



## **Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021**

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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 15 April 2021

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

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## 1 Name

This Ordinance is the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*.

## 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.	17 April 2021

Note: This table relates only to the provisions of this Ordinance as originally made.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Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.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

### *Norfolk Island Continued Laws Ordinance 2015*

#### **1 Item 73K of Schedule 1**

Repeal the item, substitute:

#### **73K Section 4**

Insert:

*registered health practitioner* has the same meaning as in the *Health Practitioners Act 1983*.

*registered medical practitioner* has the same meaning as in the *Health Practitioners Act 1983*.

*rehabilitation program*, in relation to an injury or condition, means a program involving the provision of rehabilitation services for the injury or condition.

*rehabilitation services*, in relation to an injury or condition, means services provided to a person in connection with the person's rehabilitation from the injury or condition, including (without limitation) the following:

- (a) medical, dental, psychiatric or hospital services (whether on an in-patient or out-patient basis);
- (b) services provided in connection with physical training or exercise;
- (c) physiotherapy;
- (d) occupational therapy;
- (e) vocational training;
- (f) assistance in finding suitable work;
- (g) an approved service.

*responsible party* has the meaning given by subsection 32(2).

#### **73KA Section 4 (definition of RPI)**

Repeal the definition.

#### **73KB Section 4**

Insert:

*rules* means rules made under section 108.

#### **2 After item 73ZP of Schedule 1**

Insert:

#### **73ZPA Paragraph 29(2)(a)**

Omit "paragraph 31(2)(c)", substitute "paragraph 32B(2)(b)".

#### **3 Items 74X to 74Z of Schedule 1**

Repeal the items, substitute:

**74X Section 42**

Repeal the section, substitute:

**42 Indexation of compensation amounts**

- (1) On 1 July 2021 and each later 1 July (an *indexation day*), if the indexation factor for the indexation day is greater than 1, this Act has effect as if each compensation amount were substituted by the amount worked out using the formula:

$$\frac{\text{Indexation factor for the indexation day}}{\times} \times \frac{\text{Compensation amount immediately before the indexation day}}{\text{before the indexation day}}$$

- (2) The *indexation factor* for an indexation day is the number worked out using the formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

where:

*base quarter* means the March quarter ending 1 year before the reference quarter ends.

*index number*, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

*March quarter* means a period of 3 months ending on 31 March.

*reference quarter* means the March quarter immediately before the indexation day.

- (3) Amounts worked out under subsection (1) are to be rounded to the nearest whole dollar (rounding 50 cents upwards).
- (4) The indexation factor is to be worked out:
- (a) to 3 decimal places (rounding up if the fourth decimal place is 5 or more); and
  - (b) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and
  - (c) disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

*When substituted amount is payable*

- (5) If an amount is substituted under subsection (1) on an indexation day, the substituted amount is payable:
- (a) in respect of periodical compensation—on and after the first payment date for the compensation occurring after the indexation day; or
  - (b) in respect of lump sum compensation—in respect of any payment of lump sum compensation made after the indexation day.

*Publication of substituted amounts*

- (6) As soon as practicable after the day on which the Australian Statistician publishes the index number for a March quarter, the Employment Liaison Officer must:
- (a) ascertain whether any amounts will be substituted under subsection (1) on the indexation day immediately after the end of the quarter; and
  - (b) if any amounts will be substituted—publish notice, by notifiable instrument, of the substituted amounts.

*Compensation amount*

- (7) A **compensation amount** is:
- (a) an amount prescribed by the rules for the purposes of subparagraph 30(4)(b)(i) or paragraph 32B(2)(b); or
  - (b) the amount (if any) last substituted under this section for an amount mentioned in paragraph (a).

**4 At the end of Division 18 of Part 2 of Schedule 1**

Add:

**406A References to amending Ordinance**

In this Division, a reference to the amending Ordinance (other than in the definition of **commencement** in item 397) is taken to include a reference to items 1 and 2 of the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*.

**5 In the appropriate position in Part 2 of Schedule 1**

Insert:

**Division 21—Application provision relating to the Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021**

**414 Publication of substituted amounts**

- (1) Subsection 42(6) of the *Employment Act 1988* (Norfolk Island), as amended by the operation of the *Norfolk Island Continued Laws Amendment (Employment) Ordinance 2021*, applies in relation to the March quarter ending on 31 March 2021 and later March quarters.
- (2) However, if the publication of the index number for the March quarter ending on 31 March 2021 occurs before the day on which this item commences (the **commencement day**), the reference in that subsection to the day on which the Australian Statistician publishes the index number is taken to be a reference to the commencement day.