



# Territories Legislation Amendment Bill 2020

The Territories Legislation Amendment Bill 2020 (the Bill) was introduced into the Parliament on 7 October 2020. The Bill will amend a range of Commonwealth legislation to more closely align the legislative frameworks in Norfolk Island, Christmas Island, the Cocos (Keeling) Islands and the Jervis Bay Territory with the rest of Australia.

## Applied laws

The Australian territories of Norfolk Island, Christmas Island and the Cocos (Keeling) Islands and the Jervis Bay Territory, are governed under Commonwealth legislation which allows for the laws of another jurisdiction to be applied in those territories to enable the regulation and delivery of services usually provided by state or territory governments.

The Bill will amend the *Norfolk Island Act 1979* (Norfolk Island Act), the *Christmas Island Act 1958* and the *Cocos (Keeling) Islands Act 1955* to ensure the effective operation of applied state or territory laws.

The amendments will automatically vest relevant powers and functions in the police and local government officials in those territories and address the risk of other delegations becoming outdated when applied laws are amended or new laws are made by the relevant state or territory government.

The Bill will also amend the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act) and *Privacy Act 1988* (Privacy Act) to properly account for applied laws. Amendments to the ADJR Act will extend its coverage to decisions made by a Commonwealth official under an applied law. Amendments to the Privacy Act will confirm its application to statutory bodies (e.g. local government bodies) in the external territories and clarify the application of the Australian Privacy Principles to applied laws in the external territories and the Jervis Bay Territory.


## Norfolk Island

In 2016, the Parliament passed the *Territories Legislation Amendment Act 2016* which extended all Commonwealth legislation to Norfolk Island unless expressly provided otherwise. The extension of some legislation was deferred to allow time for the community to prepare for the transition to the new arrangements.

The Bill extends further Commonwealth legislation relating to corporations, bankruptcy, broadcasting and education services for overseas students to Norfolk Island. Commonwealth legislation relating to corporations is also being extended to Christmas Island and the Cocos (Keeling) Islands to ensure it applies consistently across all Australian territories.

The Bill will also amend the Norfolk Island Act to allow the Australian Government to enter into arrangements with a state or territory government to provide state-type services in Norfolk Island. This amendment provides flexibility, in case it is needed in the future.

Although they are unlikely to be utilised for some time, the Bill also provides for the jurisdiction of Norfolk Island courts to be conferred on the courts of a state or territory. This will ensure any matters arising under applied laws in Norfolk Island can be heard by a court which is already experienced in adjudicating those laws.



To ensure the appropriate operation of Commonwealth legislation already extended to Norfolk Island, minor amendments will be made to the ADJR Act, to extend judicial review to decisions made under laws made by the former Norfolk Island Legislative Assembly, and to the *Freedom of Information Act 1982* to clarify its application to bodies established under a law in force in Norfolk Island. Minor technical amendments will also be made to the *Copyright Act 1968* and the Criminal Code to update definitions.

## Implementation

After the Bill is passed and has received Royal Assent transition periods for some of the regulatory changes will commence to give people time to prepare for the changes. The relevant regulatory bodies will provide further information and support to those affected.

If you have any questions, please email [NI\\_Legislation@infrastructure.gov.au](mailto:NI_Legislation@infrastructure.gov.au).