section 1

Omit “Charges”.

343LE Subsection 2(1) (definition of *assessment*)

Omit “annual charge”, substitute “approved fee”.

343LF Subsection 2(1) (definition of *scheduled purpose*)

Omit “column 2 of”.

343LG After section 2

Insert:

2A Approved fees

The approved fees are payable for services provided in accordance with this Act, including services provided in relation to the connection of premises.

Note: See the definition of “connection” in subsection 2(1).

343LH Section 3 (heading)

Omit “charges”, substitute “approved fees”.

343LI Subsections 3(1) and (2)

Omit “annual charge”, substitute “approved fee”.

343LJ Subsection 4(2)

Omit “annual charge payable in relation to the premises, which is not to exceed an amount calculated in accordance with the Schedule”, substitute “approved fee payable in relation to the premises”.

343LK Subsections 5(1) and (2)

Repeal the subsections, substitute:

- (1) The approved fee is payable for the connection of a house.
- (2) If a house is also substantially used for one or more scheduled purposes, an assessment may be made under section 4 in relation to that purpose or those purposes.

343LL Paragraph 6(2)(c)

Omit “annual charge”, substitute “approved fee”.

343LM Section 7

Repeal the section, substitute:

7 Recovery of approved fee

- (1) A notice of assessment of an approved fee for premises must specify that the fee is payable as instalments:
 - (a) over 12 equal monthly instalment periods; or
 - (b) over 2 equal six-monthly instalment periods.
- (2) Each instalment is due before the end of the last day of the applicable instalment period.
- (3) The approved fee is payable by the person who is the owner of the premises at the time the fee becomes payable, even if the approved fee was incurred in respect of a period during which the person was not the owner of the premises.

343LN Sections 7A and 11

Repeal the sections.

343LO Schedule

Repeal the Schedule, substitute:

Schedule—Scheduled purposes

Note: See the definition of *scheduled purpose* in subsection 2(1).

1 Schedule purposes

Each of the following are scheduled purposes:

- (a) using premises as a restaurant in which liquor is sold;
- (b) using premises as a restaurant in which liquor is not sold;
- (c) using premises as a bar room (other than a bar room forming part of a restaurant);
- (d) using premises as a food shop;
- (e) using premises as a specialty shop;
- (f) using premises as a shop other than a food shop or specialty shop;
- (g) using premises as a garage or service station;
- (h) using premises as a tourist accommodation house—hotel;
- (i) using premises as a tourist accommodation house—staff accommodation;
- (j) using premises as a commercial laundry.

108 In the appropriate position in item 1 of Schedule 2

Insert:

Fees Act 1976

109 In the appropriate position in item 2 of Schedule 2

Insert:

Animals (Importation) Regulations 1985

Apiaries Regulations 1976

Plant and Fruit Diseases Regulations

Poisons and Dangerous Substances Regulations

Traffic (Fees) Regulations

Part 3—Other amendments

Norfolk Island Continued Laws Ordinance 2015

110 After item 97R of Schedule 1

Insert:

97S Subsection 16(3) (penalty)

Repeal the penalty, substitute:

Penalty: 50 penalty units.

111 Items 212 to 213A of Schedule 1

Repeal the items, substitute:

212 Section 6 (definitions of *approved plan*, *approved scheme*, *authorised officer* and *Board*)

Repeal the definitions, substitute:

approved plan means a draft plan that the Minister has approved under section 12 (including any alteration so approved).

approved scheme means a draft development contribution scheme that the Minister has approved under section 67 (including any alteration so approved).

authorised officer means a person appointed under section 94 to be an authorised officer.

Board means the Norfolk Island Regional Council.

213 Section 6 (definition of *Chief Executive Officer*)

Repeal the definition.

112 In the appropriate position in item 1 of Schedule 2

Insert:

Infants' Maintenance and Protection Act 1913

Maintenance Orders (Facilities for Enforcement) Act 1960

113 In the appropriate position in item 2 of Schedule 2

Insert:

Maintenance Orders (Facilities for Enforcement) Regulations

Part 4—Transitional, saving and application provisions

Norfolk Island Continued Laws Ordinance 2015

114 In the appropriate position in Part 2 of Schedule 1

Insert:

Division 17—Transitional provisions relating to the Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019

391 Definitions

In this Division:

amending Ordinance means the *Norfolk Island Legislation Amendment (Fees and Other Matters) Ordinance 2019*.

commencement time means the time at which the amending Ordinance commences.

fee provisions means the provisions of enactments that are amended by Part 2 of Schedule 1 to the amending Ordinance, as in force immediately before the commencement time.

392 Application of amendments relating to fees—services generally

- (1) The repeal of section 12BA of the *Interpretation Act 1979* (Norfolk Island) by the amending Ordinance does not affect the validity at or after the commencement time of anything done before that time.
- (2) The amendments of the fee provisions by this Schedule at the commencement time apply in relation to:
 - (a) in the case of services provided for periods beginning, but not ending, before the commencement time in respect of which fees have been charged—services provided after the end of the period; and
 - (b) in any other case—services provided on or after the commencement time, including such a service applied for or requested before the commencement time.

393 Application of amendments relating to fees—aircraft

The reference to approved fees in the definition of **outstanding amount** in section 2 of the *Airport Act 1991* (Norfolk Island) as amended by the amending Ordinance is taken to include a reference to any charges incurred under that Act before the commencement time.

394 Application of amendments relating to fees—telecommunications

The reference to approved fees in paragraph 49(3)(c) of the *Telecommunications Act 1992* (Norfolk Island) as amended by the amending Ordinance is taken to include a reference to any charges incurred under that Act before the commencement time.

395 Transitional—references to Chief Executive Officer

- (1) This item applies if an enactment is amended by the amending Ordinance to substitute a reference to the Minister with a reference to the Chief Executive Officer.
- (2) If the exercise of a power, or the performance of a function or duty, by the Chief Executive Officer at or after the commencement time is affected by the doing of anything before that time, the enactment has effect at and after that time as if anything that was done by or in relation to the Minister before that time had been done by or in relation to the Chief Executive Officer.

396 Application of amendments relating to approved forms

The amendments of the definitions of *approved form* in subsection 3(1) of the *Land Administration Fees Act 1996* (Norfolk Island), subsection 3(1) of the *Land Titles Act 1996* (Norfolk Island) and subsection 4(1) of the *Liquor Act 2005* (Norfolk Island) by the amending Ordinance apply in relation to:

- (a) applications made for the purposes of those enactments after the commencement time; and
- (b) instruments issued for the purposes of those enactments after the commencement time.