



## **Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2021**

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I, Nola Marino, Assistant Minister for Regional Development and Territories, and Assistant Minister for Regional Development and Territories, and Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development make the following rules.

Dated 23/12/21

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 instrument is the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2021*.

## 2 Commencement

- (1) Each provision of this instrument 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	1 January 2022	1 January 2022

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under subsection 7(1) of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021*

#### 1 After section 6

Insert:

#### 6A Interpretation and application of applied industrial relations laws

- (1) Subject to this section, the *Acts Interpretation Act 1954* (Qld) applies, without the amendments made by this Ordinance, in relation to an applied industrial relations law.
- (2) A reference in an applied industrial relations law to Queensland in a geographical sense, however expressed, is taken to include a reference to the Territory.
- (3) The following provisions of the *Acts Interpretation Act 1954* (Qld), as amended by this Ordinance, apply in relation to an applied industrial relations law:
  - (a) section 26A (statutory bodies);
  - (b) section 36A (references to documents).
- (4) An applied industrial relations law that provides for the appointment of a person to an office or position, or the removal or suspension of a person from an office or position, is not taken to require the appointment, removal or suspension of a person in the Territory separately from the appointment, removal or suspension of the person in Queensland.

#### 2 After item 1 of Schedule 2

Insert:

#### 1A At the end of Part 4

Add:

#### 14K Queensland Acts

- (1) A reference in this Act, an applied law or an adopted law to the short title of an Act followed by “(Qld)” is a reference to the Act as in force in Queensland from time to time.
- (2) A reference in this Act, an applied law or an adopted law to the short title of an Act followed by “(Qld)(NI)” is a reference to the Act as in force in the Territory of Norfolk Island from time to time.
- (3) A reference in this Act, an applied law or an adopted law to the short title of a Queensland Act (other than a Queensland Act the operation of which is suspended in the Territory) is taken to be a reference to the Act as in force in the Territory of Norfolk Island from time to time.

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## 14L Queensland instruments

- (1) A reference in this Act, an applied law or an adopted law to an instrument followed by “(Qld)” is a reference to the instrument as in force in Queensland from time to time.
- (2) A reference in this Act, an applied law or an adopted law to an instrument followed by “(Qld) (NI)” is a reference to the instrument as in force in the Territory of Norfolk Island from time to time in accordance with section 18A of the Norfolk Island Act.

## 3 After item 2 of Schedule 2

Insert:

### 2A After section 32DA

Insert:

### 32DAA References to Norfolk Island to be implied in references to persons or things etc

In an applied law or an adopted law, to the extent that the context permits:

- (a) a reference to a person in or of Queensland is to be read as if it were a reference to such a person in or of the Territory of Norfolk Island; and
- (b) a reference to locality or other thing in or of Queensland is to be read as if it were a reference to such a locality or thing in or of the Territory of Norfolk Island.

## 4 After item 3 of Schedule 2

Insert:

### 3A Subsection 44(1)

Omit “*Justices Act 1886*”, insert “*Court of Petty Sessions Act 1960 (NI)*”.

### 3B Section 49A

Before “If a provision”, insert (1)

### 3C At the end of section 49A

Add:

*Courts—Norfolk Island*

- (2) In a matter arising under an applied law or an adopted law, jurisdiction is taken to be conferred on the following, to the extent permitted by the Commonwealth Constitution:
  - (a) if the Supreme Court of Queensland has jurisdiction in the matter in relation to Queensland—the Supreme Court of Norfolk Island;
  - (b) if the District Court of Queensland has jurisdiction in the matter in relation to Queensland—the Supreme Court of Norfolk Island;
  - (c) if the Magistrates Court of Queensland has jurisdiction in the matter in relation to Queensland—the Court of Petty Sessions of Norfolk Island;

- 
- (d) if the Children’s Court of Queensland has jurisdiction in the matter in relation to Queensland—the Court of Petty Sessions of Norfolk Island.

*Tribunals—Norfolk Island*

- (3) A power or function conferred on the Queensland Civil and Administrative Tribunal under an applied law or an adopted law is taken to be, to the extent permitted by the Commonwealth Constitution:
- (a) conferred on the Administrative Review Tribunal of Norfolk Island for the purposes of the applied law or adopted law as in force in the Territory of Norfolk Island; and
  - (b) to be exercised or performed by the Administrative Review Tribunal of Norfolk Island in accordance with the *Administrative Review Tribunal Act 1996* of Norfolk Island.
- (4) A reference in an applied law or an adopted law to a provision of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) in relation to asking or applying for review, giving notice, extensions of time or any other matter, is to be read as if it were a reference to the corresponding provision of the *Administrative Review Tribunal Act 1996* (NI).

**3D After section 49A**

Insert:

**49B References to Norfolk Island to be implied in references to courts and tribunals etc**

In an applied law or an adopted law, to the extent permitted by the Commonwealth Constitution:

- (a) a reference to the Queensland Civil and Administrative Tribunal, QCAT or the Tribunal is to be read as if it were a reference to the Administrative Review Tribunal of Norfolk Island; and
- (b) a reference to the Magistrates Court or the Children’s Court is to be read as if it were a reference to the Court of Petty Sessions of Norfolk Island; and
- (c) a reference to the Supreme Court or the District Court is to be read as if it were a reference to the Supreme Court of Norfolk Island.

**5 After item 5 of Schedule 2**

Insert:

**5B After section 52A**

Insert:

**52AB References to apprenticeship or traineeship under *Further Education and Training Act 2014***

In an applied law or an adopted law, a reference to an apprenticeship, a traineeship, or a training or employment skills program under the *Further Education and Training Act 2014* is to be read as if it included a reference to the following:



- 
- (a) a VET accredited course within the meaning of the *National Vocational Education and Training Regulator Act 2011*;
  - (b) an apprenticeship or traineeship (however described) conducted under an arrangement with the Norfolk Island Regional Council or any other body established for a public purpose under a law of the Territory of Norfolk Island.

### **52AC References to police force and police officers**

- (1) A reference in a provision of an applied law or an adopted law to a police force (other than a provision that vests a power in a police force to which subsection 18B(5B) of the *Norfolk Island Act 1979* applies) is taken to be a reference to the Australian Federal Police.
- (2) A reference in a provision of an applied law or an adopted law to a police officer holding, occupying or exercising the powers of a particular kind of office or position (other than a provision that vests a power in a police officer to which subsection 18B(5B) of the *Norfolk Island Act 1979* applies) is taken to be a reference to:
  - (a) a member of the Police Force of Norfolk Island holding, occupying or exercising the powers of a corresponding office or position; and
  - (b) a member or special member of the Australian Federal Police holding, occupying or exercising the powers of a corresponding office or position in Norfolk Island.
- (3) To the extent that subsection (2) does not provide otherwise, a reference in an applied law or an adopted law to a police officer means a member of the Police Force of Norfolk Island or a member or special member of the Australian Federal Police.

### **52AD References to Health Practitioner Regulation National Law**

In an applied law or an adopted law, a reference to the Health Practitioner Regulation National Law in force in Queensland is to be read as if it included a reference to the National Law within the meaning of the *Health Practitioners Act 1983* (NI).

### **52AE Publication in Territory or Commonwealth Gazette**

If an applied law or an adopted law requires or permits a person to publish an instrument or notice in the Gazette or the Government Gazette or in a newspaper circulating in the State (whatever the frequency of circulation) then the requirement is satisfied by, or the entitlement extends to publication of the instrument or notice in the Gazette, the Government Gazette, the Commonwealth Gazette or the Territory Gazette.

## **6 After item 6 of Schedule 2**

Insert:

### **6A Schedule 1 (definition of *charge*)**

Repeal the definition, substitute:

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*charge*, of an offence, means a charge in any form, including a charge on arrest, a charge by the court, a complaint and an indictment.

**6B Schedule 1 (definitions of *Childrens Court judge* and *Childrens Court magistrate*)**

Repeal the definitions, substitute:

*Childrens Court judge* means a magistrate.

*Childrens Court magistrate* means a magistrate.

**6C Schedule 1**

Insert:

*Commonwealth Gazette* means the *Commonwealth of Australia Gazette*.

**6D Schedule 1 (definition of *Consolidated Fund*)**

Repeal the definition, substitute:

*Consolidated Fund* means the Consolidated Revenue Fund referred to in section 81 of the Commonwealth Constitution.

**6E Schedule 1 (definition of *magistrate*)**

Repeal the definition, substitute:

*magistrate* means a magistrate appointed under section 6 of the *Court of Petty Sessions Act 1960* (NI).

**6F Schedule 1 (definition of *police officer*)**

Repeal the definition.

**6G Schedule 1 (definition of *public holiday*)**

Repeal the definition, substitute:

*public holiday* means a public holiday within the meaning of the *Employment Act 1988* (NI).

**6H Schedule 1**

Insert:

*Territory Gazette* means the *Norfolk Island Government Gazette*.

**7 After Schedule 2**

Insert:

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## Schedule 3—Amendments of the Education (General Provisions) Act 2006 (Qld)

### *Education (General Provisions) Act 2006 (Qld)*

#### **1 Paragraph 10(5)(a)**

Omit “guardianship of a child under the *Child Protection Act 1999*”, substitute “an order for the parental responsibility of a child under the *Child Welfare Act 2009* (NI)”.

#### **2 Paragraph 11(4)(d)**

Repeal the paragraph.

#### **3 Paragraph 11(4)(e)**

Omit “Queensland”, substitute “the Territory of Norfolk Island”.

#### **4 After subsection 12(2)**

Insert

(3) This section applies to a student attending the Norfolk Island Central School for years 11 or 12 of schooling during the relevant school years as if a reference in this section to an educational program approved by the Minister were a reference to the syllabuses licensed by the New South Wales Education Standards Authority to the Commonwealth for use by the Department to administer the senior secondary curriculum at the Norfolk Island Central School.

(4) In subsection (3):

*relevant school years* means the 2022 and 2023 school years and any subsequent school year in relation to which syllabuses are licensed by the New South Wales Education Standards Authority to the Commonwealth for use by the Department to administer the curriculum at the Norfolk Island Central School.

#### **5 Section 13**

Before “The Minister”, insert “(1)”.

#### **6 At the end of section 13**

Add:

(2) The Norfolk Island Central School is taken to be a State school established by the Minister under subsection (1).

#### **7 Part 3 of Chapter 2**

Repeal the Part.

#### **8 Subsection 50(4)**

Repeal the subsection.

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## 9 Subsection 51(2)

Repeal the subsection.

## 10 After paragraph 53(1)(a)

Insert:

(ab) the person lives in the Territory of Norfolk Island; or

## 11 After section 61

insert:

### 61A Initial remaining allocation—transitional

- (1) For each student who, immediately before the commencement day, is enrolled at the Norfolk Island Central School, the principal must decide the student's initial remaining allocation.
- (2) The principal must make the decision within 7 days after the start of term 1 of 2022.
- (3) Subsections 62(2) and (4) apply to a decision made under this section.
- (4) In this section:  

*commencement day* means the day the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* commences.
- (5) This section is repealed at the end of 1 January 2023.

## 12 Subsection 104(1)

Repeal the subsection, substitute:

- (1) This section applies to a person who:
  - (a) stands for election as an elected member of a school council; or
  - (b) consents to be appointed as an appointed member of a school council (whether or not the council has decided to appoint the person).
- (1A) The person must disclose the person's criminal history, including whether a conviction has been recorded or not, in relation to offences that are the same as, or substantially the same as, the offences specified in item 5(2) of the table in section 9A of the *Criminal Law (Rehabilitation of Offenders) Act 1986*.

## 13 Section 105

Omit "a public authority under the Public Records Act 2002.", substitute "taken to be an authority of the Commonwealth under the *Archives Act 1983* of the Commonwealth."

## 14 Section 133

Repeal the section.

## 15 Section 135

Omit "Subject to the Auditor-General Act 2009, the", substitute "The".

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**16 Section 145**

Repeal the section.

**17 At the end of Chapter 7**

Add:

**154A Parents and citizens association for Norfolk Island Central School**

- (1) This section applies to an association that, under section 117A of the *Education Act 1990* (NSW) (NI), continued in existence after the commencement of Schedule 2 to the *Norfolk Island Legislation Amendment (Public Sector Employment and Education) Ordinance 2018* of the Commonwealth as if it were a parents and citizens association constituted under subsection 115 of the *Education Act 1990* (NSW).
- (2) The association continues in existence after the commencement day as if it were a parents and citizens association constituted under this Chapter.
- (3) The rules of the association as in force immediately before the commencement day are, after the commencement day, taken to be the constitution of the association adopted by the association for subsection 131(2) and approved by the chief executive under subsection 131(3).
- (4) To remove any doubt, rules of the association that are taken to be the constitution of the association under subsection (3) may be amended by the association in accordance with subsections 131(2) and (3).
- (5) In this section:

*commencement day* means the day the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* commences.

**18 Section 155A**

Repeal the section.

**19 Section 155B**

Repeal the section.

**20 Paragraph 156(1A)(a)**

Omit “or non-State school”.

**21 Chapter 8B**

Repeal the Chapter.

**22 Section 176**

Omit “or non-State school” (wherever occurring).

**23 Section 177**

Omit “or non-State school” (wherever occurring).

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**24 Section 178**

Omit “or non-State school” (wherever occurring).

**25 Subsection 178(5)**

Repeal the subsection.

**26 Division 2 of Part 1 of Chapter 9**

Repeal the Division,

**27 Section 184 (definition of exemption)**

Repeal the definition, substitute:

*exemption* means exemption from compliance from subsection 176(1).

**28 Section 184 (definition of relevant decision-maker)**

Repeal the definition.

**29 Section 199**

Repeal the section.

**30 Section 200**

Repeal the section, substitute:

**200 Child’s exclusion or suspension**

- (1) Subsection 176(1) does not apply to a child who is excluded from a State school.
- (2) Paragraph 176(1)(b) does not apply to a child who is suspended from a State school at which the child is enrolled while the child is suspended and the child’s access to an educational program under section 284, 294 or 301 has not been arranged.
- (3) In this section:

*suspended* means suspended under Chapter 12, Part 3.

**31 Subsection 201(1)**

Omit “or non-State school”.

**32 Part 5 of Chapter 9**

Repeal the Part.

**33 Subsection 230(1)**

Omit “State school or non-State school,”, substitute “State school,”.

**34 Subsection 232(1), table, column 1**

Omit “an educational program provided under the *Education (Accreditation of Non-State Schools) Act 2017*”.

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**35 Section 232(1), table, column 2**

Omit “a non-State school”.

**36 Paragraph 235(b), example**

Omit “or non-State school”.

**37 Subsection 244(3)**

Repeal the subsection.

**38 Section 244A**

Repeal the section,

**39 Subsection 245(1)**

Omit all the words after “apply to”, substitute “the chief executive for an exemption from the requirement that the young person participate in an eligible option.”

**40 Sections 245(3) and (4)**

Omit “relevant decision-maker”, substitute “chief executive”.

**41 Section 246**

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

**42 Section 247**

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

**43 Section 248**

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

**44 Section 249**

Omit “relevant decision-maker”, substitute “chief executive” (wherever occurring).

**45 Division 4 of Part 5 of Chapter 10**

Repeal the Division.

**46 Chapter 12, heading**

Omit “and non-State schools”.

**47 Section 335, paragraph (d) of the definition of *exempt person***

After “premises”, insert “or any other member of staff of the institution”.

**48 Part 6 of Chapter 12**

Repeal the Part.

**49 Part 7 of Chapter 12, heading**

Omit “and non-State schools”.

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**50 Section 352, heading**

Omit “and non-State schools”.

**51 Subsection 352(1)**

Omit “and non-State schools”.

**52 Subsection 352(2)**

Omit “or non-State school”.

**53 Section 355**

Repeal the section, substitute:

**355 Non-application of Part 5 to particular persons**

Part 5 does not apply to a person in relation to the exercise by the person of the person’s powers under an Act at the premises of a State instructional institution.

**54 Section 359**

Repeal the section.

**55 Section 364 (definition of *director*)**

Repeal the definition.

**55 Sections 366, 366A and 366B**

Repeal the sections.

**57 Chapter 13**

Repeal the Chapter.

**58 Section 383 (definition of *relevant person*)**

Omit “or non-State school”.

**59 Section 384**

Omit “or non-State school” (wherever occurring).

**60 Section 385**

Omit “or non-State school” (wherever occurring).

**61 Paragraph 386(1)(a)**

Omit “or non-State school”.

**62 Section 387**

Omit “or non-State school” (wherever occurring).

**63 Part 3 of Chapter 14**

Repeal the Part.



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**64 Paragraph 407(2)(a)**

Omit “, or non-State school’s,”.

**65 Subsection 407(3)**

Repeal the subsection,

**66 Subsection 408(1)**

Omit “the *Justices Act 1886*”, substitute “the *Court of Petty Sessions Act 1960 (NI)*”.

**67 Parts 1 and 1A of Chapter 19**

Repeal the Parts.

**68 Section 420, heading**

Omit “enrolled at non-State school or”.

**69 Subsection 420(1)**

Repeal the subsection.

**70 Subsection 420(2)**

Omit “Also, subject to”, substitute “Subject to”.

**71 Subsection 420A(2)**

Omit “or (2)”.

**72 Section 423, heading**

Omit “or non-State school’s governing body”.

**73 Section 423**

Omit “, or non-State school’s governing body,” (wherever occurring).

**74 Subsection 424(1)**

Omit “, or non-State school’s,”.

**75 Subsection 425(1)**

Omit “, or non-State school’s,”.

**76 Subsection 425A(4) (definition of *financial information*)**

Repeal the definition,

**77 Subsection 426(2)**

Repeal the subsection.

**78 Subsection 426(5) (definition of *employee*)**

Omit “or relevant non-State school”.

**79 Subsection 426(5), paragraph (b) of the definition of *employee***

Omit “,or the relevant non-State school’s governing body,”.

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**80 Subsection 426(5) (definition of *relevant non-State school*)**

Repeal the definition.

**81 Schedule 4**

Insert

*staff member*, of a school, includes a member of the teaching staff and any other member of staff (whether an employee of Queensland or the Commonwealth).

**82 Schedule 4 (definition of *allowance acquittal details*)**

Repeal the definition.

**83 Schedule 4 (definition of *board*)**

Repeal the definition.

**84 Schedule 4 (definition of *chief executive (child safety)*)**

Repeal the definition, substitute:

*chief executive (child safety)* means the child welfare officer appointed under the *Child Welfare Act 2009* (NI).

**85 Schedule 4, paragraph (b) of the definition of *educational program***

Repeal the paragraph.

**86 Schedule 4 (definition of *financial data*)**

Repeal the definition.

**87 Schedule 4 (definitions of *non-State school* and *non-State school in receipt of a subsidy*)**

Repeal the definitions.

**88 Schedule 4 (definition of *prescribed non-State school*)**

Repeal the definition.

**89 Schedule 4 (definition of *principal*)**

Repeal the definition.

**90 Schedule 4 (definition of *review body*)**

Repeal the definition.

**91 Schedule 4 (definition of *school in receipt of a subsidy*)**

Repeal the definition, substitute:

*school in receipt of a subsidy* means a State school.

**92 Schedule 4 (definition of *school of distance education*)**

Repeal the definition, substitute:

*school of distance education* means a State school providing distance education.

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**93 Schedule 4 (definitions of *kindergarten age child* and *kindergarten learning program*)**

Repeal the definitions.

**94 Schedule 4 (definitions of *prescribed non-State school* and *prescribed State school*)**

Repeal the definitions.

**95 Schedule 4 (definition of *serious offence*)**

Repeal the definition, substitute:

***serious offence:***

- (a) has the same meaning as in section 15 of the *Working with Children (Risk Management and Screening) Act* (Qld); and
- (b) without limiting paragraph 15(1)(g) of that Act, for an offence in a jurisdiction other than Queensland includes any offence that is the same, or substantially the same, as a serious offence mentioned in paragraph 15(1)(a) to (f) of that Act.

## **Schedule 4—Amendments of the Education (General Provisions) Regulation 2017 (Qld)**

### ***Education (General Provisions) Regulation 2017 (Qld)***

**1 Section 10 (definition of *staff member*)**

Repeal the definition, substitute:

***staff member***, of a State school, means a person employed by the Department at the school and any other staff member at the school authorised by the Principal for the purpose of this Division.

**2 Section 22(6) (definition of *relevant authority*)**

Omit “department in which the Child Protection Act 1999 is administered”, substitute: “child welfare officer appointed under the *Child Welfare Act 2009* (NI)”.

## **Schedule 5—Amendments of the Education (Queensland College of Teachers) Act 2005 (Qld)**

### ***Education (Queensland College of Teachers) Act 2005 (Qld)***

**1 Subsections 74(2) and (3)**

Repeal the subsections.

**2 After section 117**

Insert:

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### **117A Conduct of proceedings may use audio link etc**

Practice and conduct proceedings may be conducted by using an audio link, an audio visual link, or another form of communication technology that the PC&TC Committee decides.

### **3 Sections 124 and 125**

Repeal the sections, substitute:

#### **124 Constitution of Administrative Review Tribunal for practice and conduct proceedings**

- (1) For practice and conduct proceedings under this Act, the Administrative Review Tribunal of Norfolk Island must be constituted by:
  - (a) the President or Deputy President of the Tribunal; and
  - (b) 2 other members of the Tribunal.
- (2) If practicable, 1 of the members should be a registered teacher or have practical teaching experience.

#### **125 Presiding member of Administrative Review Tribunal**

For practice and conduct proceedings under this Act, the presiding member of the Administrative Review Tribunal of Norfolk Island is the President or Deputy President of the Tribunal.

### **4 Paragraph 181(b)**

Repeal the paragraph, substitute:

- (b) to attend before the investigator to answer the questions by—
  - (i) attending in person at a stated reasonable time and place; or
  - (ii) attending by audio link or audio visual link at a stated time; or
- (c) to produce a stated thing to the investigator by—
  - (i) attending before the investigator at a stated reasonable time and place to produce the thing; or
  - (ii) producing the thing at or before a stated reasonable time in another stated way that does not involve physical attendance before the investigator.

Examples of ways a thing may be produced for subparagraph (c)(ii)—

- 1 by post
- 2 by email

### **5 Section 225**

Omit “*Justices Act 1886*”, insert “*Court of Petty Sessions Act 1960 (NI)*”.

### **6 Schedule 3**

Insert:

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**audio link** means facilities, including telephone, that enable reasonably contemporaneous and continuous audio communication between persons at different places.

**audio visual link** means facilities, including closed-circuit television, that enable reasonably contemporaneous and continuous audio and visual communication between persons at different places.

### **7 Schedule 3 (definition of *charge*)**

Repeal the definition, substitute:

**charge**, of an offence, means a charge in any form, including a charge on arrest, a charge by the court, a complaint and an indictment.

### **8 Schedule 3 (definition of *indictable offence*)**

After “section 659”, insert “or the *Criminal Code 2007* (NI), section 353”.

### **9 Schedule 3 (definition of *serious offence*)**

Repeal the definition, substitute:

**serious offence**:

- (a) has the same meaning as in section 15 of the *Working with Children (Risk Management and Screening) Act* (Qld); and
- (b) without limiting paragraph 15(1)(g) of that Act, for an offence in a jurisdiction other than Queensland includes any offence that is the same, or substantially the same, as a serious offence mentioned in paragraph 15(1)(a) to (f) of that Act.

## **Schedule 6—Amendments of the Education (Queensland College of Teachers) Regulation 2016 (Qld)**

### ***Education (Queensland College of Teachers) Regulation 2016 (Qld)***

#### **1 Subsection 12(1)**

Add at the end:

- ; (d) an educational program based on syllabuses licensed by the New South Wales Education Standards Authority to the Commonwealth for use by the Department to administer the senior secondary curriculum at the Norfolk Island Central School in 2022 and 2023 or such other period as determined in the licensing agreement.

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## **Schedule 7—Amendments of the Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (Qld)**

### *Education (Queensland Curriculum and Assessment Authority) Regulation 2014 (Qld)*

#### **1 Schedule 2 (definition of *non-Queensland studies*)**

Repeal the definition, substitute:

*non-Queensland studies:*

- (a) means studies for which the results of a person’s assessment are issued by an interstate or overseas school, or another entity operating in another State or a foreign country; but
- (b) does not include studies for which the results of a person’s assessment are, after 1 January 2022, issued by a Norfolk Island school.

## **Schedule 8—Amendments of the Hospital and Health Boards Act 2011 (Qld)**

### *Hospital and Health Boards Act 2011 (Qld)*

#### **1 After section 4**

Insert:

#### **4A Application of Act—Norfolk Island**

- (1) This Act applies in relation to the Territory of Norfolk Island subject to, and does not exclude or limit the operation of, the following Acts:
  - (a) the *Health Services Act 1997* (NSW) (NI);
  - (b) the *Public Health Act 2010* (NSW) (NI).
- (2) To remove any doubt, until the Commonwealth Minister has, by legislative instrument, declared otherwise:
  - (a) NIHRACS does not, and is not taken to, provide a public sector health service within the meaning of this Act; and
  - (b) the Norfolk Island Health and Residential Aged Care Service Facility (within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* (NI)) is not, and is not taken to be, a public sector health service facility or a public sector hospital within the meaning of this Act.

#### **2 Section 139**

Before “In this Part”, insert “(1)”.

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### 3 Section 139

Add at the end:

- (2) A reference to a public sector health service in the definition of *confidential information* is, for the purposes of Subdivision 2 of Division 2 of this Part, taken to include a reference to a health service provided by or through NIHRACS.

### 4 Section 139A

Add at the end:

- (3) For the purposes of Division 2 of this Part, a *designated person* includes:
- (a) NIHRACS; and
  - (b) an employee of NIHRACS; and
  - (c) a person who was a person mentioned in paragraph (a) or (b).

### 5 Schedule 2

Insert:

*NIHRACS* means the Norfolk Island Health and Residential Aged Care Service within the meaning of the *Norfolk Island Health and Residential Aged Care Service Act 1985* (NI).

## Schedule 9—Amendments of the Industrial Relations Act 2016 (Qld)

### *Industrial Relations Act 2016 (Qld)*

#### 1 Section 115 (definition of *show holiday*)

Repeal the definition.

#### 2 Schedule 5 (definition of *public holiday*)

Repeal the definition, substitute:

*public holiday* means a public holiday within the meaning of the *Employment Act 1988* (NI).

#### 3 Schedule 5 (definition of *show holiday*)

Repeal the definition.

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## Schedule 10—Amendments of the Public Health Act 2005 (Qld)

### *Public Health Act 2005 (Qld)*

#### 1 After section 5

Insert:

##### 5A Modifications for Norfolk Island

- (1) The provisions of this Act and laws made under this Act, other than the provisions referred to in subsection (2), do not apply in relation to the Territory of Norfolk Island.
- (2) The following provisions apply in relation to the Territory of Norfolk Island:
  - (a) Part 3 of Chapter 2 of this Act;
  - (b) Part 3 of Chapter 3 of this Act;
  - (c) Chapter 8 (except Part 7B) of this Act;
  - (d) Chapter 9 of this Act;
  - (e) the other provisions of this Act so far as they relate to the provisions mentioned in paragraphs (a) to (d);
  - (f) the provisions of the *Public Health Regulation 2018* so far as they relate to the provisions mentioned in paragraphs (a) to (e).
- (3) To avoid any doubt, this Act and laws made under this Act (other than the provisions mentioned in subsection (2)) apply in relation to the Territory of Norfolk Island subject to, and do not exclude or limit the operation of, the following Acts:
  - (a) the *Health Services Act 1997* (NSW) (NI);
  - (b) the *Public Health Act 2010* (NSW) (NI).

#### 2 Section 315 (definition of COVID-19 emergency)

Omit the definition, substitute:

**COVID-19 emergency** means any public health emergency declared for the Territory of Norfolk Island because of the coronavirus disease 2019 (Covid-19) caused by the novel coronavirus SARS-CoV-2.

## Schedule 11—Amendments of the Statutory Instruments Act 1992 (Qld)

### *Statutory Instruments Act 1992 (Qld)*

#### 1 At the end of section 14

Add:



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- (4) To the extent that it is amended by Schedule 2 to the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* of the Commonwealth, the *Acts Interpretation Act 1954* (Qld) (NI) applies to a statutory instrument (whether or not the statutory instrument is an applied law or an adopted law) in the same way as it applies to an Act.