

## EXPLANATORY STATEMENT

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

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

***Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2022***

### Authority

The ***Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2022*** (the Rules) is made under subsection 7(1) of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* (the Ordinance).

Subsection 7(1) of the Ordinance provides that the Commonwealth Minister with responsibility for the Territory of Norfolk Island may, by legislative instrument, make rules amending the Ordinance to:

- amend or repeal an applied law;
- otherwise affect its operation, and;
- to make application, saving or transitional provisions in relation to rules affecting the operation of applied laws.

### Purpose

The Australian and Queensland Governments signed the Intergovernmental Partnership Agreement on State Service Delivery to Norfolk Island (IGA) on 26 October 2021 to transition responsibility for state level health and education service provision from NSW to Queensland from 1 January 2022.

Queensland will provide government school education services to the Norfolk Island Central School. This will include management and administration, teacher staffing, professional development and support, the delivery of the curriculum and learning programs and the services underlying this delivery, and discharge its work health and safety duties.

Queensland will assist the Norfolk Island Health and Residential Aged Care Service (NIHRACS) to access the support, oversight and clinical pathways of the Queensland health system. This is achieved through the coordination of clinical pathways to mainland care and services, facilitation of the referral and management of care, clinical and governance support, quality and safety systems advice to comply with national accreditation requirements and support of NIHRACS integration with public health and primary care through a Primary Health Network and mainland services delivered by hospitals.

Queensland officials will provide advice on matters related to public health matters, including advice on notifiable diseases, vaccinations, immunisation schedules and public health directions. Queensland officials will also provide advice on COVID-19 related matters including, but not limited to, quarantine and border requirements (from a health perspective), contact tracing, support for vaccinations, models of care, infrastructure, escalation pathways and emergency planning. NIHRACS will have a single point of contact

for all enquiries related to COVID-19. Queensland will support the implementation of contact tracing systems and infrastructure and the implementation of plans and policy.

This set of Rules is one of a suite of legislative instruments to implement the Intergovernmental Partnership Agreement on State Service Delivery to Norfolk Island 2021 to transition responsibility for State-level health and education service provision from New South Wales to Queensland from 1 January 2022.

The *Norfolk Island Regulations 2021* prescribe the State of Queensland as an applied law jurisdiction. Under subsection 18A(1) of the Act, the laws of an applied law jurisdiction are in force in Norfolk Island.

The Ordinance suspends the operation of the majority of Queensland applied laws in Norfolk Island. Some Queensland applied laws have not been suspended by the Ordinance in order to support the delivery of education and health services in Norfolk Island by the Queensland Government. These laws are specified in Schedule 1 of the Ordinance. They are referred to in the Rules as ‘applied laws’.

These Rules make further amendments in relation to matters which are dealt with in the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2021*

- These Rules complete the amendments to applied Queensland educational laws to ensure that Queensland school services are in place for the commencement of the 2022 school year on Norfolk Island and complete the changes to applied Queensland educational laws not required for the operation of school services on Norfolk Island.
- The Rules also make some minor amendments to the applied Queensland health laws.
- The Rules also make further amendments to the *Acts Interpretation Act 1954 (Qld)* as applied on Norfolk Island to further support the application of Queensland legislation.

The amendments made by the Rules operate as amendments to the Schedules of the Ordinance, which themselves amend the applied laws. The amendments insert new items into the Schedules to the Ordinance to effect these amendments.

### **Consultation**

As the incoming service provider, the Queensland Government has been actively involved in the development of all relevant instruments. Queensland officials are also undertaking their own engagement with Norfolk Island stakeholders, including visits to the island. The New South Wales Government has also been engaged in the transition process.

### **Other**

The Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Rules commence the day following registration 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 Applied Laws and Service Delivery (Queensland) Amendment Rules 2022***

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 Rules**

These Rules make further amendments in relation to matters which are dealt with in the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2021*

- These Rules complete the amendments to applied Queensland educational laws to ensure that Queensland school services are in place for the commencement of the 2022 school year on Norfolk Island and complete the changes to applied Queensland educational laws not required for the operation of school services on Norfolk Island.
- The Rules also make some minor amendments to the applied Queensland health laws.
- The Rules also make further amendments to the *Acts Interpretation Act 1954 (Qld)* as applied on Norfolk Island to further support the application of Queensland legislation

### **Human rights compatibility assessment**

The Rules have been designed to ensure education and health services are maintained for the Norfolk Island community, and where possible limit disruptions.

The legislative instrument will not engage or impact any human rights and freedoms recognised or declared by any of the international instruments specified in subsection 3(1) of the *Human Rights (Parliamentary Scrutiny) Act 2011*. Therefore, it is assessed as being compatible with human rights, pursuant to section 9(2) of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

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

## **ATTACHMENT—NOTES ON CLAUSES**

### **Section 1—Name**

This clause provides that the title of the Rules is the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2022*.

### **Section 2—Commencement**

This clause provides for the Rules to commence the day after this instrument is registered.

### **Section 3—Authority**

Clause 3 provides that the Rules are made under subsection 7(1) of the *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* (the Ordinance). That subsection provides that the Minister may, by legislative instrument, make rules amending the Ordinance:

- (a) so as to amend or repeal an applied law; or
- (b) so as to otherwise affect the operation of an applied law (but not to suspend the operation); or
- (c) to make application, saving or transitional provision in relation to any amendments, repeals or provisions affecting the operation of applied laws.

An ***applied law*** means a law of Queensland as in force in the Territory under section 18A of the *Norfolk Island Act 1979* (Ordinance section 5).

### **Section 4—Schedules**

This clause provides that legislation that is specified in a Schedule is amended or repealed as set out in the Schedule concerned and any other item in a Schedule to the Rules has effect according to its terms.

### **Schedule 1—Amendments of the Ordinance**

Schedule 1 contains amendments to the Ordinance and to applied laws specified in the Ordinance. The amendments of a particular applied law are each contained in a separate schedule of the Ordinance.

### **Amendments to Schedule 2 of the Ordinance**

The following amendments to Schedule 2 of the Ordinance make amendment to the *Acts Interpretation Act 1954* (Qld)(NI).

The *Acts Interpretation Act 1954* (Qld)(NI) applies to an ***applied law*** or an ***adopted law*** of Queensland (see Ordinance subsection 6(2)). The Schedule of the *Acts Interpretation Act 1954* (Qld)(NI) defines ***applied law*** to mean a law of Queensland as in force in the Territory of Norfolk Island under section 18A of the *Norfolk Island Act 1979* (Cth) and an ***adopted law*** to mean a law of Queensland applied, adopted or incorporated by a legislative instrument made under the Norfolk Island Act, other than an applied law (see Ordinance Schedule 2 item 6).

An **adopted law** will most likely be one applied, adopted or incorporated by a service delivery rule made under subsection 7(2) of the Ordinance.

Item 1 - After item 1A of Schedule 2: new item 1AB

This item inserts new sections 22D, 22E and 22F into the *Acts Interpretation Act 1954* (Qld)(NI). These correspond to sections 38B, 38C and 38D of the *Interpretation Act 1983* (NSW)(NI), which apply to applied laws of New South Wales that are in force in Norfolk Island.

New section 22D has the effect that, where an applied or adopted law provides that a recommendation or an approval is a prerequisite for taking particular action, and the responsible Commonwealth Minister has the function of taking that action because of section 18B of the *Norfolk Island Act 1979* (Cth), the Commonwealth Minister is able to take the action without satisfying that prerequisite.

New section 22E has the effect that where under an applied or adopted law the Norfolk Island Minister would be required to interact with himself or herself, the Norfolk Island Minister is not required to comply with that requirement.

Both section 22D and 22E also contain a provision to the effect that the section applies, in the same way as for the Minister, to a person in whom a power is vested, or to whom a power is delegated, under paragraph 18B(3)(a) or (b) of the *Norfolk Island Act 1979* (Cth).

For example, section 319(3) *Public Health Act 2005* (Qld)(NI) requires the Minister to consult with the Chief Health Officer before making an emergency declaration. Both the Minister's power to make an emergency declaration under section 319(1) of the *Public Health Act 2005* (Qld)(NI) and the powers of the Chief Health Officer have also been vested in the Deputy Secretary by instrument made by the Minister under s18B(3)(a) of the *Norfolk Island Act 1979* (Cth). It may be desirable to expressly permit the Deputy Secretary to exercise the Minister's power to make declarations without consulting with themselves (as Chief Health Officer) or with the Commonwealth Minister (as another holder of the Chief Health Officer's functions).

New section 22F contains special rules relating to references, in applied or adopted laws, to the Queensland Parliament. It will provide that the requirement to do something in relation to the Queensland Parliament does not need be complied with, and a failure to comply with such a requirement does not affect the validity of an act or thing which is done.

Item 2 - Before item 3A of Schedule 2: new items 3AA and 3AAA

This item amends sections 39 and 39A of the *Acts Interpretation Act 1954* (Qld)(NI). Section 39 specifies the way in which a document generally can be served on a person, including service by post. Section 39A expands upon the requirements for service 'by post'. These provisions are similar to those contained in other Interpretation Acts, such as the *Acts Interpretation Act 1901* (Cth) sections 28A and 29.

The particular issue here is that section 39(1) of the *Acts Interpretation Act 1954* (Qld)(NI) permits service of a document to persons or bodies corporate by sending it to ‘the address of the place of residence or business of the person’ and ‘to the head office, a registered office or a principal office’ respectively.

For the most part, persons and businesses on Norfolk Island have mail sent to their Post Office Boxes rather than the address of their places of residence. There is an issue if a person is not on the Island and cannot access their PO Box, it may not be reasonable to deem them as having been served simply because the letter has been delivered to their PO Box.

Sections 20E and 21 of the *Interpretation Act 1979* (NI) contain provisions dealing with service of documents which modify the application of sections 28A and 29 of the *Acts Interpretation Act 1901* (Cth) in relation to continued Norfolk Island laws. The modifications made to sections 39 and 39A of the *Acts Interpretation Act 1954* (Qld)(NI) by this item are to similar effect.

New subsection 39(4) provides that service by post, where the relevant address is in Norfolk Island, also extends to service to a Post Office Box number registered in the name of the addressee. Also, consistently with section 20E of the *Interpretation Act 1979* (NI), it provides, for avoidance of doubt, that a reference to a document includes a process issued out of a court or tribunal.

New subsection 39A(4) provides that, where a letter is posted to a Post Office Box address in Norfolk Island and person to whom it is addressed is not present on Norfolk Island on or after the day following the date of posting, service is not taken to have been effected until the day following the person’s return to Norfolk Island or such earlier day that the document was in fact received by the person.

### Item 3 – After item 5B of Schedule 2: new item 5C

This item inserts a new section 52AF to the *Acts Interpretation Act 1954* (Qld)(NI), to the effect that publication on the Department’s website will be sufficient for any requirement under an applied or adopted law relating to publication on a Queensland government website.

A number of provisions of Queensland laws appear to require that particular documents or notices be published on the Queensland government website or a website of the Department (for example a notice for certain businesses or undertakings to impose COVID-related restrictions under subsection 362F(3) of the *Public Health Act 1954* (Qld)(NI)). Alternatively, they may provide for publication on a website as an alternative to some other form of publication: for example, section 48 of the *Acts Interpretation Act 1954* (Qld)(NI) provides for the publication of forms on websites.

The Commonwealth is not readily able to publish things on Queensland government websites, or on local government websites.

It is desirable for any such requirement in relation to Norfolk Island to be satisfied through publication on either the relevant Queensland website (e.g., if Queensland is providing a service for Norfolk Island) or on the Department’s website, if not.

New section 52AF provides that, where an applied or adopted law requires or permits something to be published on the Queensland ‘whole-of-government’ website (see definition at *Acts Interpretation Act 1954* (Qld)(NI) subsection 48(9)), website of a department of the Queensland government, or the website of any other entity established for a public purposes by or under a law of Queensland, that thing in effect is taken to have been so published where published instead on the website of the Department (see also below new definition of *Norfolk Island Department*).

This measure is similar in intent to section 42AE of the *Acts Interpretation Act 1954* (Qld)(NI), which makes similar provision in relation to requirements/authorisations to publish things in the Government Gazette.

Item 4 - After item 6C of Schedule 2: new item 6CA

This item inserts into Schedule 1 of the *Acts Interpretation Act 1954* (Qld)(NI) a new definition of **Commonwealth Government Printer**. The new definition provides that the term includes any person printing for the Government.

This definition is in identical terms to a definition inserted into the *Interpretation Act 1983* (NSW)(NI).

Item 5 - After item 6D of Schedule 2: new items 6DA, 6DB and 6DC

New item 6DA inserts into Schedule 1 of the *Acts Interpretation Act 1954* (Qld)(NI) a new definition of **law of the State**. The new definition provides that the term means the laws (whether written or unwritten and whether substantive or procedural) that are from time to time in force in the Territory of Norfolk Island.

This definition is in identical terms to a definition inserted into the *Interpretation Act 1983* (NSW)(NI).

New items 6DB and 6DC amend the existing definitions in Schedule 1 of the *Acts Interpretation Act 1954* (Qld)(NI) of **local government** and **local government area**. These provide that now that references to these include respectively the body declared to be the Norfolk Island Regional Council by the *Norfolk Island Regional Council Declaration Ordinance 2016* and the area for that body declared by that Ordinance.

Item 6 - After item 6E of Schedule 2: new item 6EA

This item inserts into Schedule 1 of the *Acts Interpretation Act 1954* (Qld)(NI) new definitions of **Norfolk Island Department** and **Norfolk Island Minister**. These refer to the Commonwealth Department and Minister for the time being responsible for the administering the *Norfolk Island Act 1979* (Cth).

These definitions are in identical terms to those inserted into the *Interpretation Act 1983* (NSW)(NI).

Amendments to Schedule 3 of the Ordinance

The following items make amendments to Schedule 3 of the Ordinance. This Schedule amends the *Education (General Provisions) Act 2006* (Qld)(NI) (the EGPA).

Item 7 - After item 7 of Schedule 3: new item 7A

This item repeals section 47, which relates to use of premises of an educational institution located on land dedicated as a reserve under the *Land Act 1994* (Qld). That Act does not apply to Norfolk Island, and so this provision is redundant.

Item 8 - After item 20 of Schedule 3: new items 20A, 20B, 20C, 20D, 20E

This item removes references in the EGPA to arrangements which do not apply in relation to the Norfolk Island Central School as operated by the Queensland Education Department:

- New items 20A and 20B amend section 156 to remove references to enrolment in a ‘mature age State school’ or a ‘special school’.
- New item 20C repeals Division 3 of Part 1 of Chapter 8 (which relates to enrolment in a ‘special school’).
- New item 20D repeals Parts 3 and 4 of Chapter 8 (which relate to ‘enrolment management plans’ and ‘enrolment eligibility plans’ that are only relevant in the context of a multi-school system).
- New item 20E repeals Chapter 8A (which relates to enrolment of mature age students).

Item 9 – Omit item 25 of Schedule 3: new item 25

This item inserts a new subsection 178(5) into the EGPA.

Section 178 provides for arrangements whereby an authorised officer of the Education Department may give a notice to, or seek a meeting with, the parent of a school-age child who has not been attending school as required. Subsection 178(5) of the Act as it applies in Queensland provides in effect that the official may request assistance from a police officer under section 16 of the *Police Powers and Responsibilities Act 2000* (Qld). As that Act is not in force in Norfolk Island, that subsection was repealed by the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2021*. Following further consideration and consultation with Queensland, a new subsection 178(5) has been drafted with the intention of achieving a similar effect to that under the Act in its application in Queensland.

New subsection 178(5) provides that an authorised officer may ask a member of the police force for assistance to perform a function under this section and the member of the police force may give the authorised officer reasonable assistance as requested.

Item 10 - After item 46 of Schedule 3: new item 46A

This item repeals paragraph (c) of the definition of ‘exempt person’ in EGPA section 335. This removes a reference to a person receiving special education under section 420(2). That section is being repealed as it is not relevant to the Norfolk Island Central School (see new item 71 below).



Item 11 - After item 55 of Schedule 3: new items 55A and 55B

These items repeal EGPA paragraphs 365(1)(c) and 365A(1)(c). This removes references to a person receiving special education under section 420(2). That section is being repealed as not relevant to the Norfolk Island Central School (see new item 71 below).

Item 12 – Omit item 71 of Schedule 3: new item 71

This item repeals Part 2 of Chapter 19 of the EGPA, which relates to provision of special education in special cases, which are not relevant to the Norfolk Island Central School.

Item 13 - After item 71 of Schedule 3: new item 71A

This item repeals EGPA section 421. That section provides for the Minister to provide transportation assistance to a student with a disability who is attending a school in receipt of a subsidy, which is not relevant to the Norfolk Island Central School.

Item 14 - After item 80 of Schedule 3: new items 80A and 80B

New item 80A repeals section 429B of the EGPA. That provision applies in relation to a mature age student of a mature age State school, which is not relevant to the Norfolk Island Central School.

New item 80B repeals EGPA paragraph 428(1)(c). This removes references to a person receiving special education under section 420(2). That section is being repealed as not relevant to the Norfolk Island Central School (see new item 71 above).

Item 15 - After item 83 of Schedule 3: new item 83A

This item repeals the definition of ‘catchment area’ in Schedule 4 of the EGPA. That definition relates to a multi-school system and is not relevant to Norfolk Island (see also new item 20D above).

Item 16 - After item 84 of Schedule 3: new item 84A

This item repeals the definition of ‘criminal history’ in Schedule 4 of the EGPA. That definition relates to enrolment of mature age students and is not relevant to Norfolk Island.

Item 17 - After item 85 of Schedule 3: new items 85A and 85B

These items repeal the definition of ‘effective enrolment eligibility plan’, ‘effective enrolment management plan’ and ‘enrolment management plan’ in Schedule 4 of the EGPA. Those definitions relate to a multi-school system and are not relevant to Norfolk Island (see also new item 20D above).

Item 18 - After item 87 of Schedule 3: new items 87A and 87B

New item 87A repeals the definition of ‘person with a disability’ in Schedule 4 of the EGPA. That definition relates to provision of special education not relevant to Norfolk Island.

New item 87B repeals the definition of *police commissioner* in Schedule 4 of the EGPA. References to police officers and holders or a particular police office in applied or adopted Queensland laws are to be read subject to subsection 18B(5B) of the *Norfolk Island Act 1979* (Cth) and subsection 52AC(2) of the *Acts Interpretation Act 1954* (Qld)(NI) (for adopted laws, see also *Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021* section 8).

Item 19 - After item 89 of Schedule 3: new item 89A

This item repeals the definition of ‘relevant mature age student’ in Schedule 4 of the EGPA. That definition relates to enrolment of mature age students and is not relevant to Norfolk Island.

Amendments to Schedule 4 of the Ordinance

The following item amends *Education (General Provisions) Regulation 2017* (Qld)(NI) (the EGPR).

Item 20 - After item 1 of Schedule 4: new items 1A, 1B, 1C and 1D

New item 1A amends EGPR paragraph 12(3)(a), which relates to return of property removed from a student. It omits a reference to the *Police Powers and Responsibilities Act 2000* (Qld) in relation to property of the student that has been seized by the police. That Act does not apply in Norfolk Island. Omitting that reference allows the provision to apply where a police officer has seized the property in accordance with the laws in force in Norfolk Island.

New items 1B, 1C and 1D repeal EGPR sections 13 (in part) and section 15. The provisions repealed apply in relation to areas of Queensland where particular liquor restrictions apply, which are not relevant to Norfolk Island.

Amendments to Schedule 5 of the Ordinance

The following item amends the *Education (Queensland College of Teachers) Act 2005* (Qld)(NI) (QCTA).

Item 21 - After item 5 of Schedule 5: new items 5A, 5B, 5C and 5D

New item 5A inserts a reference in QCTA paragraph 228(3)(b) to Chapter 2.4 of the *Criminal Code 2007* (NI) in place of a reference to Chapter 2 of the Queensland Criminal Code.

New item 5B repeals QCTA section 236, which relates to an application to the Queensland College of Teachers for approval of a preservice teacher education program. That section is not relevant to Norfolk Island.

New item 5C amends the definition of *relevant agency* in QCTA subsection 287(5). That section relates to the circumstances in which information sharing between the Queensland College of Teachers and a ‘relevant agency’ is authorised. The effect of the amendments is to remove from the definition for the purposes of the QCTA in its application to Norfolk Island, references to two specified Queensland agencies which have no function under the applied laws: namely the Crime and Corruption Commission and the Non-State Schools Accreditation Board.

New section 5D omits from QCTA Schedule 1 a reference to a decision to refuse to approve a preservice teacher education program under subsection 236(5). This amendment is consequential upon the repeal of section 236 made by new item 5B.

#### Amendments to Schedule 8 of the Ordinance

The following item amends the *Hospital and Health Boards Act 2011* (Qld)(NI) (HBBA).

##### Item 22 – Omit item 4 of Schedule 8: new item 4

The effect of this item is to make a minor drafting change to the amendments already made to the HBBA to authorise disclosure of confidential information subject to the HBBA by the Norfolk Island Health and Residential Aged Care Service (NIHRACS) and its employees. The effect is to clarify its application also to former employees.

#### Amendments to Schedule 10 of the Ordinance

The following item amends the *Public Health Act 2005* (Qld)(NI) (PHA).

##### Item 23 – After item 2 of Schedule 10: new items 3, 4, 5 and 6

New items 3, 4 and 5 vary the process under which a public health emergency may be extended in Norfolk Island.

For certain steps to be taken under the PHA, such as the issuing of certain public health directions, there must be a public health emergency declaration under section 319 of the PHA in force. Under section 322 of the PHA, a public health emergency ends 7 days after it is declared unless revoked earlier. Section 323 provides (in effect) that a regulation may extend a public health emergency for up to 90 days.

It is not practicable to make a regulation under the PHA in its application to Norfolk Island, since it is unclear what status that regulation would have. For example, it would not be an ‘applied law’ within the meaning of the *Norfolk Island Act 1989* (Cth), because it is not a law of Queensland.

A better option is to be to repeal section 323 of the PHA, and provide that a COVID-19 emergency declaration can be extended and further extended by the Minister making a declaration, and that the Minister’s declaration can be in force for 90 days. The Minister’s decision will be informed by reference to health advice and the public health responses on the mainland. The use of a declaration process is consistent with, for example, arrangements under the *Disaster and Emergency Management Act 2001* (NI), under which the current public health response to COVID is being implemented, and for similar measures in relation to the Jervis Bay Territory.

- New item 3 amends section 322 (which specifies the duration of a declared public health emergency) to substitute a reference to a ‘declaration’ in place of a ‘regulation’.
- New item 4 repeals the current section 323, which provides for a declared public health emergency to be extended by regulations. The new section 323 provides instead for a declared public health emergency to be extended for a period of not more than 90 days by a declaration made by the Minister administering the *Norfolk Island Act 1979* (Cth) (see definition in *Acts Interpretation Act 1954* (Qld)(NI) inserted by item 6 above). The emergency period may be ended earlier by a declaration under section 324. The same requirements for publication of the declaration under section 321 will apply as for the initial declaration of a public health emergency (see new subsection 323(4)).
- New item 5 amends section 324 (which provides for early termination of a declared public health emergency) to substitute a reference to a ‘declaration’ in place of a ‘regulation’.

New item 6 amends the definition of **health service employee** in PHA Schedule 2 to also include an employee of the Norfolk Island Health and Residential Aged Care Service.

There are a number of provisions in the PHA in relation to public health emergencies which refer to a **health service employee**. The Norfolk Island Health and Residential Aged Care Service is taken to not be a **health service** under the *Health and Hospital Boards Act 2011* (Qld). While it may be possible to make use of section 18B of the *Norfolk Island Act 1979* (Cth) to vest powers in Norfolk Island Health and Residential Aged Care Service employees, it is preferable to bring them within the ambit of the provision for transparency.