Norfolk Island Legislation Amendment Act 2015

No. 59, 2015

An Act to amend the *Norfolk Island Act 1979*, and for other purposes

Note: An electronic version of this Act is available in ComLaw (http://www.comlaw.gov.au/)

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Norfolk Island Legislation Amendment Act 2015

No. 59, 2015

An Act to amend the *Norfolk Island Act 1979*, and for other purposes

[*Assented to 26 May 2015*]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Norfolk Island Legislation Amendment Act 2015*.

2 Commencement

(1) Each provision of this Act 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. Sections 1 to 4 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	26 May 2015
2. Schedule 1, Part 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
3. Schedule 1, Part 2	The day after this Act receives the Royal Assent.	27 May 2015
4. Schedule 1, Part 3	The later of: (a) immediately after the commencement of the provisions covered by table item 2; and (b) the commencement of Schedule 1 to the *Acts and Instruments (Framework Reform) Act 2015*.	
5. Schedule 2, Part 1	1 July 2016.	1 July 2016
6. Schedule 2, Part 2	At the same time as the provisions covered by table item 2.	
7. Schedule 3	The day after this Act receives the Royal Assent.	27 May 2015

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedules

(1) Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(2) The amendment of any regulation under subsection (1) does not prevent the regulation, as so amended, from being amended or repealed by the Governor-General.

4 Translation of a reference to the *Legislative Instruments Act 2003*

If Schedule 1 to the *Acts and Instruments (Framework Reform) Act 2015* commences before the commencement of Part 1 of Schedule 1 to this Act, the reference in Division 2 of that Part to the *Legislative Instruments Act 2003* is to be read as a reference to the *Legislation Act 2003*.

Schedule 1—Interim arrangements etc.

Part 1—General amendments

Division 1—Amendment of the Norfolk Island Act 1979

Norfolk Island Act 1979

1 Preamble

Repeal the preamble.

2 Subsection 4(1)

Insert:

Advisory Council means the Norfolk Island Advisory Council.

Note: See section 12.

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

3 Subsection 4(1) (definition of *Chief Executive Officer*)

Omit "*Public Sector Management Act 2000*", substitute "*Public Service Act 2014*".

4 Subsection 4(1) (definition of *Chief Minister*)

Repeal the definition.

5 Subsection 4(1) (definition of *Commonwealth Gazette*)

Repeal the definition.

6 Subsection 4(1) (definition of *Deputy Speaker*)

Repeal the definition.

7 Subsection 4(1) (definition of *enactment*)

Repeal the definition, substitute:

enactment means:

(a) a section 19A Ordinance; or

(b) an Ordinance continued in force by this Act; or
(c) a Legislative Assembly law continued in force by this Act.

8 Subsection 4(1) (definition of *Executive Council*)

Repeal the definition.

9 Subsection 4(1)

Insert:

> ***Executive Director*** means the Executive Director of Norfolk Island.
>
> Note: See section 9.

10 Subsection 4(1)

Insert:

> ***interim transition time*** means the commencement of Part 1 of Schedule 1 to the *Norfolk Island Legislation Amendment Act 2015*.

11 Subsection 4(1) (at the end of the definition of *Legislative Assembly*)

Add "that was in existence before the interim transition time".

12 Subsection 4(1)

Insert:

> ***Legislative Assembly law*** means a law (however described or entitled) passed by the Legislative Assembly, and assented to under this Act, before the interim transition time.

13 Subsection 4(1)

Insert:

> ***member of the Advisory Council*** includes the Chair of the Advisory Council.

14 Subsection 4(1) (definition of *Minister*)

Repeal the definition.

15 Subsection 4(1) (definition of *Minister for Finance*)

Repeal the definition.

16 Subsection 4(1)

Insert:

section 19A Ordinance means an Ordinance made under section 19A after the interim transition time.

17 Subsection 4(1) (definition of *Speaker*)

Repeal the definition.

18 Subsection 4(2)

Repeal the subsection.

19 Section 4A

Repeal the section.

20 Section 7

Repeal the section, substitute:

7 Exercise of Administrator's powers etc.

(1) The Administrator must exercise all powers, and perform all functions, that belong to his or her office, or that are conferred on him or her by or under a law in force in the Territory:

(a) in accordance with the tenor of his or her Commission; and

(b) in accordance with such written directions (if any) as are given to him or her by the responsible Commonwealth Minister.

(2) A direction under paragraph (1)(b) may be of a general or specific nature.

(3) The responsible Commonwealth Minister may, by written notice given to the Administrator, direct that, before the Administrator exercises a specified power or performs a specified function, the Administrator must:

(a) notify the responsible Commonwealth Minister of the Administrator's intention to exercise that power or perform that function; and

(b) do so at least the specified number of days before exercising that power or performing that function.

7A Delegation by the Administrator

(1) The Administrator may, by writing, delegate any or all of the Administrator's functions and powers to:

(a) the Executive Director; or

(b) an employee of the Administration; or

(c) a person who holds, or performs the duties of, an office under an enactment; or

(d) an employee of a body corporate established by or under an enactment.

Directions

(2) A delegate must comply with:

(a) any written directions of the Administrator; and

(b) any written directions of the responsible Commonwealth Minister.

(3) A direction under subsection (2) may be of a general or specific nature.

(4) If directions of the Administrator under subsection (2) are inconsistent with directions of the responsible Commonwealth Minister under that subsection, the directions of the responsible Commonwealth Minister prevail, and the directions of the Administrator are, to the extent of the inconsistency, invalid.

(5) For the purposes of subsection (4), directions of the Administrator are taken to be consistent with directions of the responsible Commonwealth Minister to the extent that they are capable of operating concurrently.

(6) The responsible Commonwealth Minister may, by written notice given to a delegate of the Administrator, direct that, before the delegate exercises a specified power or performs a specified function, the delegate must:

(a) notify the responsible Commonwealth Minister of the delegate's intention to exercise that power or perform that function; and

(b) do so at least the specified number of days before exercising that power or performing that function.

Other matters

(7) If a function or power conferred by a law other than this Act is delegated under subsection (1) of this section, then paragraph 34AB(1)(c), subsections 34AB(2) and (3) and section 34A of the *Acts Interpretation Act 1901* apply to the delegation in the same way as they apply to a delegation under subsection (1) of this section of a function or power conferred by this Act.

(8) This section does not, by implication, prevent a power of delegation from being conferred on the Administrator by an enactment.

21 Sections 9 and 10

Repeal the sections, substitute:

9 Executive Director

(1) The responsible Commonwealth Minister may, by writing, declare that a specified employee of the Administration is the Executive Director of Norfolk Island.

(2) A declaration under subsection (1) is not a legislative instrument.

10 Employees

(1) The Administrator may, on behalf of the Administration, engage such employees as he or she thinks necessary for the purposes of the government of the Territory.

(2) The terms and conditions of employment (including remuneration) of an employee are such as are determined by the Administrator.

(3) This section does not, by implication, prevent an enactment from conferring a power to engage employees on behalf of the Administration.

(4) This section does not, by implication, limit the powers conferred on the Administrator by section 5.

10A Persons assisting the Administration

The Administration may be assisted:

(a) by employees of Agencies (within the meaning of the *Public Service Act 1999*); or

(b) by officers and employees of authorities of the Commonwealth;

whose services are made available to the Administration in connection with the government of the Territory.

22 Part III

Repeal the Part, substitute:

Part III—Norfolk Island Advisory Council

Division 1—Introduction

11 Simplified outline

The following is a simplified outline of this Part:

- This Part establishes the Norfolk Island Advisory Council.
- The Advisory Council is to advise the Administrator on matters affecting the peace, order and good government of the Territory.

Division 2—Norfolk Island Advisory Council's establishment and functions

12 Norfolk Island Advisory Council

The Norfolk Island Advisory Council is established by this section.

Note: In this Act, ***Advisory Council*** means the Norfolk Island Advisory Council—see subsection 4(1).

13 Functions of the Advisory Council

The Advisory Council has the following functions:

(a) to advise the Administrator on matters affecting the peace, order and good government of the Territory;

(b) to do anything incidental to or conducive to the performance of the above function.

Division 3—Membership of the Advisory Council

14 Membership of the Advisory Council

The Advisory Council consists of the following members:

(a) a Chair;

(b) 4 other members.

14A Appointment of members of the Advisory Council

(1) Each member of the Advisory Council is to be appointed by the responsible Commonwealth Minister by written instrument.

Note: Members of the Advisory Council are eligible for reappointment: see the *Acts Interpretation Act 1901*.

(2) A member of the Advisory Council holds office on a part-time basis.

14B Period of appointment for members of the Advisory Council

A member of the Advisory Council holds office for the period specified in the instrument of appointment. The period must not exceed 12 months.

Note: For reappointment, see the *Acts Interpretation Act 1901*.

14C Acting members of the Advisory Council

Acting Chair of the Advisory Council

(1) The responsible Commonwealth Minister may appoint a person to act as the Chair of the Advisory Council:

(a) during a vacancy in the office of the Chair of the Advisory Council (whether or not an appointment has previously been made to the office); or

(b) during any period, or during all periods, when the Chair of the Advisory Council:

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

Acting member of the Advisory Council (other than the Chair of the Advisory Council)

(2) The responsible Commonwealth Minister may appoint a person to act as a member of the Advisory Council (other than the Chair of the Advisory Council):

(a) during a vacancy in the office of a member of the Advisory Council (other than the Chair of the Advisory Council), whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when a member of the Advisory Council (other than the Chair of the Advisory Council):

(i) is absent from duty or from Australia; or

(ii) is, for any reason, unable to perform the duties of the office.

Note: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

Division 4—Terms and conditions for members of the Advisory Council

14D Remuneration

A member of the Advisory Council is to be paid the remuneration and allowances (if any) that are prescribed by a legislative instrument made by the responsible Commonwealth Minister.

14E Disclosure of interests to the responsible Commonwealth Minister

A member of the Advisory Council must give written notice to the responsible Commonwealth Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's functions.

14F Resignation

(1) A member of the Advisory Council may resign his or her appointment by giving the responsible Commonwealth Minister a written resignation.

(2) The resignation takes effect on the day it is received by the responsible Commonwealth Minister or, if a later day is specified in the resignation, on that later day.

14G Termination of appointment

The responsible Commonwealth Minister may terminate the appointment of a member of the Advisory Council.

14H Other terms and conditions

A member of the Advisory Council holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined by the responsible Commonwealth Minister.

Division 5—Other matters

14J Procedures

The responsible Commonwealth Minister may, by legislative instrument, prescribe the procedures to be followed at or in relation to meetings of the Advisory Council, including matters relating to the following:

(a) the convening of meetings of the Advisory Council;

(b) the number of members of the Advisory Council who are to constitute a quorum;

(c) the selection of a member of the Advisory Council to preside at meetings of the Advisory Council in the absence of the Chair;

(d) the manner in which questions arising at a meeting of the Advisory Council are to be decided;

(e) the disclosure by a member of the Advisory Council, at a meeting of the Advisory Council, of an interest (whether pecuniary or otherwise) that the member has in a matter being considered, or about to be considered, by the Advisory Council.

Note: Section 33B of the *Acts Interpretation Act 1901* provides for participation in meetings by telephone etc.

14K Minutes

The Advisory Council must keep minutes of its meetings.

14L Assistance to the Advisory Council

(1) The Administrator may assist the Advisory Council in the performance of its functions.

(2) The assistance may include the following:

(a) the provision of information;

(b) the provision of advice;

(c) the making available of resources and facilities (including secretariat services and clerical assistance).

14M Obtaining advice

This Part does not, by implication, require the Administrator or any other person to obtain advice from the Advisory Council before:

(a) performing a function; or

(b) exercising a power; or

(c) taking any other action.

23 Before section 16

Insert:

15 Laws in force in the Territory

After the interim transition time, the laws in force in the Territory from time to time are:

(a) Acts to the extent that they are in force from time to time in, or in relation to, the Territory; and

(b) laws made under Acts to the extent that those laws are in force from time to time in, or in relation to, the Territory; and

(c) section 19A Ordinances as in force from time to time; and

(d) laws continued in force by section 16 or 16A (including such a law as amended in accordance with section 17).

24 Section 16 (heading)

Repeal the heading, substitute:

16 Continuance of laws in force immediately before 7 August 1979

25 At the end of subsection 16(1)

Add:

Note: This section commenced on 7 August 1979.

26 After section 16

Insert:

16A Continuance of certain laws in force immediately before the interim transition time

(1) Subject to this Act, all Legislative Assembly laws that were in force immediately before the interim transition time continue in force.

(2) Subject to this Act, all Ordinances made under this Act that were in force immediately before the interim transition time continue in force.

(3) A reference in this section to a ***Legislative Assembly law*** includes a reference to a law made under a Legislative Assembly law.

(4) A reference in this section to an ***Ordinance made under this Act*** includes a reference to a law made under such an Ordinance.

(5) This section has effect despite the repeal of sections 19 and 27 by the *Norfolk Island Legislation Amendment Act 2015*.

27 At the end of section 17

Add:

(3) Subject to this Act, a law continued in force by section 16 or 16A may be amended or repealed by a section 19A Ordinance or by a law made under a section 19A Ordinance.

(4) A section 19A Ordinance may suspend the operation of a law continued in force by section 16 or 16A for such period as is specified in the Ordinance.

28 Divisions 2 and 3 of Part IV

Repeal the Divisions, substitute:

Division 2—Legislative powers of the Governor-General

19A Governor-General may make Ordinances

(1) Subject to this Act, the Governor-General may make Ordinances for the peace, order and good government of the Territory.

(2) An Ordinance made under subsection (1) is a legislative instrument.

29 Division 4 of Part IV (heading)

Repeal the heading, substitute:

Division 3—Inconsistency of laws

30 Section 29 (heading)

Repeal the heading, substitute:

29 Inconsistency of Legislative Assembly laws with old Ordinances

31 Subsection 29(1)

Omit "Division 2", substitute "repealed Division 2 (as in force before the interim transition time)".

32 Subsection 29(1)

Omit "section 27", substitute "repealed section 27 (as in force before the interim transition time)".

33 Section 30

Repeal the section, substitute:

30 Inconsistency of section 19A Ordinances with the regulations

(1) If a section 19A Ordinance is inconsistent with the regulations, the regulations prevail, and the section 19A Ordinance is, to the extent of the inconsistency, invalid.

(2) For the purposes of subsection (1), a section 19A Ordinance is taken to be consistent with the regulations to the extent that they are capable of operating concurrently.

(3) A reference in this section to a ***section 19A Ordinance*** includes a reference to a law made under a section 19A Ordinance.

34 Part V

Repeal the Part.

35 Subsection 47(3)

Omit "(4) or".

36 Subsection 47(4)

Repeal the subsection.

37 Subsection 47(5)

Omit "(other than the general purpose referred to in subsection (4))".

38 Subsection 47(5)

Omit ", subject to subsection 27(3),".

39 Subsection 48(1) (note)

Repeal the note.

40 Section 48A (heading)

Repeal the heading, substitute:

48A Preparation of annual budgets by the Administrator

41 Subsection 48A(1)

Omit "Minister for Finance", substitute "Administrator".

42 Subsections 48A(4), (5) and (6)

Repeal the subsections, substitute:

(4) The Administrator must give a copy of each annual budget to the responsible Commonwealth Minister.

43 Section 48B (heading)

Repeal the heading, substitute:

48B Preparation of annual financial statements by the Administrator

44 Subsections 48B(1) and (3)

Omit "Minister for Finance", substitute "Administrator".

45 Subsection 48B(4)

Repeal the subsection.

46 Paragraph 48C(3)(a)

Repeal the paragraph.

47 Subsection 48C(4)

Repeal the subsection.

48 Subparagraph 48E(2)(b)(i)

Repeal the subparagraph.

49 Subsection 48E(3)

Omit "a Norfolk Island Minister or".

50 Subsection 48E(4)

Repeal the subsection.

51 Subsection 48F(3)

Omit "a Norfolk Island Minister", substitute "the Administrator".

52 Paragraph 48G(2)(d)

Repeal the paragraph.

53 Paragraphs 48G(3)(c) and (d)

Repeal the paragraphs, substitute:

(c) a reference in that section to the Attorney-General were a reference to the Administrator; and

(d) a reference in that section to the Cabinet included a reference to the Administrator; and

54 Paragraphs 48G(3)(g), (h), (i) and (j)

Repeal the paragraphs, substitute:

(g) a reference in that section to the Prime Minister were a reference to the Administrator; and

(h) a reference in that section to the Finance Minister were a reference to the Administrator; and

(i) a reference in that section to a responsible Minister were a reference to the Administrator.

55 Section 48H (heading)

Repeal the heading, substitute:

48H Preparation of periodic financial statements by the Administrator

56 Subsection 48H(1)

Omit "Minister for Finance", substitute "Administrator".

57 Subsections 48H(4), (5) and (6)

Repeal the subsections, substitute:

(4) The Administrator must give a copy of the statements to the responsible Commonwealth Minister.

58 Subsection 48J(1)

Omit "Chief Minister", substitute "Administrator".

59 Subsections 48J(3) and (4)

Repeal the subsections.

60 Section 48K (heading)

Repeal the heading, substitute:

48K Administrator may obtain information from the responsible manager or managers of a Territory authority

61 Subsections 48K(1) and (2)

Omit "Minister for Finance" (wherever occurring), substitute "Administrator".

62 Subsections 48P(1) and (3)

Omit "Minister for Finance", substitute "Administrator".

63 Paragraph 48R(4)(b)

Repeal the paragraph.

64 Paragraph 48S(4)(b)

Repeal the paragraph.

65 Section 51 (heading)

Repeal the heading, substitute:

51 Administrator must keep responsible Commonwealth Minister informed

66 Subsections 51(1) and (3)

Omit "Minister for Finance", substitute "Administrator".

67 Section 51A (heading)

Repeal the heading, substitute:

51A Administrator must keep Commonwealth Finance Minister informed

68 Subsections 51A(1) and (3)

Omit "Minister for Finance", substitute "Administrator".

69 Subsection 53(2)

Repeal the subsection.

70 Paragraph 53A(a)

Omit "both Australia and Norfolk Island", substitute "Australia".

71 Section 53A

Omit "or Norfolk Island".

72 Section 61

Repeal the section, substitute:

61 Appointment of officers

(1) Despite the *Public Service Act 1999*, a law of the Territory may make provision for and in relation to the appointment and employment of persons for the purposes of the government of the Territory.

(2) This section does not prevent the appointment or employment of persons under the *Public Service Act 1999* in its application to the Territory.

73 Subsection 61A(2)

Repeal the subsection, substitute:

(2) A person appointed or employed under:

(a) a law of the Territory mentioned in subsection 61(1); or

(b) section 10;

must at all times behave in a way that upholds the Norfolk Island Public Service Values.

74 Section 62

Repeal the section, substitute:

62 Disposal of land

(1) The application of the *Lands Acquisition Act 1989* in relation to land in the Territory does not prevent or affect the making or operation of a provision of an enactment under which:

(a) land in the Territory acquired by or vested in the Commonwealth may be disposed of or otherwise dealt with; or

(b) instruments, receipts and other documents in relation to any such land may be executed; or

(c) rights, duties and liabilities in relation to any such land are or may be acquired, conferred or imposed.

(2) An enactment referred to in subsection (1) which provides for the acquisition of land must provide that such land must not be acquired otherwise than on just terms.

75 Section 64

Before "Duties", insert "(1)".

76 At the end of paragraph 64(a)

Add "and".

77 At the end of section 64

Add:

(2) In this section:

Australia does not include Norfolk Island.

78 Sections 65 and 66A

Repeal the sections.

79 Subsection 67(1)

Omit "(1)".

80 Subsections 67(2) and (3)

Repeal the subsections.

81 Part IX (heading)

Repeal the heading, substitute:

Part IX—Transitional provisions that commenced in 1979

82 Schedules 2 and 3

Repeal the Schedules.

83 Schedule 4 (note to Schedule heading)

Repeal the note, substitute:

Note: See section 57.

84 Schedules 5 to 9

Repeal the Schedules.

Division 2—Amendments of other legislation

Aboriginal and Torres Strait Islander Heritage Protection Act 1984

85 Subsection 13(2)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

Administrative Appeals Tribunal Act 1975

86 Subsection 3(1) (definition of *Norfolk Island Justice Minister*)

Repeal the definition.

87 Subsection 3(1) (definition of *Norfolk Island Minister*)

Repeal the definition.

88 Subsections 36B(6), 36C(4) and 36D(8)

Repeal the subsections.

89 Subsection 67A(2)

Omit "*Public Sector Management Act 2000*", substitute "*Public Service Act 2014*".

Administrative Decisions (Judicial Review) Act 1977

90 After section 3A

Insert:

3B Norfolk Island

This Act extends to Norfolk Island.

Age Discrimination Act 2004

91 Section 5 (paragraph (g) of the definition of *administrative office*)

Repeal the paragraph.

Carbon Credits (Carbon Farming Initiative) Act 2011

92 Subsections 296(7) and (8)

Omit "a Minister of Norfolk Island", substitute "the Administrator of Norfolk Island".

Commonwealth Grants Commission Act 1973

93 Subsection 5(3)

Omit "Ministers of that Territory have", substitute "Administrator of that Territory has".

Crimes Act 1914

94 Subsection 4AA(2) (paragraph (a) of the definition of *Territory Ordinance*)

Omit "other than the Territory of Norfolk Island".

Criminal Code Act 1995

95 Dictionary in the *Criminal Code* (paragraph (h) of the definition of *Commonwealth public official*)

Omit ", an Acting Administrator, or a Deputy Administrator,", substitute "or an Acting Administrator".

Defence Act 1903

96 Subsection 51(1) (definition of *self-governing Territory*)

Repeal the definition, substitute:

self-governing Territory means:
(a) the Australian Capital Territory; or
(b) the Northern Territory.

Disability Discrimination Act 1992

97 Subsection 4(1) (paragraph (g) of the definition of *administrative office*)

Repeal the paragraph.

Do Not Call Register Act 2006

98 Subparagraphs 3(2)(a)(v) and 3(3)(a)(vi) of Schedule 1

Repeal the paragraphs.

99 Subclause 7(7) of Schedule 1

Repeal the subclause.

100 Subparagraphs 3(2)(a)(v) and 3(3)(a)(vi) of Schedule 1A

Repeal the subparagraphs.

101 Subclause 7(7) of Schedule 1A

Repeal the subclause.

Environment Protection and Biodiversity Conservation Act 1999

102 Subsection 393(3)

Repeal the subsection, substitute:

(3) The Minister may enter into an arrangement with the Administrator of Norfolk Island for persons appointed or employed under:

(a) a law of Norfolk Island mentioned in subsection 61(1) of the *Norfolk Island Act 1979*; or

(b) section 10 of the *Norfolk Island Act 1979*;

to perform or exercise all or any of the functions or powers of wardens or rangers under this Act or the regulations.

103 Subsection 398(2)

Repeal the subsection, substitute:

(2) The Minister may enter into an arrangement with the Administrator of Norfolk Island for persons appointed or employed under:

(a) a law of Norfolk Island mentioned in subsection 61(1) of the *Norfolk Island Act 1979*; or

(b) section 10 of the *Norfolk Island Act 1979*;

to be inspectors, and that arrangement has effect accordingly.

104 Section 528 (paragraph (b) of the definition of *self-governing Territory*)

Omit "Territory; or", substitute "Territory."

105 Section 528 (paragraph (c) of the definition of *self-governing Territory*)

Repeal the paragraph.

Freedom of Information Act 1982

106 Subsection 4(1) (definition of *Cabinet*)

Repeal the definition, substitute:

Cabinet includes a committee of the Cabinet.

107 Subsection 4(1) (definition of *Minister*)

Repeal the definition.

108 Subsection 4(1) (paragraph (c) of the definition of *Norfolk Island authority*)

Repeal the paragraph, substitute:

(c) a body established or appointed by the Administrator of Norfolk Island otherwise than by or under a Norfolk Island enactment; or

109 Subsection 4(1) (paragraph (e) of the definition of *Norfolk Island authority*)

Repeal the paragraph, substitute:

(e) a person holding or performing the duties of an appointment, where the appointment was made by the Administrator of Norfolk Island otherwise than under a Norfolk Island enactment.

110 Subsection 4(1) (definition of *Norfolk Island Minister*)

Repeal the definition.

111 Subsection 4(1) (subparagraph (a)(v) of the definition of *prescribed authority*)

Repeal the subparagraph.

112 Subsection 4(1) (paragraph (c) of the definition of *principal officer*)

Omit "*Public Sector Management Act 2000*", substitute "*Public Service Act 2014*".

113 Subsection 4(1) (paragraph (e) of the definition of *responsible Minister*)

Repeal the paragraph, substitute:

(e) in relation to a Norfolk Island authority—the Minister administering the *Norfolk Island Act 1979*;

114 Subparagraph 4(3)(a)(iii)

Repeal the subparagraph, substitute:

(iii) the office of Administrator of Norfolk Island; or

115 Paragraph 4(3B)(a)

Repeal the paragraph, substitute:

(a) because he or she holds the office of Administrator of Norfolk Island; or

116 Subparagraph 8(2)(d)(ii)

Omit "*Public Sector Management Act 2000*", substitute "*Public Service Act 2014*".

117 Paragraph 8(2)(e)

Omit "or the Legislative Assembly of Norfolk Island".

118 Paragraph 8(2)(h)

Omit "or the Legislative Assembly of Norfolk Island" (first occurring).

119 Paragraph 8(2)(h)

Omit "or the Legislative Assembly of Norfolk Island, as the case may be".

120 Subsection 12(2)

Omit all the words from and including "became" to and including "more than", substitute " became a document of a Norfolk Island agency more than".

121 Paragraph 12(2)(d)

Omit all the words from and including "understanding" to and including "to which", substitute "understanding of a document of a Norfolk Island agency to which".

122 Paragraph 21(1)(d)

Omit "Parliament; or", substitute "Parliament.".

123 Paragraph 21(1)(e)

Repeal the paragraph.

124 Paragraphs 26AA(1)(b), (c), (d) and (e)

Omit "or Norfolk Island Minister".

125 Subsections 26AA(2) to (4)

Omit "or Norfolk Island Minister" (wherever occurring).

126 Paragraph 46(c)

Omit "or of Norfolk Island".

127 Subsection 47A(1) (paragraph (b) of the definition of *electoral roll*)

Omit "(a); or", substitute "(a).".

128 Subsection 47A(1) (paragraphs (c) and (d) of the definition of *electoral roll*)

Repeal the paragraphs.

Historic Shipwrecks Act 1976

129 Subsection 4A(11) (definition of *State*)

Omit "and Norfolk Island".

130 Subsection 4A(11) (definition of *Territory*)

Omit "or Norfolk Island".

131 Paragraph 4A(12)(a)

Omit "or Norfolk Island".

132 Paragraph 4A(12)(b)

Omit "*1978*; and", substitute "*1978*.".

133 Paragraph 4A(12)(c)

Repeal the paragraph.

International Criminal Court Act 2002

134 Section 4 (definition of *State*)

Repeal the definition, substitute:

> ***State*** includes the Australian Capital Territory and the Northern Territory.

135 Section 4 (paragraph (a) of the definition of *State Minister*)

Omit "other than the Australian Capital Territory, the Northern Territory or Norfolk Island", substitute "other than the Australian Capital Territory or the Northern Territory".

136 Section 4 (paragraph (c) of the definition of *State Minister*)

Omit "and".

137 Section 4 (paragraph (d) of the definition of *State Minister*)

Repeal the paragraph.

138 Section 4 (definition of *Territory*)

Omit "and, except in section 6, does not include Norfolk Island".

139 Paragraph 186(4)(b)

Omit "Territory; or", substitute "Territory.".

140 Paragraph 186(4)(c)

Repeal the paragraph.

International Transfer of Prisoners Act 1997

141 Subsection 4(1) (definition of *Territory Minister*)

Repeal the definition, substitute:

> ***Territory Minister***, in relation to a Territory, means the Minister administering the law of the Territory relating to the transfer of prisoners, and includes:
>
> (a) any Minister acting for the time being for or on behalf of that Minister; and
>
> (b) any person to whom the Minister has delegated any of the Minister's functions under this Act.

Judiciary Act 1903

142 Paragraph 55N(2)(c)

Omit "or a member of the Government of Norfolk Island".

Lands Acquisition Act 1989

143 Subsection 5(3)

Repeal the subsection, substitute:

(3) If a provision referred to in section 62 of the *Norfolk Island Act 1979* is in operation, this Act does not apply to anything dealt with by the provision.

Legislative Instruments Act 2003

144 Before section 4

Insert:

3AA Norfolk Island

This Act extends to Norfolk Island.

National Health Act 1953

145 Subsection 84(1) (paragraph (d) of the definition of *Commonwealth officer*)

Omit ", an Acting Administrator, or a Deputy Administrator,", substitute "or an Acting Administrator".

National Health Security Act 2007

146 Subsection 3(1) (paragraph (c) of the definition of *State or Territory Health Minister*)

Omit "or".

147 Subsection 3(1) (paragraph (d) of the definition of *State or Territory Health Minister*)

Repeal the paragraph.

148 Subsection 3(1) (definition of *State or Territory Health Minister*)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

149 Paragraph 3(2)(b)

Omit ", the Northern Territory and Norfolk Island", substitute "and the Northern Territory".

Privacy Act 1988

150 Subsection 6(1) (definition of *Cabinet*)

Repeal the definition.

151 Subsection 6(1) (paragraph (d) of the definition of *Norfolk Island agency*)

Repeal the paragraph, substitute:

(d) a body established or appointed by the Administrator of Norfolk Island otherwise than by or under a Norfolk Island enactment; or

152 Subsection 6(1) (paragraph (f) of the definition of *Norfolk Island agency*)

Repeal the paragraph, substitute:

(f) a person holding or performing the duties of an appointment, where the appointment was made by the Administrator of Norfolk Island otherwise than under a Norfolk Island enactment; or

153 Subsection 6(1) (definition of *Norfolk Island Justice Minister*)

Repeal the definition.

154 Subsection 6(1) (definition of *Norfolk Island Minister*)

Repeal the definition.

155 Subparagraph 7(1)(a)(iiiaa)

Repeal the subparagraph.

156 Paragraphs 7(1)(eaa) and (eab)

Repeal the paragraphs.

157 Paragraph 28A(3)(a)

Omit "or Norfolk Island Minister".

158 Paragraph 28B(1)(a)

Omit ", Norfolk Island Minister".

159 Paragraph 30(3)(d)

Omit "or Norfolk Island Minister (if any)".

160 Subsection 30(4)

Omit "or Norfolk Island Minister (if any)".

161 Section 33B

Repeal the section.

162 Paragraphs 34(2)(a) and (b)

Omit "or a Norfolk Island Minister".

163 Section 37 (table items 5B and 5C, column 2)

Omit "*Public Sector Management Act 2000*", substitute "*Public Service Act 2014*".

164 Subsection 43(7)

Omit "or Norfolk Island Minister (if any)".

165 Subsections 43(8) and (8A)

Omit "or a Norfolk Island Minister".

166 Paragraph 43(9)(b)

Omit "or Norfolk Island Minister".

167 Subsection 50(1) (paragraph (f) of the definition of *alternative complaint body*)

Repeal the paragraph.

168 Subsection 50(1) (definition of *Norfolk Island Public Service Board*)

Repeal the definition.

169 Paragraph 50(2)(b)

Omit "or" (last occurring).

170 Paragraph 50(2)(ba)

Repeal the paragraph.

171 Paragraph 50(3)(b)

Omit "or".

172 Paragraph 50(3)(c)

Repeal the paragraph.

173 Subsection 66(12)

Repeal the subsection.

174 Subsection 68(1)

Omit "or documents in respect of which the Norfolk Island Justice Minister has given a certificate under subsection 70(4)".

175 Subsection 70(4)

Repeal the subsection.

Proceeds of Crime Act 2002

176 Section 338 (paragraph (b) of the definition of *self-governing Territory*)

Omit "Territory; or", substitute "Territory."

177 Section 338 (paragraph (c) of the definition of *self-governing Territory*)

Repeal the paragraph.

Public Interest Disclosure Act 2013

178 Subsection 69(1) (table item 17, column 1, paragraph (d))

Repeal the paragraph.

179 Subsection 69(1) (after table item 17)

Insert:

17A	An individual (other than a judicial officer) who exercises powers, or performs functions, conferred on the individual under a law in force in Norfolk Island (whether the law is a law of the Commonwealth or a law of the Territory).	The Department administered by the Minister administering the *Norfolk Island Act 1979*.

180 Paragraph 69(2)(d)

Repeal the paragraph.

Remuneration Tribunal Act 1973

181 Paragraph 3(4)(jaa)

Repeal the paragraph, substitute:

(jaa) an office of member of the Norfolk Island Advisory Council;

Sex Discrimination Act 1984

182 Subsection 4(1) (paragraph (f) of the definition of *administrative office*)

Repeal the paragraph.

Transfer of Prisoners Act 1983

183 Paragraph 3(10)(b)

Omit "or of the Legislative Assembly of Norfolk Island".

Part 2—Transitional provisions

Division 1—Introduction

184 Definitions

In this Part:

Administration has the same meaning as in the *Norfolk Island Act 1979*.

asset means:

(a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and

(b) any right, power, privilege or immunity, whether actual, contingent or prospective.

assets official, in relation to an asset other than land, means the person or authority who:

(a) under a law of the Commonwealth, a State or a Territory; or

(b) under a trust instrument; or

(c) otherwise;

has responsibility for keeping a register in relation to assets of the kind concerned.

Deputy Administrator has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the interim transition time.

Executive Council has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the interim transition time.

interim transition time means the commencement of Part 1 of this Schedule.

land means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

land registration official, in relation to land, means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

Legislative Assembly has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the interim transition time.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

responsible Commonwealth Minister has the same meaning as in the *Norfolk Island Act 1979*.

transitional rules means rules made under item 185.

Division 2—Transitional rules

185 Transitional rules

(1) The responsible Commonwealth Minister may, by legislative instrument, make rules (***transitional rules***) prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by Part 1 of this Schedule.

(2) To avoid doubt, the transitional rules may not do the following:
- (a) create an offence or civil penalty;
- (b) provide powers of:
  - (i) arrest or detention; or
  - (ii) entry, search or seizure;
- (c) impose a tax;
- (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
- (e) amend this Act.

Division 3—Transfer of assets and liabilities

186 Vesting of assets of Executive Council or Legislative Assembly

(1) This item applies to an asset of the Executive Council or Legislative Assembly immediately before the interim transition time.

(2) At the interim transition time:
- (a) the asset ceases to be an asset of the Executive Council or Legislative Assembly, as the case may be, and becomes an asset of the Administration without any conveyance, transfer or assignment; and
- (b) the Administration becomes the successor in law in relation to the asset.

187 Vesting of liabilities of Executive Council or Legislative Assembly

(1) This item applies to a liability of the Executive Council or Legislative Assembly immediately before the interim transition time.

(2) At the interim transition time:

(a) the liability ceases to be a liability of the Executive Council or Legislative Assembly, as the case may be, and becomes a liability of the Administration without any conveyance, transfer or assignment; and

(b) the Administration becomes the successor in law in relation to the liability.

188 Vesting of assets of Ministers, members of the Legislative Assembly and members of the Executive Council

(1) This item applies to:

(a) an asset of a Minister, if the asset was held by the Minister immediately before the interim transition time in his or her capacity as a Minister; and

(b) an asset of a member of the Legislative Assembly, if the asset was held by the member of the Legislative Assembly immediately before the interim transition time in his or her capacity as a member of the Legislative Assembly; and

(c) an asset of a member of the Executive Council, if the asset was held by the member of the Executive Council immediately before the interim transition time in his or her capacity as a member of the Executive Council.

(2) At the interim transition time:

(a) the asset ceases to be an asset of the Minister, member of the Legislative Assembly or member of the Executive Council, as the case may be, and becomes an asset of the Administration without any conveyance, transfer or assignment; and

(b) the Administration becomes the successor in law in relation to the asset.

(3) In this item:

Minister has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the interim transition time.

189 Vesting of liabilities of Ministers, members of the Legislative Assembly and members of the Executive Council

(1) This item applies to:

(a) a liability of a Minister immediately before the interim transition time, if the liability was in his or her capacity as a Minister; and

(b) a liability of a member of the Legislative Assembly immediately before the interim transition time, if the liability was in his or her capacity as a member of the Legislative Assembly; and

(c) a liability of a member of the Executive Council immediately before the interim transition time, if the liability was in his or her capacity as a member of the Executive Council.

(2) At the interim transition time:

(a) the liability ceases to be a liability of the Minister, member of the Legislative Assembly or member of the Executive Council, as the case may be, and becomes a liability of the Administration without any conveyance, transfer or assignment; and

(b) the Administration becomes the successor in law in relation to the liability.

(3) In this item:

Minister has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the interim transition time.

190 Transfers of land to the Administration may be registered

(1) This item applies if:

(a) any land vests in the Administration under item 186 or 188; and

(b) there is lodged with a land registration official a certificate that:

(i) is signed by the responsible Commonwealth Minister; and

(ii) identifies the land, whether by reference to a map or otherwise; and

(iii) states that the land has become vested in the Administration under this Schedule.

(2) The land registration official may:

(a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and

(b) deal with, and give effect to, the certificate.

(3) A certificate under paragraph (1)(b) is not a legislative instrument.

191 Certificates relating to vesting of assets (other than land) in the Administration

(1) This item applies if:

(a) any asset other than land vests in the Administration under item 186 or 188; and

(b) there is lodged with an assets official a certificate that:

(i) is signed by the responsible Commonwealth Minister; and

(ii) identifies the asset; and

(iii) states that the asset has become vested in the Administration under this Schedule.

(2) The assets official may:

(a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and

(b) make such entries in the register as are necessary having regard to the effect of this Part.

(3) A certificate under paragraph (1)(b) is not a legislative instrument.

Division 4—Transfer of other matters

192 Transitional—transfer of records to the Administration

(1) This item applies to any records or documents that were in possession of:

(a) a person in his or her capacity as a Minister; or
(b) the Legislative Assembly; or
(c) a person in his or her capacity as a member of the Legislative Assembly; or
(d) the Executive Council; or
(e) a person in his or her capacity as a member of the Executive Council; or
(f) a person in his or her capacity as the Deputy Administrator;

immediately before the interim transition time.

(2) The records and documents are to be transferred to the Administration after the interim transition time.

(3) In this item:

Minister has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the interim transition time.

Division 5—Employees

193 Transitional—employees of the Administration

(1) For the purposes of this item, a person is an ***eligible employee*** if, immediately before the interim transition time:
(a) the person was not an employee of the Administration; and
(b) the person was not an employee of a body corporate established by or under an enactment; and
(c) the person was:
(i) employed under the *Public Service Act 2014* (Norfolk Island); or
(ii) employed under an enactment; or
(iii) acting in an official capacity for the Administration; or
(iv) under the transitional rules, taken to be an eligible employee for the purposes of this item.

(2) The eligible employee is taken, at the interim transition time to have become employed by the Administration.

(3) The eligible employee is taken to have been engaged by the Administration on the same terms and conditions as those that applied to the eligible employee immediately before the interim transition time.

(4) This item does not prevent the terms and conditions of an eligible employee's employment after the interim transition time from being varied:

(a) in accordance with those terms and conditions; or

(b) by or under a law, award, determination or agreement.

(5) The eligible employee is not entitled to receive any payment or other benefit merely because he or she stopped being an employee of a person as a result of this item.

(6) The eligible employee is taken to have accrued an entitlement to benefits, in connection with the eligible employee's employment with the Administration, that is equivalent to the entitlement that the eligible employee had as an employee immediately before the interim transition time.

(7) The service of the eligible employee as an employee of the Administration is taken, for all purposes, to have been continuous with his or her service as an employee before the interim transition time.

(8) Section 61A of the *Norfolk Island Act 1979* applies to the eligible employee as if he or she had been engaged by the Administrator under section 10 of that Act.

(9) In this item:

vary, in relation to terms and conditions, includes:

(a) omit any of those terms and conditions; or

(b) add to those terms and conditions; or

(c) substitute new terms or conditions for any of those terms and conditions.

Division 6—Financial matters

194 Transitional—annual financial statements

The amendments of sections 48B and 48C of the *Norfolk Island Act 1979* made by this Schedule apply in relation to annual financial statements for:

(a) the financial year beginning on 1 July 2015; or

(b) a later financial year.

195 Transitional—annual reports

The amendments of section 48J of the *Norfolk Island Act 1979* made by this Schedule apply in relation to an annual report for:

(a) the financial year beginning on 1 July 2015; or

(b) a later financial year.

Division 7—Administrative Appeals Tribunal

196 Public interest

Despite the amendments of sections 36B, 36C and 36D of the *Administrative Appeals Tribunal Act 1975* made by Part 1 of this Schedule, those sections continue to apply after the interim transition time, in relation to matters that concern Norfolk Island, as if:

(a) the amendments had not been made; and

(b) the definitions of ***Attorney-General*** in subsections 36B(6), 36C(4) and 36D(8) were modified by omitting "the Norfolk Island Justice Minister", and substituting "the Commonwealth Attorney-General"; and

(c) paragraph (a) of the definition of ***Cabinet*** in subsection 36B(6) were modified by omitting "consists", and substituting "consisted".

Division 8—Historic shipwrecks

197 Continuity of declarations

The amendments of section 4A of the *Historic Shipwrecks Act 1976* made by Part 1 of this Schedule do not affect the continuity of a declaration made under that section before the interim transition time.

Division 9—Public interest disclosure

198 Disclosable conduct

The amendments of the *Public Interest Disclosure Act 2013* made by Part 1 of this Schedule, so far as they are relevant to determining what is disclosable conduct for the purposes of that Act, apply in relation to conduct occurring after the interim transition time.

Division 10—Other matters

199 Exemption from stamp duty and other State or Territory taxes

(1) No stamp duty or other tax is payable under a law of a State or a Territory in respect of an exempt matter, or anything connected with an exempt matter.

(2) For the purposes of this item, an ***exempt matter*** is:

(a) the vesting of an asset or liability under this Part; or

(b) the operation of this Part in any other respect; or

(c) the operation of the transitional rules.

(3) The responsible Commonwealth Minister may certify in writing:

(a) that a specified matter is an exempt matter; or

(b) that a specified thing was connected with a specified exempt matter.

(4) In all courts, and for all purposes (other than for the purposes of criminal proceedings), a certificate under subitem (3) is prima facie evidence of the matters stated in the certificate.

200 Constitutional safety net

(1) If:

(a) any of the amendments or repeals made by this Schedule; or

(b) the operation of a provision of this Part or the transitional rules;

would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

201 Constitutional limits

This Part has no effect to the extent (if any) to which it imposes taxation.

202 Certificates taken to be authentic

A document that appears to be a certificate made or issued under a particular provision of this Part:

(a) is taken to be such a certificate; and

(b) is taken to have been properly given;

unless the contrary is established.

203 Power to make Ordinances

This Part does not, by implication, limit the matters that may be dealt with by Ordinances under section 19A of the *Norfolk Island Act 1979*.

Part 3—Amendments contingent on the commencement of the Acts and Instruments (Framework Reform) Act 2015

Legislation Act 2003

204 Paragraph 10(2)(b)

Omit "*1988*);", substitute "*1988*).".

205 Paragraph 10(2)(c)

Repeal the paragraph.

206 Transitional—Ordinances

Despite the repeal of paragraph 10(2)(c) of the *Legislation Act 2003* by this Part, that paragraph continues to apply, in relation to an Ordinance made before the commencement of Part 1 of this Schedule, as if that repeal had not happened.

Schedule 2—Final arrangements etc.

Part 1—Amendments

Division 1—Amendment of the Norfolk Island Act 1979

Norfolk Island Act 1979

1 Subsection 4(1) (definition of *Acting Administrator*)

Repeal the definition.

2 Subsection 4(1) (definition of *Administration*)

Repeal the definition.

3 Subsection 4(1) (definition of *Administrator*)

Repeal the definition.

4 Subsection 4(1) (definition of *Advisory Council*)

Repeal the definition.

5 Subsection 4(1) (definition of *Chief Executive Officer*)

Repeal the definition.

6 Subsection 4(1) (definition of *Commonwealth Finance Minister*)

Repeal the definition.

7 Subsection 4(1) (definition of *Commonwealth Finance Minister's Orders*)

Repeal the definition.

8 Subsection 4(1) (definition of *Commonwealth Financial Officer for Norfolk Island*)

Repeal the definition.

9 Subsection 4(1)

Insert:

court officer of New South Wales means a person holding, or performing the functions or duties of, any of the following offices:

(a) any of the following offices in a court of New South Wales:
  (i) Judge;
  (ii) Magistrate (however described);
  (iii) Master;
  (iv) Registrar (however described);
  (v) Clerk (however described);
  (vi) Sheriff (however described);
  (vii) Bailiff (however described);

(b) any other office that is:
  (i) in respect of a court of New South Wales; and
  (ii) specified in the regulations.

court of New South Wales includes a tribunal established under a law of New South Wales.

10 Subsection 4(1) (definition of *Executive Director*)

Repeal the definition.

11 Subsection 4(1) (definition of *Federal Court*)

Repeal the definition.

12 Subsection 4(1)

Insert:

final transition time means the commencement of Part 1 of Schedule 2 to the *Norfolk Island Legislation Amendment Act 2015*.

13 Subsection 4(1) (definition of *financial management and accountability provisions*)

Repeal the definition.

14 Subsection 4(1) (definition of *member of the Advisory Council*)

Repeal the definition.

15 Subsection 4(1) (definition of *money of a Territory authority*)

Repeal the definition.

16 Subsection 4(1) (definition of *Norfolk Island Public Service Values*)

Repeal the definition.

17 Subsection 4(1)

Insert:

Norfolk Island Regional Council means a body corporate that is:

(a) established by or under a law in force in the Territory; and

(b) declared by a section 19A Ordinance to be the Norfolk Island Regional Council for the purposes of this definition.

18 Subsection 4(1) (definition of *performance audit*)

Repeal the definition.

19 Subsection 4(1) (definition of *property of a Territory authority*)

Repeal the definition.

20 Subsection 4(1) (definition of *Public Account of Norfolk Island*)

Repeal the definition.

21 Subsection 4(1) (definition of *public money of the Territory*)

Repeal the definition.

22 Subsection 4(1) (definition of *public property of the Territory*)

Repeal the definition.

23 Subsection 4(1) (definition of *responsible manager*)

Repeal the definition.

24 Subsection 4(1) (definition of *Territory authority*)

Repeal the definition.

25 Parts II and III

Repeal the Parts.

26 Section 15

Repeal the section, substitute:

15 Laws in force in the Territory

After the final transition time, the laws in force in the Territory from time to time are:

(a) Acts to the extent that they are in force from time to time in, or in relation to, the Territory; and

(b) laws made under Acts to the extent that those laws are in force from time to time in, or in relation to, the Territory; and

(c) section 19A Ordinances as in force from time to time; and

(d) laws continued in force by section 16 or 16A (including such a law as amended in accordance with section 17); and

(e) New South Wales laws as in force in the Territory in accordance with section 18A.

27 At the end of Division 1 of Part IV

Add:

18A Application of New South Wales laws

(1) Subject to this section and section 18B, the provisions of the law of New South Wales (whether made before or after the final transition time), as in force in New South Wales from time to time, are in force in the Territory.

(2) To the extent that a law is in force in the Territory under subsection (1), it may be incorporated, amended or repealed by a section 19A Ordinance or a law made under a section 19A Ordinance.

(3) A section 19A Ordinance may suspend the operation in the Territory of a law in force in the Territory under subsection (1) for such period as is specified in the Ordinance.

(4) To the extent that a law is in force in the Territory under subsection (1), it has no effect to the extent that it is inconsistent with:
  (a) the Constitution; or
  (b) an Act; or
  (c) an enactment.

(5) For the purposes of subsection (4), a law is taken to be consistent with:
  (a) an Act; or
  (b) an enactment;
to the extent that the law is capable of operating concurrently with it.

(6) In this section:

provision of the law of New South Wales:
  (a) includes a principle or rule of common law or equity that is part of the law of New South Wales; and
  (b) does not include an Act or a provision of an Act.

18B Powers and functions under the applied New South Wales laws

Vesting of powers in the Minister

(1) If a power is vested in:
  (a) a Minister of New South Wales; or
  (b) the Governor of New South Wales; or
  (c) the Governor-in-Council of New South Wales;
by a New South Wales law in force in the Territory under section 18A, the power is, in relation to the Territory, vested in the responsible Commonwealth Minister instead of the person or authority mentioned in paragraph (a), (b) or (c) of this subsection.

(2) If:
  (a) a power is vested in a person (other than a court officer of New South Wales) or an authority (other than a court of New

South Wales) by a New South Wales law in force in the Territory under section 18A; and

(b) subsection (1) does not apply to the power;

the power is, in relation to the Territory, vested in the responsible Commonwealth Minister instead of the person or authority mentioned in paragraph (a) of this subsection.

Delegation etc.

(3) If a power is vested in the responsible Commonwealth Minister under subsection (1) or (2), the Minister may, in writing:

(a) direct that the power is also vested in a specified person or authority; or

(b) delegate the power to a specified person.

(4) A person or authority in whom a power is vested under paragraph (3)(a) may, if the person is so empowered by the responsible Commonwealth Minister in the direction, delegate the power, in writing, to a specified person.

(5) If:

(a) a power is vested in the responsible Commonwealth Minister under subsection (2); and

(b) a person, or an authority, who is:

(i) an officer or employee of New South Wales; or

(ii) an authority of New South Wales; or

(iii) an officer or employee of an authority of New South Wales;

is subject to an arrangement under section 18C; and

(c) the power corresponds to a power that the person or authority is authorised, under a law in force in New South Wales, to exercise in, or in a part of, New South Wales:

(i) whether in the person's own right or the authority's own right; or

(ii) whether in the capacity of a delegate; or

(iii) whether in any other way;

the responsible Commonwealth Minister is taken to have directed under paragraph (3)(a) that the first-mentioned power is also vested in the person or authority, as the case may be.

(6) The Minister may direct that subsection (5) does not apply to a specified power.

(7) A direction under subsection (6) may be unconditional or subject to such conditions (if any) as are specified in the direction.

Other matters

(8) An instrument under this section may identify a power by reference to a class of powers.

(9) The validity of the exercise of a power under a law by a person or authority under this section is unaffected by the failure of the person or authority to hold a qualification required of a person exercising that power under the law as in force in New South Wales.

(10) This section does not affect the operation of section 18A in relation to the application in or in relation to the Territory of a law (a ***subordinate law***) made under a New South Wales law (whether the subordinate law is made before or after the final transition time).

(11) An instrument under this section is not a legislative instrument.

(12) In this section:

authority means:

(a) a body corporate, or an unincorporated body, established for a public purpose; or

(b) an authority (within the ordinary meaning of that expression).

authority of New South Wales means an authority established by or under a New South Wales law.

power includes function or duty, and, in that context, ***exercise*** means perform.

18C Arrangements with the Government of New South Wales

(1) The Commonwealth may enter into arrangements with New South Wales for the effective application and administration of the laws in force in the Territory.

(2) Without limiting the generality of subsection (1), such an arrangement may provide for the exercise of powers or the performance of functions or duties by:

(a) an officer or employee of New South Wales; or

(b) an authority of New South Wales (within the meaning of section 18B); or

(c) an officer or employee of an authority of New South Wales (within the meaning of section 18B);

in or in relation to the Territory.

28 Part VI

Repeal the Part.

29 Section 61A

Repeal the section.

Division 2—Amendments of other legislation

Aboriginal and Torres Strait Islander Act 2005

30 Subsection 5(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

31 Subsection 5(2)

Omit ", of the Northern Territory or of Norfolk Island", substitute "or of the Northern Territory".

A.C.T. Self-Government (Consequential Provisions) Regulations

32 Schedule 1 (modifications relating to the *Extradition Act 1988*)

Repeal the modifications.

Administrative Appeals Tribunal Act 1975

33 Subsection 67A(2)

Omit all the words after "given", substitute "to the Secretary of the Department administered by the Minister administering the *Norfolk Island Act 1979*".

Admiralty Act 1988

34 Subsection 8(4) (definition of *government*)

Omit ", the Northern Territory or the Administration of Norfolk Island", substitute "or the Northern Territory".

Aged Care (Accommodation Payment Security) Act 2006

35 Subsection 4(2)

After "except", insert "Norfolk Island,".

36 Section 6

Insert:

> ***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

Aged Care Act 1997

37 Subsection 4-1(2)

After "except", insert "Norfolk Island,".

38 At the end of section 4-1

Add:

(4) Despite subsection (1), Parts 2.2, 2.5 and 3.1 apply in relation to Norfolk Island as if Norfolk Island were part of New South Wales and were not a Territory.

Note: This has the effect that references in Parts 2.2, 2.5 and 3.1 to a Territory do not apply to Norfolk Island, and that references in those

Parts to a State will be relevant to New South Wales as if it included Norfolk Island.

39 After subsection 12-6(1A)

Insert:

(1B) If the Secretary determines the *regions within New South Wales, he or she must determine that one of those regions consists of Norfolk Island.

40 Clause 1 of Schedule 1

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

Aged Care (Transitional Provisions) Act 1997

41 Subsection 4-1(2)

After "except", insert "Norfolk Island,".

42 At the end of section 4-1

Add:

(4) Despite subsection (1), Part 3.1 applies in relation to Norfolk Island as if Norfolk Island were part of New South Wales and were not a Territory.

Note: This has the effect that references in Part 3.1 to a Territory do not apply to Norfolk Island, and that references in that Part to a State will be relevant to New South Wales as if it included Norfolk Island.

43 Clause 1 of Schedule 1

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

Age Discrimination Act 2004

44 Subsection 13(1)

Omit ", of each of the States and of Norfolk Island", substitute "and of each of the States".

45 Subsection 13(2)

Omit ", of a State or of Norfolk Island", substitute "or of a State".

Agricultural and Veterinary Chemicals Act 1994

46 Section 14

Omit ", of the Australian Capital Territory and of Norfolk Island", substitute "and of the Australian Capital Territory".

47 Section 16

Omit ", of the Australian Capital Territory or of Norfolk Island", substitute "or of the Australian Capital Territory".

Airports Act 1996

48 Subsection 8(1)

Omit ", of each of the States and of Norfolk Island", substitute "and of each of the States".

Airports (Transitional) Act 1996

49 Subsection 7(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Air Services Act 1995

50 Section 4

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

A New Tax System (Family Assistance) Act 1999

51 At the end of Part 1

Add:

2A Norfolk Island

This Act extends to Norfolk Island.

52 Subsection 3(1)

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

A New Tax System (Family Assistance) (Administration) Act 1999

53 At the end of Part 1

Add:

2A Norfolk Island

This Act extends to Norfolk Island.

54 Subsection 80(5)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

55 Subsection 89(9)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

56 Subsections 245(7) and (8)

Repeal the subsections.

Archives Act 1983

57 Subsection 3(1) (subparagraph (a)(i) of the definition of *authority of the Commonwealth*)

Omit "or Norfolk Island".

58 Subsection 3(1) (paragraph (h) of the definition of *Commonwealth institution*)

Omit "other than Norfolk Island".

59 Paragraph 3(2)(g)

Omit ", the Northern Territory or Norfolk Island" (wherever occurring), substitute "or the Northern Territory".

60 Paragraphs 23(a) and (b)

Omit ", Norfolk Island".

Auditor-General Act 1997

61 After section 3

Insert:

3A Norfolk Island

This Act extends to Norfolk Island.

62 Section 5

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

Australian Aged Care Quality Agency Act 2013

63 Section 3

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

64 Subsection 6(2)

After "except", insert "Norfolk Island,".

Australian Crime Commission Act 2002

65 Section 5

Omit ", of the Australian Capital Territory, and of Norfolk Island", substitute "and of the Australian Capital Territory"

Australian Federal Police Act 1979

66 Subsection 8(1C)

Repeal the subsection, substitute:

(1C) The Minister may enter into an arrangement with:

(a) the Minister administering the Department that deals with the administration of an external Territory; or

(b) the Administrator (if any) of an external Territory;

for the provision of police services and regulatory services for that Territory.

67 Subsection 42J(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Australian Hearing Services Act 1991

68 Subsection 4(1)

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

69 After section 6

Insert:

6AA Norfolk Island

This Act extends to Norfolk Island.

Australian Human Rights Commission Act 1986

70 Subsection 6(1)

Omit "and of Norfolk Island".

71 Subsection 6(2)

Omit ", of a State or of Norfolk Island", substitute "or of a State".

Australian Organ and Tissue Donation and Transplantation Authority Act 2008

72 Section 4

Insert:

> ***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

73 Section 7

Omit "other than Norfolk Island".

Australian Postal Corporation Act 1989

74 Section 10

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Banking Act 1959

75 Subsections 38A(2) and (4)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Bank Integration Act 1991

76 Section 4

Omit ", of the Australian Capital Territory and of Norfolk Island", substitute "and of the Australian Capital Territory".

Broadcasting Services Act 1992

77 Clause 96 of Schedule 5

Omit ", the Australian Capital Territory or Norfolk Island", substitute "or the Australian Capital Territory".

78 Clause 123 of Schedule 7

Omit ", the Australian Capital Territory or Norfolk Island", substitute "or the Australian Capital Territory".

Carbon Credits (Carbon Farming Initiative) Act 2011

79 Subsections 296(7) and (8)

Repeal the subsections.

Charter of the United Nations Act 1945

80 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Child Support (Assessment) Act 1989

81 Section 10

Omit "the external Territories", substitute "an external Territory other than Norfolk Island".

82 Subsection 16(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

83 At the end of Part 1

Add:

16A Norfolk Island

This Act extends to Norfolk Island.

Child Support (Registration and Collection) Act 1988

84 Subsection 4(1) (paragraph (a) of the definition of *resident of Australia*)

Omit "the external Territories", substitute "an external Territory other than Norfolk Island".

85 Subsection 8(1)

Omit ", the Northern Territory and Norfolk Island", substitute "and the Northern Territory".

86 Subsection 8(2)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

87 Section 20 (heading)

Repeal the heading, substitute:

20 Arrangements with States and Northern Territory for transfer of liabilities

88 Section 20

Omit "or Norfolk Island".

89 Section 21 (heading)

Repeal the heading, substitute:

21 Arrangements in relation to Territories (other than the Northern Territory) for transfer of liabilities

90 Section 21

Omit "or Norfolk Island".

91 Subsection 50(3)

Omit "or Norfolk Island".

Civil Aviation Act 1988

92 Subsection 5(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Civil Aviation (Carriers' Liability) Act 1959

93 Subsection 7(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Commonwealth Grants Commission Act 1973

94 Subsection 5(3)

Repeal the subsection.

95 Section 16C

Repeal the section.

96 Section 16D (heading)

Repeal the heading, substitute:

16D Inquiries relating to external Territories

97 Section 16D

Omit "(other than the Territory of Norfolk Island)".

98 Subsections 25(1) and (2)

Omit "16C,".

Copyright Act 1968

99 Subsection 10(1) (definition of *the Crown*)

Omit ", the Crown in right of the Northern Territory and the Crown in right of Norfolk Island", substitute "and the Crown in right of the Northern Territory".

100 Subsection 10(1) (definition of *the Crown*)

Omit "or Norfolk Island".

101 Paragraph 10(3)(e)

Omit "and the Crown in right of Norfolk Island".

Corporations (Aboriginal and Torres Strait Islander) Act 2006

102 Subsection 1-10(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Crimes Act 1914

103 Section 3B (heading)

Repeal the heading, substitute:

3B Arrangements with States, Australian Capital Territory and Northern Territory

104 Subsection 3B(1)

Omit ", the Administrator of the Northern Territory or the Administrator of Norfolk Island", substitute "or the Administrator of the Northern Territory".

105 Subparagraph 3B(2)(b)(i)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

106 Subparagraph 3B(2)(b)(iii)

Omit "Territory; and", substitute "Territory.".

107 Subparagraph 3B(2)(b)(iv)

Repeal the subparagraph.

108 Subsection 3CA(4)

Omit ", the Administrator of the Northern Territory or the Administrator of Norfolk Island", substitute "or the Administrator of the Northern Territory".

109 Paragraph 4AAB(1)(c)

Omit "and".

110 Paragraph 4AAB(1)(d)

Repeal the paragraph.

111 Subsection 16(1) (paragraph (a) of the definition of *parole officer*)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

112 Subsection 16(1) (paragraphs (a) and (b) of the definition of *prescribed authority*)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

113 Subsection 21F(1)

Omit ", the Administrator of the Northern Territory or the Administrator of Norfolk Island", substitute "or the Administrator of the Northern Territory".

114 Section 85ZQ

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Crimes (Aviation) Act 1991

115 Section 3 (paragraphs (a) and (b) of the definition of *magistrate*)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

116 Paragraph 51(1)(b)

Omit "or of Norfolk Island" (first occurring).

117 Paragraph 51(1)(b)

Omit "or of Norfolk Island, as the case may be".

Crimes (Superannuation Benefits) Act 1989

118 Subsection 13(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Criminal Code Act 1995

119 Dictionary in the *Criminal Code* (paragraph (h) of the definition of *Commonwealth public official*)

Repeal the paragraph.

Customs Act 1901

120 Subsection 214BA(4)

Omit ", the Administrator of the Northern Territory or the Administrator of Norfolk Island", substitute "or the Administrator of the Northern Territory".

Data-matching Program (Assistance and Tax) Act 1990

121 At the end of Part 1

Add:

3B Norfolk Island

This Act extends to Norfolk Island.

Dental Benefits Act 2008

122 Section 4

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

123 At the end of Part 1

Add:

7A Extension to external Territories

This Act extends to every external Territory.

124 Subparagraphs 18(2)(e)(iii) and (v)

Omit "an internal", substitute "a".

125 Subparagraphs 21(2)(e)(iii) and (v)

Omit "an internal", substitute "a".

Designs Act 2003

126 Subsection 3(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Disability Discrimination Act 1992

127 Subsection 14(1)

Omit ", of each of the States and of Norfolk Island", substitute "and of each of the States".

128 Subsection 14(2)

Omit ", of a State or of Norfolk Island", substitute "or of a State".

Disability Services Act 1986

129 Subsections 23(10) and 27(5)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Enhancing Online Safety for Children Act 2015

130 Section 102

Omit ", the Australian Capital Territory or Norfolk Island", substitute "or the Australian Capital Territory".

Environment Protection and Biodiversity Conservation Act 1999

131 Subsections 393(3) and 398(2)

Repeal the subsections.

132 Subsection 446(8)

Omit ", the Administrator of the Northern Territory or the Administrator of Norfolk Island", substitute "or the Administrator of the Northern Territory".

133 Paragraph 525(1)(a)

Omit "(including land owned in Norfolk Island)".

134 Paragraph 525(1)(b)

Omit "(including an area held under lease in Norfolk Island)".

135 Subparagraph 525(c)(i)

Omit "(except Norfolk Island)".

136 Section 528 (subparagraph (c)(iii) of the definition of *agency*)

Omit "or Norfolk Island".

137 Section 528 (subparagraph (g)(iii) of the definition of *agency*)

Omit "or Norfolk Island".

Environment Protection (Sea Dumping) Act 1981

138 Subsection 4(1) (at the end of subparagraphs (a)(i) and (ii) of the definition of *Australian aircraft*)

Add "or".

139 Subsection 4(1) (subparagraph (a)(iv) of the definition of *Australian aircraft*)

Repeal the subparagraph.

140 Subsection 4(1) (at the end of subparagraphs (a)(i) and (ii) of the definition of *Australian vessel*)

Add "or".

141 Subsection 4(1) (subparagraph (a)(iv) of the definition of *Australian vessel*)

Repeal the subparagraph.

Extradition Act 1988

142 Section 5 (definition of *magistrate*)

Repeal the definition, substitute:

magistrate means:

(a) a magistrate of a Territory other than the Australian Capital Territory or the Northern Territory; or

(b) a magistrate of a State, the Australian Capital Territory or the Northern Territory, being a magistrate in respect of whom an arrangement is in force under section 46.

143 Subsection 24(3)

Omit ", the Northern Territory or Norfolk Island" (wherever occurring), substitute " or the Northern Territory".

144 Subparagraph 24(3)(b)(ii)

Omit "or".

145 Subparagraph 24(3)(b)(iii)

Repeal the subparagraph.

146 Subsection 24(5)

Omit "or Norfolk Island".

147 Subsection 36(4)

Omit ", the Northern Territory or Norfolk Island" (wherever occurring), substitute "or the Northern Territory".

148 Subparagraph 36(4)(b)(ii)

Omit "or".

149 Subparagraph 36(4)(b)(iii)

Repeal the subparagraph.

150 Subsection 36(6)

Omit "or Norfolk Island".

151 Paragraph 46(1)(b)

Repeal the paragraph, substitute:

(b) arrange with:

(i) the Chief Minister of the Australian Capital Territory; or

(ii) the Administrator of the Northern Territory;

for the performance, by all or any of the persons who, from time to time hold office as magistrates of that Territory, of the functions of a magistrate under this Act.

Family Law Act 1975

152 Subsection 112AN(1)

After "Territory" (first occurring), insert "(other than Norfolk Island)".

153 Subsection 112AN(2) (paragraph (c) of the definition of *relevant authority*)

Omit "Territory; and", substitute "Territory.".

154 Subsection 112AN(2) (paragraph (d) of the definition of *relevant authority*)

Repeal the paragraph.

155 Subsection 116C(4)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Farm Household Support Act 2014

156 Subsection 5(1)

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

157 At the end of Part 1

Add:

6A Norfolk Island

This Act extends to Norfolk Island.

Financial Sector (Shareholdings) Act 1998

158 Subsection 5(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Financial Transaction Reports Act 1988

159 Subsection 5(1)

Omit ", of the Australian Capital Territory and of Norfolk Island", substitute "and of the Australian Capital Territory".

160 Subsection 5(2)

Omit ", of the Australian Capital Territory or of Norfolk Island", substitute "or of the Australian Capital Territory".

Fisheries Management Act 1991

161 Subsection 6(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Foreign Corporations (Application Of Laws) Act 1989

162 Section 6

Omit ", the Northern Territory and Norfolk Island", substitute "and the Northern Territory".

Freedom of Information Act 1982

163 Subsection 3(1)

Omit "or the Government of Norfolk Island".

164 Subsection 4(1) (paragraph (a) of the definition of *Commonwealth contract*)

Omit ", Norfolk Island".

165 Subsection 4(1) (subparagraph (b)(iii) of the definition of *Commonwealth contract*)

Omit ", Norfolk Island".

166 Subsection 4(1) (paragraph (c) of the definition of *Norfolk Island authority*)

Repeal the paragraph.

167 Subsection 4(1) (subparagraph (d)(ii) of the definition of *Norfolk Island authority*)

Omit "enactment; or", substitute "enactment.".

168 Subsection 4(1) (paragraph (e) of the definition of *Norfolk Island authority*)

Repeal the paragraph.

169 Subparagraph 4(3)(a)(iii)

Repeal the subparagraph.

170 Subsection 4(3B)

Repeal the subsection, substitute:

(3B) A person is not taken to be a Norfolk Island authority because he or she holds, or performs the duties of:

(a) a prescribed office; or

(b) an office the duties of which he or she performs as duties of his or her employment as an officer of a Norfolk Island authority; or

(c) an office of member of a Norfolk Island authority; or

(d) an office established by a Norfolk Island enactment for the purposes of a Norfolk Island authority.

171 Paragraph 11B(4)(aa)

Repeal the paragraph.

172 Subsection 15(6) (heading)

Repeal the heading, substitute:

Extension of processing period to comply with requirements of section 26A, 27 or 27A

173 Subsection 15(6)

Omit "26AA,".

174 Paragraph 20(3)(c)

Omit ", Norfolk Island".

175 Subsection 26A(6)

Repeal the subsection.

176 Section 26AA

Repeal the section.

177 Subsection 45(1)

Omit ", the Commonwealth or Norfolk Island", substitute "or the Commonwealth".

178 Paragraph 45(2)(b)

Omit ", the Commonwealth or Norfolk Island", substitute "or the Commonwealth".

179 Subsection 47(3)

Omit all the words after "carried on", substitute:

by:

(a) the Commonwealth or a State; or
(b) an authority of the Commonwealth or of a State; or
(c) a Norfolk Island authority; or
(d) a local government authority.

180 Paragraph 47B(c)

Repeal the paragraph.

181 Paragraph 47B(d)

Omit "the Government of Norfolk Island or".

182 Paragraph 47B(e)

Repeal the paragraph.

183 Paragraph 47B(f)

Omit "to the Government of Norfolk Island,".

184 Paragraph 47B(f)

Omit "Norfolk Island or of".

185 Paragraph 47C(1)(c)

Omit "Commonwealth; or", substitute "Commonwealth.".

186 Paragraph 47C(1)(d)

Repeal the paragraph.

187 Section 47D (heading)

Repeal the heading, substitute:

47D Public interest conditional exemptions—financial or property interests of the Commonwealth

188 Section 47D

Omit ", of Norfolk Island".

189 Paragraph 47E(c)

Omit ", by Norfolk Island".

190 Paragraph 47G(1)(b)

Omit ", Norfolk Island".

191 Subsection 47G(4)

Omit all the words after "carried on", substitute:

by:

(a) the Commonwealth or a State; or

(b) an authority of the Commonwealth or of a State; or
(c) a Norfolk Island authority; or
(d) a local government authority.

192 Paragraph 47J(3)(g)

Omit "Norfolk Island,".

193 Subsection 53B(1) (table item 1A)

Repeal the item.

194 Subsection 53C(1) (table item 1A)

Repeal the item.

195 Paragraph 54P(1)(a)

Omit "26AA,".

196 Paragraph 54S(2)(b)

Omit "26AA,".

197 Subsection 54Y(2) (note)

Omit "26AA (documents affecting Norfolk Island intergovernmental relations),".

198 Subsection 55G(1) (note)

Omit "26AA (documents affecting Norfolk Island intergovernmental relations),".

199 Subsection 60AA(1)

Omit "26AA,".

200 Subsection 61(2)

Omit "26AA,".

201 Subsection 66(1)

Omit "or Norfolk Island".

202 Subsection 90(1)

Omit "Norfolk Island,".

203 Subsection 91(1A)

Omit "26AA,".

204 Subsection 91(1B)

Omit "Norfolk Island,".

205 Subsection 91(1B)

Omit "26AA,".

206 Paragraph 91(1C)(aa)

Repeal the paragraph.

207 Paragraph 91(1C)(d)

Omit "Norfolk Island,".

208 Paragraphs 91(2A)(aa) and 92(2)(aa)

Repeal the paragraphs.

Fringe Benefits Tax Assessment Act 1986

209 Subsection 163(3)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Hazardous Waste (Regulation of Exports and Imports) Act 1989

210 Section 10

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Health and Other Services (Compensation) Act 1995

211 Subsection 3(1) (definition of *Territory*)

Repeal the definition, substitute:

Territory means:

(a) an internal Territory; or

(b) Norfolk Island; or
(c) the Territory of Christmas Island; or
(d) the Territory of Cocos (Keeling) Islands.

212 After section 6

Insert:

6AA Norfolk Island

This Act extends to Norfolk Island.

Healthcare Identifiers Act 2010

213 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Health Insurance Act 1973

214 Subsection 3(1) (definition of *Australia*)

After "includes", insert "Norfolk Island,".

215 Before subsection 3(15)

Insert:

(14) For the purposes of the definition of ***patient contribution*** in subsection (1), Norfolk Island is taken to form part of the State of New South Wales.

216 After subsection 3C(7)

Insert:

(7A) For the purposes of this section, Norfolk Island is taken to form part of the State of New South Wales.

217 Section 7A

After "extends to", insert "Norfolk Island, to".

218 At the end of section 8

Add:

(2) For the purposes of this Part, Norfolk Island is taken to form part of the State of New South Wales.

219 Paragraph 18(1)(b)

After "internal Territory,", insert "Norfolk Island,".

220 Subsection 23DF(18)

Omit "or of an internal Territory", substitute ", of an internal Territory or of Norfolk Island".

Human Services (Centrelink) Act 1997

221 Section 3

Insert:

> ***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

222 Section 5

After "extends to", insert "Norfolk Island, to".

Human Services (Medicare) Act 1973

223 Section 3

Insert:

> ***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

224 At the end of Part I

Add:

3B Norfolk Island

This Act extends to Norfolk Island.

Immigration (Guardianship of Children) Act 1946

225 Section 4

Insert:

> ***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

226 After section 4AAB

Insert:

4AAC Norfolk Island

This Act extends to Norfolk Island.

Industrial Chemicals (Notification and Assessment) Act 1989

227 Section 9

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Insurance Acquisitions and Takeovers Act 1991

228 Subsection 18(3)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

International War Crimes Tribunals Act 1995

229 Section 4 (note at the end of the definition of *magistrate*)

Omit ", the Northern Territory and Norfolk Island", substitute "and the Northern Territory".

230 Section 5

Omit "(other than section 6)".

231 Section 5

Omit ", the Northern Territory and Norfolk Island", substitute "and the Northern Territory".

232 Subsection 82(6)

Repeal the subsection.

Judiciary Act 1903

233 Section 48

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

234 Subsection 55N(2)

Omit "or of Norfolk Island (as the case requires)".

235 Paragraph 55N(2)(a)

Omit "or Norfolk Island".

236 Paragraph 55N(2)(b)

Omit "or of Norfolk Island".

237 Paragraph 55N(2)(d)

Omit "or of Norfolk Island".

238 Subparagraph 55N(2)(e)(i)

Omit "or Norfolk Island".

239 Subparagraph 55N(2)(e)(ii)

Omit "or of Norfolk Island".

240 Paragraph 55N(2)(f)

Omit "or of Norfolk Island".

241 Paragraph 55N(2)(g)

Omit "or Norfolk Island" (wherever occurring).

242 Subsection 55N(5) (definition of *Territory*)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

243 Subsection 55ZF(3) (subparagraph (b)(ii) of the definition of *Commonwealth legal work*)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

Lands Acquisition Act 1989

244 Section 6 (subparagraph (a)(ii) of the definition of *Commonwealth authority*)

Omit "or", substitute "and".

245 Section 6 (subparagraph (a)(iii) of the definition of *Commonwealth authority*)

Repeal the subparagraph.

Marine Navigation Levy Collection Act 1989

246 Section 4

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Marine Navigation (Regulatory Functions) Levy Collection Act 1991

247 Section 4

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Marriage Act 1961

248 Subsection 92(6)

Omit "or Norfolk Island".

Migration Act 1958

249 Subsection 5(1) (definition of *adjacent area*)

After "Northern Territory,", insert "of Norfolk Island,".

250 Paragraph 5AA(3)(b)

Repeal the paragraph, substitute:

(b) is a non-citizen who:

(i) holds and produces a passport that is in force; and

(ii) is ordinarily resident on Norfolk Island; or

251 Subsection 7(1)

After "means", insert "Norfolk Island,".

252 Paragraph 42(2A)(b)

Repeal the paragraph.

253 Subparagraph 42(2A)(e)(v)

Omit "non-citizen; or", substitute "non-citizen.".

254 Paragraph 42(2A)(f)

Repeal the paragraph.

Mutual Assistance in Criminal Matters Act 1987

255 Subsection 3(1) (paragraph (b) of the definition of *Magistrate*)

Repeal the paragraph.

256 Subsection 3(1) (paragraph (c) of the definition of *Magistrate*)

Omit "(other than Norfolk Island)".

257 Subsection 19(4)

Omit ", of each of the States and of Norfolk Island", substitute "and of each of the States".

258 Subsection 21(2)

Omit ", of each of the States and of Norfolk Island", substitute "and of each of the States".

259 Section 39 (heading)

Repeal the heading, substitute:

39 Arrangements with Governors of States

260 Subsections 39(2A) and (2B)

Repeal the subsections.

National Blood Authority Act 2003

261 Section 3

Insert:

> ***Australia***, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

262 Section 3 (after paragraph (b) of the definition of *covered Territories*)

Insert:

(ba) Norfolk Island;

263 Section 6

Omit "except Norfolk Island".

National Environment Protection Council Act 1994

264 Section 4

Omit ", of the Northern Territory, and of Norfolk Island", substitute "and of the Northern Territory".

National Health Act 1953

265 Section 6A

After "extends to", insert "Norfolk Island, to".

266 Subsection 84(1) (paragraph (d) of the definition of *Commonwealth officer*)

Repeal the paragraph.

267 Subsection 84(1)

Insert:

Territory includes an external Territory to which this Act extends.

268 After subsection 84(3A)

Insert:

(3AA) A reference in this Part to the governing body, in relation to a public hospital on Norfolk Island, is a reference to the person or body specified in the regulations.

269 Paragraph 107(2)(a)

After "Australian Capital Territory", insert "and Norfolk Island".

270 Subsection 133(1)

After "internal Territory,", insert "of Norfolk Island,".

271 Subsection 135(2)

After "includes", insert "Norfolk Island,".

National Health Security Act 2007

272 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

273 Subsection 7(1)

Omit ", the Northern Territory and Norfolk Island", substitute "and the Northern Territory".

274 Subparagraphs 19(2)(a)(i) to (iv)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

275 Subparagraphs 23(1)(b)(i) to (iv)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

National Residue Survey Administration Act 1992

276 Section 3

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

National Transmission Network Sale Act 1998

277 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Native Title Act 1993

278 Section 5

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Olympic Insignia Protection Act 1987

279 Section 3

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Ombudsman Act 1976

280 Subsection 3(1) (at the end of paragraphs (a) and (b) of the definition of *enactment*)

Add "or".

281 Subsection 3(1) (paragraph (c) of the definition of *enactment*)

After "Ordinance", insert "of Norfolk Island,".

282 Subsection 3(1) (at the end of paragraph (c) of the definition of *enactment*)

Add "or".

283 Subsection 3(1) (paragraph (e) of the definition of *enactment*)

After "in force in", insert "Norfolk Island,".

284 Subsection 3(1) (definition of *enactment*)

Omit "the *Norfolk Island Act 1979*,".

285 Subsection 3(1) (definition of *enactment*)

Omit "of Norfolk Island or".

286 Subsection 3(1) (definition of *enactment of Norfolk Island*)

Repeal the definition.

287 Paragraph 4(2)(c)

Omit "enactment; or", substitute "enactment.

288 Paragraph 4(2)(d)

Repeal the paragraph.

289 Subsection 4(6)

Repeal the subsection.

290 Subparagraph 5(2)(c)(i)

After "Australian Capital Territory,", insert "Norfolk Island,".

291 After subsection 5(6)

Insert:

(6A) The Ombudsman is not authorised to investigate action taken under a law of New South Wales, in its application in Norfolk Island by virtue of the *Norfolk Island Act 1979*, by a person employed by New South Wales.

(6B) The reference in subsection (6A) to a person employed by New South Wales includes a reference to:

(a) a person occupying, or acting in, an office or position under a law of New South Wales; and

(b) a person employed by a body established by or under a law of New South Wales.

292 Subparagraph 19C(5)(c)(i)

After "Australian Capital Territory,", insert "Norfolk Island,".

Ozone Protection and Synthetic Greenhouse Gas Management Act 1989

293 Subsection 5(1)

Omit ", of an internal Territory that has been established as a body politic and of Norfolk Island", substitute "and of an internal Territory that has been established as a body politic".

294 Subsection 5(2)

Omit ", of an internal Territory or of Norfolk Island", substitute "or of an internal Territory".

Paid Parental Leave Act 2010

295 At the end of Division 1 of Part 1-1

Add:

3AA Norfolk Island

This Act extends to Norfolk Island.

296 Section 6 (definition of *Australia*)

After "includes", insert "Norfolk Island,".

297 After paragraph 101(5)(e)

Insert:

(ea) whether the employer has, or is alleged to have, contravened a provision of the *Employment Act 1988* (Norfolk Island);

Patents Act 1990

298 Subsection 11(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Privacy Act 1988

299 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

300 Subsections 4(2) and (3)

Omit ", of the Northern Territory or of Norfolk Island", substitute "or of the Northern Territory".

301 Subsection 6(1) (definition of *Commonwealth contract*)

Omit ", Norfolk Island".

302 Subsection 6(1) (definition on *Commonwealth officer*)

Omit "or of Norfolk Island".

303 Subsection 6(1) (paragraphs (d) and (f) of the definition of *Norfolk Island agency*)

Repeal the paragraphs.

304 Subparagraphs 6C(3)(d)(iv) and (f)(iv)

Repeal the subparagraphs.

305 Section 37 (table item 5C)

Repeal the item.

Private Health Insurance Act 2007

306 At the end of Division 1 of Part 1-1

Add:

1-15 Extension to Norfolk Island

This Act extends to Norfolk Island.

307 Subsection 34-25(1)

Omit "and (4)", substitute ", (4) and (4A)".

308 After subsection 34-25(4)

Insert:

Person living on Norfolk Island at the final transition time

(4A) If:

(a) a person was living on Norfolk Island at the final transition time (within the meaning of the *Norfolk Island Act 1979*); and

(b) the person had turned 31 before that time;

the person's lifetime health cover base day is the first day after the end of the 12-month period that began at that time.

(4B) If:

(a) a person is living on Norfolk Island at the final transition time (within the meaning of the *Norfolk Island Act 1979*); and

(b) the person turns 31 at or after that time;

the person's lifetime health cover base day is whichever is the later of the following:

(c) the 1 July after the person turns 31;

(d) the first day after the 12-month period that began at that time.

309 Paragraph 34-30(1)(a)

Repeal the paragraph, substitute:

(a) a person who lived on Norfolk Island before the final transition time (within the meaning of the *Norfolk Island Act*

1979) is taken, while the person was living on Norfolk Island before that time, to have been overseas; and

310 Clause 1 of Schedule 1

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

Product Grants and Benefits Administration Act 2000

311 Section 4

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Productivity Commission Act 1998

312 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Product Stewardship (Oil) Act 2000

313 Section 5

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Protection of Movable Cultural Heritage Act 1986

314 Section 4

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Protection of the Sea (Oil Pollution Compensation Funds) Act 1993

315 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Public Works Committee Act 1969

316 Subsection 6(2)

Repeal the subsection, substitute:

(2) This Act does not extend to a work if:

(a) the work is proposed to be carried out by or for the Northern Territory; and

(b) money of the Northern Territory is proposed to be expended by that Territory in carrying out the work.

Radiocommunications Act 1992

317 Subsections 311(1) and (2)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

Remuneration Tribunal Act 1973

318 Paragraph 3(4)(jaa)

Repeal the paragraph.

Sex Discrimination Act 1984

319 Subsection 12(1)

Omit "and of Norfolk Island".

320 Subsection 12(2)

Omit ", of a State or of Norfolk Island", substitute "or of a State".

Small Superannuation Accounts Act 1995

321 Section 5

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Social Security Act 1991

322 At the end of Part 1.1

Add:

3AA Norfolk Island

This Act extends to Norfolk Island.

323 After subsection 7(2A)

Insert:

(2AA) Subparagraph (2)(b)(ii) does not apply to a New Zealand citizen who resides on Norfolk Island.

324 After subsection 7(3)

Insert:

(3A) For the purposes of determining, under subsections (2A) to (2D), whether a person is a protected SCV holder, Australia is taken, at all relevant times, to have included Norfolk Island.

325 Subsection 7(4)

Omit all the words after paragraph (e), substitute "residence of a claimant in an external Territory is taken to be residence in Australia".

326 Paragraph 10B(3)(d)

Omit "(except Norfolk Island)".

327 Subsection 14(1) (at the end of paragraph (ab) of the definition of *remote area*)

Add "and".

328 Subsection 14(1) (after paragraph (ab) of the definition of *remote area*)

Insert:

(ac) Norfolk Island; and

329 Subsection 23(1) (definition of *Australia*)

After "includes", insert "Norfolk Island,".

330 Subsection 23(1) (definition of *external Territory*)

After "include", insert "Norfolk Island,".

331 Subsection 592L(7) (definition of *regional or remote location*)

Repeal the definition, substitute:

regional or remote location means:

(a) a location categorised as Inner Regional Australia, Outer Regional Australia, Remote Australia or Very Remote Australia, under the Remoteness Structure as defined in subsection 1067A(10F); or

(b) Norfolk Island.

332 Paragraph 1067A(10E)(a)

Repeal the paragraph, substitute:

(a) the person's family home is:

(i) in a location categorised under the Remoteness Structure as Inner Regional Australia, Outer Regional Australia, Remote Australia or Very Remote Australia; or

(ii) on Norfolk Island; and

333 Section 1162

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Social Security (Administration) Act 1999

334 At the end of Part 1

Add:

6B Norfolk Island

This Act extends to Norfolk Island.

Social Security (International Agreements) Act 1999

335 At the end of Part 1

Add:

4A Norfolk Island

This Act extends to Norfolk Island.

Student Assistance Act 1973

336 Subsection 3(1)

Insert:

Australia, when used in a geographical sense, includes Norfolk Island, the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

337 Section 5A

After "extends to", insert "Norfolk Island, to".

Superannuation Contributions Tax (Assessment and Collection) Act 1997

338 Subsection 3(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997

339 Subsection 3(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Superannuation (Self Managed Superannuation Funds) Taxation Act 1987

340 Subsection 3A(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

341 Subsection 3A(2)

Omit ", of the Northern Territory or of Norfolk Island", substitute "or of the Northern Territory".

Superannuation (Unclaimed Money and Lost Members) Act 1999

342 Subsection 4(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Telecommunications Act 1997

343 Subsection 8(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

344 Subsection 592(1)

Omit ", the Australian Capital Territory or Norfolk Island", substitute "or the Australian Capital Territory".

Telstra Corporation Act 1991

345 Section 7

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Tobacco Advertising Prohibition Act 1992

346 Subsection 5(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

347 Subsection 15(3)

Omit ", the Northern Territory or Norfolk Island", substitute "or the Northern Territory".

Tobacco Plain Packaging Act 2011

348 Subsection 9(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Trade Marks Act 1995

349 Subsection 3(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Trusts (Hague Convention) Act 1991

350 Section 5

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Veterans' Entitlements Act 1986

351 Subsection 5Q(1) (definition of *Australia*)

After "IIID,", insert "IIIE, VIB,".

352 Subparagraphs 38(1)(aa)(iii) and (1)(e)(ii)

Omit ", or would be so qualified if, in spite of subsection 7(4) of that Act, residence of a person in Norfolk Island was taken to be residence of the person in Australia".

353 Section 59ZM

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

354 Subsection 128(6)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Weapons of Mass Destruction (Prevention of Proliferation) Act 1995

355 Subsection 8(1)

Omit ", of the Northern Territory and of Norfolk Island", substitute "and of the Northern Territory".

Part 2—Transitional provisions

Division 1—Introduction

356 Definitions

In this Part:

Administration has the same meaning as in the *Norfolk Island Act 1979* as in force immediately before the final transition time.

asset means:

(a) any legal or equitable estate or interest in real or personal property, whether actual, contingent or prospective; and

(b) any right, power, privilege or immunity, whether actual, contingent or prospective.

assets official, in relation to an asset other than land, means the person or authority who:

(a) under a law of the Commonwealth, a State or a Territory; or

(b) under a trust instrument; or

(c) otherwise;

has responsibility for keeping a register in relation to assets of the kind concerned.

land means any legal or equitable estate or interest in real property, whether actual, contingent or prospective.

land registration official, in relation to land, means the Registrar of Titles or other proper officer of the State or Territory in which the land is situated.

liability means any liability, duty or obligation, whether actual, contingent or prospective.

final transition time means the commencement of Part 1 of this Schedule.

Norfolk Island Regional Council has the same meaning as in the *Norfolk Island Act 1979* as amended by Part 1 of this Schedule. For this purpose, assume that:

(a) that definition had commenced immediately before the final transition time; and

(b) an Ordinance made for the purposes of that definition before the final transition time in accordance with section 4 of the

Acts Interpretation Act 1901 had commenced immediately before the final transition time.

responsible Commonwealth Minister has the same meaning as in the *Norfolk Island Act 1979*.

transitional rules means rules made under item 357.

Division 2—Transitional rules

357 Transitional rules

(1) The responsible Commonwealth Minister may, by legislative instrument, make rules (***transitional rules***) prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by Part 1 of this Schedule.

(2) To avoid doubt, the transitional rules may not do the following:
- (a) create an offence or civil penalty;
- (b) provide powers of:
  - (i) arrest or detention; or
  - (ii) entry, search or seizure;
- (c) impose a tax;
- (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
- (e) amend this Act.

Division 3—Transfer of assets and liabilities

358 Vesting of assets of the Administration

(1) This item applies to an asset of the Administration immediately before the final transition time.

(2) Subject to subitem (3), the following provisions have effect:
- (a) at the final transition time, the asset ceases to be an asset of the Administration and becomes an asset of the Norfolk Island Regional Council without any conveyance, transfer or assignment;
- (b) the Norfolk Island Regional Council becomes the successor in law in relation to the asset.

(3) The transitional rules may provide that:

(a) subitem (2) does not apply to one or more specified assets; and

(b) at the final transition time, the specified assets cease to be assets of the Administration and become assets of the Commonwealth without any conveyance, transfer or assignment; and

(c) the Commonwealth becomes the successor in law in relation to the specified assets.

359 Vesting of liabilities of the Administration

(1) This item applies to a liability of the Administration immediately before the final transition time.

(2) Subject to subitem (3), the following provisions have effect:

(a) at the final transition time, the liability ceases to be a liability of the Administration and becomes a liability of the Norfolk Island Regional Council without any conveyance, transfer or assignment;

(b) the Norfolk Island Regional Council becomes the successor in law in relation to the liability.

(3) The transitional rules may provide that:

(a) subitem (2) does not apply to one or more specified liabilities; and

(b) at the final transition time, the specified liabilities cease to be liabilities of the Administration and become liabilities of the Commonwealth without any conveyance, transfer or assignment; and

(c) the Commonwealth becomes the successor in law in relation to the specified liabilities.

360 Transfers of land to the Norfolk Island Regional Council may be registered

(1) This item applies if:

(a) any land vests in the Norfolk Island Regional Council under item 358; and

(b) there is lodged with a land registration official a certificate that:

(i) is signed by the responsible Commonwealth Minister; and
(ii) identifies the land, whether by reference to a map or otherwise; and
(iii) states that the land has become vested in the Norfolk Island Regional Council under this Schedule.

(2) The land registration official may:
(a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
(b) deal with, and give effect to, the certificate.

(3) A certificate under paragraph (1)(b) is not a legislative instrument.

361 Transfers of land to the Commonwealth may be registered

(1) This item applies if:
(a) any land vests in the Commonwealth under the transitional rules; and
(b) there is lodged with a land registration official a certificate that:
(i) is signed by the responsible Commonwealth Minister; and
(ii) identifies the land, whether by reference to a map or otherwise; and
(iii) states that the land has become vested in the Commonwealth under the transitional rules.

(2) The land registration official may:
(a) register the matter in a way that is the same as, or similar to, the way in which dealings in land of that kind are registered; and
(b) deal with, and give effect to, the certificate.

(3) A certificate under paragraph (1)(b) is not a legislative instrument.

362 Certificates relating to vesting of assets (other than land) in the Norfolk Island Regional Council

(1) This item applies if:

(a) any asset other than land vests in the Norfolk Island Regional Council under item 358; and

(b) there is lodged with an assets official a certificate that:

(i) is signed by the responsible Commonwealth Minister; and

(ii) identifies the asset; and

(iii) states that the asset has become vested in the Norfolk Island Regional Council under this Schedule.

(2) The assets official may:

(a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and

(b) make such entries in the register as are necessary having regard to the effect of this Part.

(3) A certificate under paragraph (1)(b) is not a legislative instrument.

363 Certificates relating to vesting of assets (other than land) in the Commonwealth

(1) This item applies if:

(a) any asset other than land vests in the Commonwealth under the transitional rules; and

(b) there is lodged with an assets official a certificate that:

(i) is signed by the responsible Commonwealth Minister; and

(ii) identifies the asset; and

(iii) states that the asset has become vested in the Commonwealth under the transitional rules.

(2) The assets official may:

(a) deal with, and give effect to, the certificate as if it were a proper and appropriate instrument for transactions in relation to assets of that kind; and

(b) make such entries in the register as are necessary having regard to the effect of this Part.

(3) A certificate under paragraph (1)(b) is not a legislative instrument.

Division 4—Transfer of other matters

364 Transitional—acts of the Administration to be attributed to the Norfolk Island Regional Council or the Commonwealth

(1) This item applies to a thing done by, or in relation to, the Administration before the final transition time.

(2) The transitional rules may provide that, after the final transition time, a specified thing has effect as if it had been done by, or in relation to, the Norfolk Island Regional Council.

(3) The transitional rules may provide that, after the final transition time, a specified thing has effect as if it had been done by, or in relation to, the Commonwealth.

365 Substitution of the Norfolk Island Regional Council or the Commonwealth as a party to certain pending proceedings

(1) This item applies if any proceedings to which the Administration was a party were pending in any court or tribunal immediately before the final transition time.

(2) The transitional rules may provide that the Norfolk Island Regional Council is substituted for the Administration, from the final transition time, as a party to specified proceedings.

(3) The transitional rules may provide that the Commonwealth is substituted for the Administration, from the final transition time, as a party to specified proceedings.

366 Transitional—transfer of records to the Norfolk Island Regional Council or the Commonwealth

(1) This item applies to any records or documents that were in possession of the Administration or the Norfolk Island Advisory Council immediately before the final transition time.

(2) Subject to subitem (3), the records and documents are to be transferred to the Norfolk Island Regional Council after the final transition time.

(3) The transitional rules may provide that:

(a) subitem (2) does not apply to specified records and documents; and

(b) the specified records and documents are to be transferred to the Commonwealth after the final transition time.

(4) If:

(a) as a result of subitem (2) or (3), an APP entity holds personal information about an individual that was collected for a particular purpose; and

(b) the individual would reasonably expect the agency or organisation that collected the information to use or disclose the information for a particular purpose;

Australian Privacy Principle 6 has effect as if the individual would reasonably expect the APP entity to use or disclose the information for the purpose mentioned in paragraph (b).

(5) In this item:

agency has the same meaning as in the *Privacy Act 1988*.

APP entity has the same meaning as in the *Privacy Act 1988*.

organisation has the same meaning as in the *Privacy Act 1988*.

personal information has the same meaning as in the *Privacy Act 1988*.

367 References in certain instruments to the Administration

(1) If:

(a) an instrument was in force immediately before the final transition time; and

(b) a reference is made in the instrument to the Administration; and

(c) the instrument is an instrument covered by one or more of the following subparagraphs:

(i) an instrument that was made by the Administration;

(ii) an instrument to which the Administration was a party;

(iii) an instrument that was given to, or in favour of, the Administration;

(iv) an instrument under which any right or liability accrues or may accrue to the Administration;

(v) any other instrument in which a reference is made to the Administration;

the transitional rules may provide that the reference has effect after the final transition time as if the reference to the Administration were a reference to the Norfolk Island Regional Council.

(2) If:

(a) an instrument was in force immediately before the final transition time; and

(b) a reference is made in the instrument to the Administration; and

(c) the instrument is an instrument covered by one or more of the following subparagraphs:

(i) an instrument that was made by the Administration;

(ii) an instrument to which the Administration was a party;

(iii) an instrument that was given to, or in favour of, the Administration;

(iv) an instrument under which any right or liability accrues or may accrue to the Administration;

(v) any other instrument in which a reference is made to the Administration;

the transitional rules may provide that the reference has effect after the final transition time as if the reference to the Administration were a reference to the Commonwealth.

(3) In this item:

exempt instrument means:

(a) an Act; or

(b) an instrument made under this Act; or

(c) an enactment (within the meaning of the *Norfolk Island Act 1979*).

instrument:

(a) includes:

(i) a contract, deed, undertaking or agreement; and

(ii) a notice, authority, order or instruction; and

(iii) an instrument made under an Act or under regulations; but

(b) does not include an exempt instrument.

Division 5—Employees

368 Transfer of employees

(1) For the purposes of this item, a person is a ***transferring employee*** if the person was employed by the Administration immediately before the final transition time.

(2) At the final transition time, the transferring employee:

(a) ceases to be an employee of the Administration; and

(b) becomes an employee of the Norfolk Island Regional Council.

(3) A transferring employee who becomes an employee of the Norfolk Island Regional Council under subitem (2) is taken to have been engaged by the Norfolk Island Regional Council on the same terms and conditions as those that applied to the transferring employee, immediately before the final transition time, as an employee of the Administration.

(4) This item does not prevent the terms and conditions of a transferring employee's employment after the final transition time from being varied:

(a) in accordance with those terms and conditions; or

(b) by or under a law, award, determination or agreement.

(5) A transferring employee is not entitled to receive any payment or other benefit merely because he or she stopped being an employee of the Administration as a result of this item.

(6) In this item:

vary, in relation to terms and conditions, includes:

(a) omit any of those terms and conditions; or

(b) add to those terms and conditions; or

(c) substitute new terms or conditions for any of those terms and conditions.

369 Accrued entitlements

(1) This item applies to a person if:

(a) the person was employed by the Administration immediately before the final transition time; and

(b) at the final transition time, the person becomes an employee of the Norfolk Island Regional Council or the Commonwealth.

(2) The person is taken to have accrued an entitlement to benefits, in connection with the person's employment with the Norfolk Island Regional Council or the Commonwealth, as the case may be, that is equivalent to the entitlement that the person had as an employee of the Administration immediately before the final transition time.

(3) The service of the person as an employee of the Administration is taken, for all purposes, to have been continuous with his or her service as an employee of the Norfolk Island Regional Council or the Commonwealth, as the case may be.

Division 6—Visas

370 Visas

(1) The transitional rules may provide that if, immediately before the final transition time, a person held a specified type of permit granted under the *Immigration Act 1980* (Norfolk Island), the person is taken to have been granted a specified type of visa under the *Migration Act 1958* immediately after the final transition time.

(2) The transitional rules may provide that if, immediately before the final transition time, a person was in specified circumstances, the person is taken to have been granted a specified type of visa under the *Migration Act 1958* immediately after the final transition time.

Division 7—Social security

371 Definitions

In this Division:

social security payment has the same meaning as in the *Social Security Act 1991*.

372 Eligibility for social security payment and concession card

The amendments of the *Social Security Act 1991* made by Part 1 of this Schedule, so far as they relate to:

(a) qualification for, and payability of, a social security payment in respect of a period; or

(b) qualification for a concession card in respect of a period;

apply in relation to a period that began at or after the final transition time.

373 Australian residence

(1) This item applies in relation to:

(a) qualification for, and payability of, a social security payment in respect of a period; or

(b) qualification for a concession card in respect of a period;

if the period began at or after the final transition time.

(2) For the purposes of the following provisions of the *Social Security Act 1991*:

(a) subsection 7(2) (Australian resident);

(b) subsection 7(5) (qualifying Australian residence);

(c) Part 2.2 (age pension);

(d) Part 2.3 (disability support pension);

(e) Part 2.7 (bereavement allowance);

(f) Part 2.8 (widow B pension);

(g) Part 2.10 (parenting payment);

(h) Part 2.11 (youth allowance);

(i) Part 2.12 (newstart allowance);

residence of a claimant on Norfolk Island before the final transition time is taken to have been residence in Australia.

374 Death of child before final transition time

(1) This item applies to the following provisions of the *Social Security Act 1991* (as amended by Part 1 of this Schedule):

(a) section 512;

(b) section 567G;

(c) section 660M;
(d) section 992J;
(e) section 992L;
(f) point 1064-H7;
(g) point 1065-E6;
(h) point 1066-H6;
(i) point 1066A-I6;
(j) point 1066B-F6;
(k) point 1067G-K9;
(l) point 1067L-F9;
(m) point 1068-J9;
(n) point 1068B-G6.

(2) The provisions do not apply in relation to the death of a child if:
(a) immediately before his or her death, the child was ordinarily resident on Norfolk Island; and
(b) the death occurred before the final transition time.

375 Newly arrived resident's waiting period

For the purposes of the *Social Security Act 1991*, a newly arrived resident's waiting period is to be determined as if:
(a) residence on Norfolk Island at any time before the final transition time were residence in Australia; and
(b) physical presence on Norfolk Island at any time before the final transition time were physical presence in Australia.

376 Early claims

If:
(a) a claim for a social security payment or concession card was made during the 8-week period ending at the final transition time; and
(b) when the claim was made, the claimant was ordinarily resident on Norfolk Island; and
(c) assuming that the claim had been made immediately after the final transition time, it would have been in accordance with Division 1 of Part 3 of the *Social Security (Administration) Act 1999*;

the claim is taken to have been made immediately after the final transition time.

Division 8—Family assistance

377 Definitions

In this Division:

family tax benefit has the same meaning as in the *A New Tax System (Family Assistance) Act 1999*.

378 Eligibility for family tax benefit and single income family supplement in respect of periods before final transition time

The amendments of the *A New Tax System (Family Assistance) Act 1999* made by Part 1 of this Schedule, so far as they relate to eligibility for family tax benefit or single income family supplement in respect of a period, apply in relation to a period that began at or after the final transition time.

379 Eligibility for stillborn baby payment

The amendments of the *A New Tax System (Family Assistance) Act 1999* made by Part 1 of this Schedule, so far as they relate to eligibility for a stillborn baby payment in respect of a child, apply in relation to a child if the child's delivery occurred at or after the final transition time.

380 Absences of FTB child etc. from Australia before final transition time

(1) If, immediately after the final transition time:

(a) an individual was ordinarily resident on Norfolk Island; and

(b) the individual was absent from Australia;

sections 24, 62 and 63 of the *A New Tax System (Family Assistance) Act 1999* (as amended by Part 1 of this Schedule) have effect as if that absence had begun immediately after the final transition time.

(2) If, immediately after the final transition time:

(a) an individual was ordinarily resident on Norfolk Island; and

(b) the individual was in Australia;

then, for the purposes of sections 24, 62 and 63 of the *A New Tax System (Family Assistance) Act 1999* (as amended by Part 1 of this Schedule), disregard any absence of the individual from Australia before the final transition time.

(3) In this item:

Australia has the same meaning as in the *A New Tax System (Family Assistance) Act 1999* (as amended by Part 1 of this Schedule).

381 Early claims

If:

(a) a claim for family tax benefit was made during the 4-week period ending at the final transition time; and

(b) when the claim was made, the claimant was ordinarily resident on Norfolk Island; and

(c) assuming that the claim had been made immediately after the final transition time, it would have been in accordance with Subdivision A of Division 1 of Part 3 of the *A New Tax System (Family Assistance) (Administration) Act 1999*;

the claim is taken to have been made immediately after the final transition time.

Division 9—Child support

382 Early claims

(1) If:

(a) an application for administrative assessment of child support in respect of a child was made during the 8-week period ending at the final transition time; and

(b) when the application was made:

(i) the applicant was ordinarily resident on Norfolk Island; or

(ii) the child was ordinarily resident on Norfolk Island; or

(iii) a parent of the child was ordinarily resident on Norfolk Island; and

(c) assuming that the application had been made immediately after the final transition time, it would have been in

accordance with Division 1 of Part 4 of the *Child Support (Assessment) Act 1989*;

the application is taken to have been made immediately after the final transition time.

(2) In this item:

administrative assessment has the same meaning as in the *Child Support (Assessment) Act 1989*.

child support has the same meaning as in the *Child Support (Assessment) Act 1989*.

Division 10—Paid parental leave

383 Payability determinations under the *Paid Parental Leave Act 2010*

(1) The Secretary (within the meaning of the *Paid Parental Leave Act 2010*) must not make a payability determination under that Act that parental leave pay is payable to a person for a child if:

(a) the child was born before the final transition time; and

(b) the person was ordinarily resident on Norfolk Island at the time of the birth.

(2) The Secretary (within the meaning of the *Paid Parental Leave Act 2010*) must not make a payability determination under that Act that dad and partner pay is payable to a person for a child if:

(a) the child was born before the final transition time; and

(b) the person was ordinarily resident on Norfolk Island at the time of the birth.

Division 11—Adjusted taxable income etc.

384 Definitions

In this Division:

designated official means:

(a) in relation to working out a person's adjusted taxable income under the *Child Support (Assessment) Act 1989*—the Child Support Registrar (within the meaning of that Act); or

(b) in relation to working out a person's adjusted taxable income under the *Social Security Act 1991*—the Secretary (within the meaning of that Act); or

(c) in relation to working out a person's taxable income under the *Social Security Act 1991*—the Secretary (within the meaning of that Act); or

(d) in relation to working out a person's adjusted taxable income under the *Paid Parental Leave Act 2010*—the Secretary (within the meaning of that Act).

385 Inclusion of tax-exempt Norfolk Island income in working out a person's adjusted taxable income etc.

(1) This item applies for the purposes of working out:

(a) a person's adjusted taxable income for a period under a provision of any of the following Acts:

(i) the *Child Support (Assessment) Act 1989*;

(ii) the *Social Security Act 1991*;

(iii) the *Paid Parental Leave Act 2010*; or

(b) a person's taxable income for a period under a provision of the *Social Security Act 1991*.

(2) A reference in the provision to the person's ***taxable income*** for the period includes a reference to the person's tax-exempt Norfolk Island income for the period as determined under this Division.

386 Determination of tax-exempt Norfolk Island income if information and documents in designated official's possession are sufficient

Scope

(1) This item applies if the designated official possesses sufficient information and documents to determine the person's tax-exempt Norfolk Island income for the period.

Determination

(2) The designated official may determine, from the information and documents in the designated official's possession, an amount to be the person's tax-exempt Norfolk Island income for the period.

(3) In determining the person's tax-exempt Norfolk Island income for the period, the designated official must have regard only to income that was exempt from income tax under repealed Division 1A of Part III of the *Income Tax Assessment Act 1936*.

387 Determination of tax-exempt Norfolk Island income if information and documents in designated official's possession are insufficient

Scope

(1) This item applies if the designated official does not possess sufficient information and documents to determine the person's tax-exempt Norfolk Island income for the period.

Determination

(2) The designated official may determine that the person's tax-exempt Norfolk Island income for the period is an amount that the designated official considers appropriate.

(3) However, if the determination is for the purposes of the *Child Support (Assessment) Act 1989*, the amount must be at least two-thirds of the annualised MTAWE figure for the relevant June quarter.

(4) In this item:

annualised MTAWE figure, for a relevant June quarter, means the figure that is 52 times the amount set out for the reference period in the quarter under the headings "Average Weekly Earnings—Trend—Males—All Employees Total Earnings" in a document published by the Australian Statistician entitled "Average Weekly Earnings, Australia".

quarter means a period of 3 months beginning on 1 July, 1 October, 1 January or 1 April.

relevant June quarter, for a period, means the quarter ending on 30 June of the last calendar year ending before the period begins.

388 Obtaining information

(1) Division 1 of Part 5 of the *Social Security (Administration) Act 1999* has effect as if this Division, to the extent to which it relates to the *Social Security Act 1991*, were a part of the social security law.

(2) Section 161 of the *Child Support (Assessment) Act 1989* has effect as if this Division, to the extent to which it relates to that Act, were a part of that Act.

(3) Division 2 of Part 4-1 of the *Paid Parental Leave Act 2010* has effect as if this Division, to the extent to which it relates to that Act, were a part of that Act.

389 Delegation

(1) Section 234 of the *Social Security (Administration) Act 1999* has effect as if this Division, to the extent to which it relates to the *Social Security Act 1991*, were a part of the social security law.

(2) Section 149 of the *Child Support (Assessment) Act 1989* has effect as if this Division, to the extent to which it relates to that Act, were a part of that Act.

(3) Section 303 of the *Paid Parental Leave Act 2010* has effect as if this Division, to the extent to which it relates to that Act, were a part of that Act.

390 Review of decisions

(1) Part 4 of the *Social Security (Administration) Act 1999* has effect as if this Division, to the extent to which it relates to the *Social Security Act 1991*, were a part of the social security law.

(2) Section 80 of the *Child Support (Registration and Collection) Act 1988* applies to a determination under this Division for the purposes of a provision of the *Child Support (Assessment) Act 1989* as if the table in subsection 80(1) of that Act included a table item allowing:

(a) the carer entitled to child support (within the meaning of that Act); or

(b) the liable parent (within the meaning of that Act);

to lodge an objection to the determination.

(3) Chapter 5 of the *Paid Parental Leave Act 2010* has effect as if this Division, to the extent to which it relates to that Act, were a part of that Act.

Division 12—Extradition

391 Arrangements with the Australian Capital Territory

(1) This item applies to an arrangement between the Governor-General and the Chief Minister of the Australian Capital Territory if the arrangement:

(a) was made under subsection 46(1) of the *Extradition Act 1988* (as modified by the A.C.T. Self-Government (Consequential Provisions) Regulations); and

(b) was in force immediately before the final transition time.

(2) The arrangement has effect, after the final transition time, as if it had been made under subsection 46(1) of the *Extradition Act 1988* as amended by this Act.

Division 13—Other matters

392 Exemption from stamp duty and other State or Territory taxes

(1) No stamp duty or other tax is payable under a law of a State or a Territory in respect of an exempt matter, or anything connected with an exempt matter.

(2) For the purposes of this item, an ***exempt matter*** is:

(a) the vesting of an asset or liability under this Part; or

(b) the operation of this Part in any other respect; or

(c) the vesting of an asset or liability under the transitional rules; or

(d) the operation of the transitional rules in any other respect.

(3) The responsible Commonwealth Minister may certify in writing:

(a) that a specified matter is an exempt matter; or

(b) that a specified thing was connected with a specified exempt matter.

(4) In all courts, and for all purposes (other than for the purposes of criminal proceedings), a certificate under subitem (3) is prima facie evidence of the matters stated in the certificate.

393 Constitutional safety net

(1) If the operation of the transitional rules or this Part would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph), the Commonwealth is liable to pay a reasonable amount of compensation to the person.

(2) If the Commonwealth and the person do not agree on the amount of the compensation, the person may institute proceedings in a court of competent jurisdiction for the recovery from the Commonwealth of such reasonable amount of compensation as the court determines.

394 Constitutional limits

This Part has no effect to the extent (if any) to which it imposes taxation.

395 Certificates taken to be authentic

A document that appears to be a certificate made or issued under a particular provision of this Part:

(a) is taken to be such a certificate; and

(b) is taken to have been properly given;

unless the contrary is established.

396 Power to make Ordinances

This Part does not, by implication, limit the matters that may be dealt with by Ordinances under section 19A of the *Norfolk Island Act 1979*.

Schedule 3—Statistical information

Census and Statistics Act 1905

1 Section 2

Omit “, other than Part III,”.

[*Minister’s second reading speech made in—*
House of Representatives on 26 March 2015
Senate on 13 May 2015]

(47/15)