

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Regional Development, Local Government and Territories

Norfolk Island Continued Laws Ordinance 2015

Norfolk Island Continued Laws Amendment (National Day of Mourning) Rules 2022

Authority

The *Norfolk Island Continued Laws Amendment (National Day of Mourning) Rules 2022* (the Rules) is made under section 6 of the *Norfolk Island Continued Laws Ordinance 2015* (the Ordinance).

Subsection 6(1) of the Ordinance provides that the Commonwealth Minister with responsibility for the Territory of Norfolk Island may, by legislative instrument, make rules amending this Ordinance so as to amend or repeal a continued law.

Purpose

On 11 September 2022, the Prime Minister announced that Australia will hold a National Day of Mourning to commemorate Her Majesty, Queen Elizabeth II's remarkable life and dedication to service on Thursday 22 September 2022.

The relevant legislation on Norfolk Island relating to public holidays, the *Employment Act 1988* (NI), currently provides an exhaustive list of public holidays to be observed on Norfolk Island and does not contain any authority for additional public holidays to be declared.

These Rules will amend the *Norfolk Island Continued Laws Ordinance 2015* to insert a new section into the *Employment Act 1988* (NI) to declare the National Day of Mourning as a one-off public holiday on Norfolk Island to be observed on 22 September 2022.

Consultation

Due to the short timeframe between the announcement of the National Day of Mourning and the proposed date of its observance, community consultation has not been undertaken. It is understood that the Norfolk Island community is supportive of the public holiday given the community's strong connection with the United Kingdom

Other

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

The Rule commences the day after the core instrument is registered.

Statement of Compatibility with Human Rights

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

Norfolk Island Continued Laws Amendment (National Day of Mourning) 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 will amend the *Norfolk Island Continued Laws Ordinance 2015* to insert a new section into the *Employment Act 1988* (NI) to declare a National Day of Mourning as a one-off public holiday on Norfolk Island to be observed on 22 September 2022.

Human rights compatibility assessment

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*.

Minister for Regional Development, Local Government and Territories
The Hon Kristy McBain MP

ATTACHMENT—NOTES ON CLAUSES

Section 1 – Name

This section provides that the title of the Rules is the *Norfolk Island Continued Laws Amendment (National Day of Mourning) Rules 2022*.

Section 2 – Commencement

This section provides for the Rules to commence the day after registration on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the Rules are made under section 6 of the *Norfolk Island Continued Laws Ordinance 2015* (the Ordinance).

Section 4 – Schedules

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

Schedule 1—Amendments

Part 1 of Schedule 1 to the Rules amends the *Norfolk Island Continued Laws Ordinance 2015* (the Ordinance) with the effect of amending the *Employment Act 1988* (NI).

Norfolk Island Continued Laws Ordinance 2015

Item [1] – After item 73V of Schedule 1

Item 1 adds new item 73VA to the Ordinance with the effect of adding a new section 9A to the *Employment Act 1988* (NI) to declare a National Day of Mourning for Her Majesty the Queen to be observed as an additional, one-off, public holiday on 22 September 2022.