



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

I, Nola Marino, 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 24/1/22

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
<i>Norfolk Island Applied Laws and Service Delivery (Queensland) Ordinance 2021</i>	2

1 Name

This instrument is the *Norfolk Island Applied Laws and Service Delivery (Queensland) Amendment Rules 2022*.

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.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

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

1 After item 1A of Schedule 2

Insert:

1AB At the end of Part 7

Add:

22D Modification of prerequisites for Norfolk Island Minister to take action

- (1) This section applies if:
 - (a) an applied law or an adopted law is expressed (ignoring section 18B of the Norfolk Island Act) to make:
 - (i) a recommendation (however described) about a matter; or
 - (ii) an approval (however described) of a matter;by a Minister or an authority established or appointed by or under an applied law, an adopted law or a law of Queensland a prerequisite for a person to exercise a function; and
 - (b) the Norfolk Island Minister has that function because of section 18B of the Norfolk Island Act.
- (2) The Norfolk Island Minister may exercise the function without receiving or following the Minister's or authority's recommendation about the matter or approval of the matter.
- (3) This section applies 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, in the same way that applies to the Norfolk Island Minister:

22E Norfolk Island Minister not required to interact with himself or herself

- (1) The Norfolk Island Minister need not comply with a requirement that:
 - (a) is imposed on the Norfolk Island Minister by an applied law or an adopted law (as affected by section 18B of the Norfolk Island Act or otherwise); and
 - (b) because of section 18B of the Norfolk Island Act, is a requirement for the Norfolk Island Minister to do something in relation to the Norfolk Island Minister:
 - (i) before taking another action; or
 - (ii) in the process of taking another action; or
 - (iii) after taking another action.

Note: Some examples of a requirement to which this section applies are if an applied law or an adopted law (ignoring section 18B of the Norfolk Island Act) says:

- (a) the Governor may do something on the advice of a Minister; or
- (b) an authority must give the Minister notice of a decision or action the authority has taken.

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- (2) To avoid doubt, if the Norfolk Island Minister takes the other action, its validity is not affected merely because the Norfolk Island Minister did not or does not comply with the requirement.
 - (3) This section applies 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, in the same way that applies to the Norfolk Island Minister:

22F Special rules relating to the Parliament

Requirements relating to the Parliament that need not be complied with

- (1) A person or body need not comply with a requirement imposed by an applied law or an adopted law on the person or body to do either of the following:
 - (a) give (however described) a thing to the Parliament, a committee of the Parliament or an officer or member of the Parliament;
 - (b) act consistently (however described) with a resolution or recommendation of the Parliament.

Failure to comply with the requirement does not affect the validity of any act.

Note 1: Applied laws or adopted laws may use various verbs to express requirements to give something to the Parliament, a committee of the Parliament, or an officer or member of the Parliament. Some examples of such verbs are giving, furnishing, laying before, presenting to, tabling, notifying, advising and providing.

Note 2: Applied laws or adopted laws may express in various ways a requirement for a person or body to act consistently with a resolution or recommendation of the Parliament. For example, applied laws or adopted laws may refer to a person or body doing something in accordance with a resolution of the Parliament, on the recommendation of the Parliament or on an address from the Parliament.

Acts valid despite absence of action relating to the Parliament

- (2) Despite an applied law or an adopted law providing for a thing to be done by or in relation to the Parliament:
 - (a) before a function can be exercised by an authority other than the Parliament; or
 - (b) in connection with the exercise of a function, by such an authority; the function may be exercised by the authority even though that thing has not been done, or is not done, by or in relation to the Parliament.

2 Before item 3A of Schedule 2

Insert:

3AA Section 39

Add at the end:

- (4) In subsection (1):
 - (a) a reference to document includes a plaint, summons, writ, subpoena or other process issued out of a court or tribunal in accordance with an enactment or a rule of court; and
 - (b) a reference to:
 - (i) the address of the place of residence or business of a person; or

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- (ii) the head office, a registered office or a principal office of a body corporate;
includes, where that address is in Norfolk Island, a Post Office Box number registered in the name of, or of a business owned by, that person or in the name of that corporation.

3AAA Section 39A

Add at the end:

- (4) Despite paragraph (1)(b), if:
- (a) the address to which the letter is posted is a Post Office Box address in Norfolk Island; and
 - (b) the 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 that the document was in fact received by the person.

3 After item 5B of Schedule 2

5C Before section 52B

Insert:

52AF Publication on websites

If an applied law or an adopted law requires or permits a person to publish something on the whole-of-government website, a department's website or the website of another entity established for a public purpose by or under a law of Queensland, the requirement is satisfied by, or the entitlement extends to publication of the thing on the website of the Norfolk Island Department.

4 After item 6C of Schedule 2

Insert:

6CA Schedule 1

Insert:

Commonwealth Government Printer includes any person printing for the Government.

5 After item 6D of Schedule 2

Insert:

6DA Schedule 1

Insert:

law of the State 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.

6DB Schedule 1, definition of *local government*

Add at the end:

- ; or (c) the body declared to be the Norfolk Island Regional Council by the *Norfolk Island Regional Council Declaration Ordinance 2016* of the Commonwealth.

6DC Schedule 1, definition of *local government area*

Repeal the definition, substitute:

local government area means:

- (a) a local government area under the *Local Government Act 2009*; or
- (b) the area for which a body is declared to be the Norfolk Island Regional Council by the *Norfolk Island Regional Council Declaration Ordinance 2016* of the Commonwealth.

6 After item 6E of Schedule 2

Insert:

6EA Schedule 1

Insert:

Norfolk Island Department means the Department of State of the Commonwealth responsible for the administration of the Norfolk Island Act.

Norfolk Island Minister means the Commonwealth Minister who administers the Norfolk Island Act.

7 After item 7 of Schedule 3

Insert:

7A Section 47

Repeal the section.

8 After item 20 of Schedule 3

Insert:

20A Subsection 156(1)

Omit “(1A), (2) and (3), substitute “(1A) and (2)”.

20B Subsections 156(2A) and (3)

Repeal the subsections.

20C Division 3 of Part 1 of Chapter 8

Repeal the Division.

20D Parts 3 and 4 of Chapter 8

Repeal the Parts.

20E Chapter 8A

Repeal the Chapter.

9 Item 25

Repeal the item, substitute:

25 Subsection 178(5)

Repeal the subsection, substitute:

- (5) 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.

10 After item 46 of Schedule 3

Insert

46A Section 335, paragraph (c) of the definition of *exempt person*

Repeal the paragraph.

11 After item 55 of Schedule 3

Insert:

55A Paragraph 365(1)(c)

Repeal the paragraph.

55B Paragraph 365A(1)(c)

Repeal the paragraph.

12 Item 71 of Schedule 3

Repeal the item, substitute:

71 Part 2 of Chapter 19

Repeal the Part.

13 After item 71 of Schedule 3

Insert:

71A Section 421

Repeal the section.

14 After item 80 of Schedule 3

Insert:

80A Section 429B

Repeal the section.

80B Paragraph 428(1)(c)

Repeal the paragraph.

15 After item 83 of Schedule 3

Insert

83A Schedule 4 (definition of *catchment area*)

Repeal the definition.

16 After item 84 of Schedule 3

Insert

84A Schedule 4 (definition of *criminal history*)

Repeal the definition.

17 After item 85 of Schedule 3

Insert

85A Schedule 4 (definitions of *effective enrolment eligibility plan* and *effective enrolment management plan*)

Repeal the definitions.

85B Schedule 4 (definition of *enrolment management plan*)

Repeal the definition.

18 After item 87 of Schedule 3

Insert

87A Schedule 4 (definition *person with a disability*)

Repeal the definition.

87B Schedule 4 (definition *police commissioner*)

Repeal the definition.

19 After item 89 of Schedule 3

Insert

89A Schedule 4 (definition of *relevant mature age student*)

Repeal the definition.

20 After item 1 of Schedule 4

Insert:

1A Paragraph 12(3)(a)

Omit “under the *Police Powers and Responsibilities Act 2000*”.

1B Subsection 13(4)

Repeal the subsection.

1C Subsection 13(7)

Repeal the subsection.

1D Section 15

Repeal the section.

21 After item 5 of Schedule 5

Insert:

5A Paragraph 228(3)(b)

Omit “under the Criminal Code, Chapter 2,” substitute “under Chapter 2.4 of the *Criminal Code 2007* (NI),”.

5B Section 236

Repeal the section.

5C Subsection 287(5), definition of *relevant agency*

Repeal the definition, substitute:

relevant agency means:

- (a) a department; or
- (b) an interstate regulatory authority.

5D Schedule 1

Omit:

“236(5) college’s decision to refuse to approve a preservice teacher education program”.

22 Item 4 of Schedule 8

Omit the item, substitute:

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 an employee of NIHRACS.

23 After item 2 of Schedule 10

Insert:

3 Subparagraph 322(b)(ii)

Omit “regulation”, substitute “declaration”.

4 Section 323

Repeal the section, substitute:

323 Extending declared public health emergency

- (1) The Norfolk Island Minister may, by declaration, extend, or from time to time further extend, the period of a declared public health emergency.
- (2) A declaration under this section commences on the day it is made.
- (3) A declaration extending or further extending the period of a declared public health emergency:
 - (a) must state the period, of not more than 90 days, by which the declared public emergency is extended or further extended; and
 - (b) expires at the end of the stated period unless the declared public health emergency is sooner ended under section 324.
- (4) Section 321 applies to a declaration made under this section as if the declaration were a public health emergency order.

5 Subsection 324(3)

Repeal the subsection.

6 Schedule 2, definition of *health service employee*

Omit the definition, substitute:

health service employee means:

- (a) a person appointed as a health service employee under section 67 of the *Hospital and Health Boards Act 2011*; or
- (b) an employee of 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)).