

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 Applied Laws Ordinance 2016

Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2021

Authority

The *Norfolk Island Act 1979* (Norfolk Island Act) provides for the governance of the Territory of Norfolk Island (Norfolk Island). Section 19A of the Norfolk Island Act provides that the Governor-General may make Ordinances for the peace, order and good government of Norfolk Island.

The *Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2021* (the Ordinance) is made under section 19A of the Norfolk Island Act.

The Ordinance amends the *Norfolk Island Applied Laws Ordinance 2016* (the Applied Laws Ordinance). The Applied Laws Ordinance is the mechanism through which amendments to Norfolk Island applied laws can be made.

Purpose and operation

The Ordinance amends the Applied Laws Ordinance to suspend the operation of the majority of New South Wales (NSW) laws in Norfolk Island for a further two years until 1 July 2023.

While some NSW laws operate in Norfolk Island to support the delivery of local government, health and education services, the operation of the majority of NSW laws has been suspended until 1 July 2021. The amendment extends the suspension of the operation of these laws for a further two years to 1 July 2023. This will maintain existing arrangements for the provision of state-type services and provide additional time for an agreement to be reached with a new service delivery partner.

Consultation

Consultation was not necessary because the Ordinance maintains the existing legislative framework in Norfolk Island and does not make any changes to current arrangements.

Other

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

The Ordinance commences the day after registration on the Federal Register of Legislation.

Details of the Ordinance are set out in the Attachment.

Statement of Compatibility with Human Rights

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

Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2021

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 Ordinance

Purpose and operation

The Ordinance amends the Applied Laws Ordinance to suspend the operation of the majority of New South Wales (NSW) laws in Norfolk Island for a further two years until 1 July 2023.

While some NSW laws operate in Norfolk Island to support the delivery of local government, health and education services, the operation of the majority of NSW laws has been suspended until 1 July 2021. The amendment extends the suspension of the operation of these laws for a further two years to 1 July 2023. This will maintain existing arrangements for the provision of state-type services and provide additional time for an agreement to be reached with a new service delivery partner.

Human rights implications

This Ordinance does not engage any of the applicable rights or freedoms.

Conclusion

This Ordinance 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 Nola Marino MP

ATTACHMENT—NOTES ON CLAUSES

This attachment explains the operation of individual provisions in the *Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2021*.

Section 1 – Name

This section provides that the name of the Ordinance is the *Norfolk Island Applied Laws Amendment (Suspension) Ordinance 2021* (the Ordinance).

Section 2 – Commencement

This section provides for the Ordinance to commence on the day after the Ordinance 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*.

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 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 Applied Laws Ordinance 2016

Item 1—Paragraph 1(1)(b) of Schedule 1

Item 1 amends paragraph 1(1)(b) of Schedule 1 to the *Norfolk Island Applied Laws Ordinance 2016* (the Applied Laws Ordinance) to omit reference to “1 July 2021” and substitute “1 July 2023”. This has the effect of extending the suspension of the operation of the legislation of New South Wales (NSW laws) in Norfolk Island for a further two years to 1 July 2023.

Schedule 1 does not prevent the operation of specific NSW laws from being unsuspending earlier than 1 July 2023 by subsequent amendments to the Applied Laws Ordinance.