

Coral Sea Islands

No. 58 of 1969

An Act to provide for the Government of certain Islands
acquired by the Commonwealth.

[Assented to 2 September 1969]

[Date of commencement 30 September 1969]

Preamble.

WHEREAS all the islands within an area the boundary of which commences at a point that is the intersection of the eastern extremity of the Great Barrier Reef by the parallel 12 degrees South Latitude and runs thence easterly along that parallel to its intersection by the meridian 154 degrees East Longitude, thence southerly along that meridian to its intersection by the parallel 22 degrees South Latitude,

thence westerly along that parallel to its intersection by the eastern extremity of the Great Barrier Reef, thence generally northerly along the eastern extremity of that Reef to the point of commencement are territories acquired by the Commonwealth:

AND WHEREAS all the islands within an area the boundary of which commences at a point that is the intersection of the meridian 154 degrees East Longitude by the parallel 12 degrees South Latitude and runs thence easterly along that parallel to its intersection by the meridian 157 degrees 10 minutes East Longitude, thence southerly along that meridian to its intersection by the parallel 24 degrees South Latitude, thence westerly along that parallel to its intersection by the meridian 154 degrees East Latitude, thence northerly along that meridian to the point of commencement are also territories acquired by the Commonwealth:

AND WHEREAS it is desirable to make provision for the government of the islands referred to in the last two preceding paragraphs of this Preamble as one Territory of the Commonwealth:

BE IT THEREFORE enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Coral Sea Islands Act 1969*. Short title.
2. In this Act, unless the contrary intention appears— Definitions.
 - “ Ordinance ” means an Ordinance made under this Act;
 - “ the Territory ” means the Coral Sea Islands Territory.
3. The Coral Sea Islands, that is to say, the islands described in the first paragraph of the Preamble to this Act and the islands described in the second paragraph of that Preamble, are declared to be a Territory of the Commonwealth by the name of Coral Sea Islands Territory. Coral Sea Islands Territory.
4. Subject to this Act, the laws in force in the Coral Sea Islands at the commencement of this Act continue in force, but may be altered or repealed by Ordinance made in pursuance of this Act. Continuance of laws.
- 5.—(1.) The Governor-General may make Ordinances for the peace, order and good government of the Territory. Ordinances.
 - (2.) Notice of the making of an Ordinance shall be published in the *Gazette*, and an Ordinance shall, unless the contrary intention appears in the Ordinance, come into operation on the date of publication of the notice.
- 6.—(1.) An Act or a provision of an Act (whether passed before or after the commencement of this Act) is not in force as such in the Territory unless it is expressed to extend to the Territory. Application of Commonwealth Acts.
 - (2.) An Ordinance shall not be made so as to affect the application of its own force in, or in relation to, the Territory of an Act or a provision of an Act.

Tabling of Ordinances.

7.—(1.) An Ordinance shall be laid before each House of the Parliament within fifteen sitting days of that House after the making of the Ordinance, and, if it is not so laid before each House of the Parliament, is void and of no effect.

(2.) If either House of the Parliament, in pursuance of a motion of which notice has been given within fifteen sitting days after an Ordinance has been laid before that House, passes a resolution disallowing the Ordinance or a part of the Ordinance, the Ordinance or part so disallowed thereupon ceases to have effect.

(3.) If, at the expiration of fifteen sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament, being notice given within fifteen sitting days after the Ordinance has been laid before that House—

(a) the notice has not been withdrawn and the motion has not been called on; or

(b) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

the Ordinance or part, as the case may be, specified in the motion shall thereupon be deemed to have been disallowed.

(4.) If, before the expiration of fifteen sitting days after notice of a motion to disallow an Ordinance or part of an Ordinance has been given in a House of the Parliament—

(a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and

(b) at the time of the dissolution, expiry or prorogation, as the case may be—

(i) the notice has not been withdrawn and the motion has not been called on; or

(ii) the motion has been called on, moved and seconded and has not been withdrawn or otherwise disposed of,

the Ordinance shall, for the purposes of the last two preceding sub-sections, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

(5.) Where an Ordinance or part of an Ordinance is disallowed, or is to be deemed to have been disallowed, under this section, the disallowance has the same effect as a repeal of the Ordinance or part of the Ordinance, as the case may be, except that, if a provision of the Ordinance or part of the Ordinance amended or repealed a law in force immediately before that provision came into operation, the disallowance revives the previous law from and including the date of the disallowance as if the disallowed provision had not been made.

(6.) If an Ordinance or part of an Ordinance is disallowed, or is to be deemed to have been disallowed, under this section, and an Ordinance containing a provision being the same in substance as a provision that

has been so disallowed, or is to be deemed to have been disallowed, is made within six months after the date of the disallowance, that provision is void and of no effect, unless—

- (a) in the case of an Ordinance, or part of an Ordinance, disallowed by resolution—the resolution has been rescinded by the House of the Parliament by which it was passed; or
- (b) in the case of an Ordinance, or part of an Ordinance, that is to be deemed to have been disallowed—the House of the Parliament in which notice of the motion to disallow that Ordinance or part was given approves, by resolution, the making of a provision the same in substance as the provision that is to be deemed to have been disallowed.

8.—(1.) The courts of Norfolk Island have jurisdiction in and in relation to the Territory.

Courts of
Norfolk Island
to have
jurisdiction in
the Territory.

(2.) In the exercise of its jurisdiction under this section a court of Norfolk Island may sit in the Territory, in Norfolk Island or in Australia.
