

Norfolk Island Government Gazette

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NORFOLK ISLAND GOVERNMENT GAZETTE NO. 16

Friday 18 March 2005

DEPUTY CROWN COUNSEL
POSITION VACANT
THE ADMINISTRATION OF NORFOLK ISLAND

The Administration of Norfolk Island is seeking a Deputy Crown Counsel to join its Legal team.

The Legal Services Unit provides a full range of legal services and policy advice to the Government of Norfolk Island, the Corporate Management Group of the Public Service (The Administration) and all operational areas of the Public Service, including government bodies and statutory authorities.

In a key legal advice/litigation role, the Deputy Crown Counsel will have skills including at least 2 yrs post admission experience in either government law or private practice; an understanding of the political environment; experience in criminal prosecutions, civil and statutory actions; the drafting of commercial legal documents; and a knowledge of law relating to wills, probate and estates.

The ideal applicant will have the capacity to juggle work and meet deadlines; a high level of interpersonal and communication skills; a customer focus; and proven ability to be flexible and a contributing team player.

The appointment will be for a period of three years, and is subject to Norfolk Island Immigration laws.

Salary commences at \$51,291 per annum (currently free of income tax).

An Information Package, which includes the detailed job specifications, is available at our website www.gov.nf/jobs or by contacting Human Resources on hr@admin.gov.nf (phone 0011 6723 22001 extension 2). If after reading the information you wish to discuss the position further, please contact Mr Graham Rhead by e-mail grhead@admin.gov.nf (Phone 0011 6723 22001 extension 5).

Applications will need to be received by close of business on Friday 25 March 2005

STEVE MATHEWS
ACTING CHIEF EXECUTIVE OFFICER

ADMINISTRATION OF NORFOLK ISLAND
POSITION VACANT
ADMINISTRATIVE OFFICER - WELFARE SERVICES/COMPANIES

The Administration is seeking applications from interested persons for the position of Administrative Officer – Welfare Services/Companies.

The position is responsible for the administration of the *Social Services Act 1980* including interviewing applicants and processing of applications and reviews, calculations of benefits and acting as Secretary to the Social Services Board. It also involves administering the *Companies Act 1985*, the *Business Names Act 1976*, the Legal Aid Scheme and to act as Secretary for the Legal Aid Advisory Committee, including the interview of the Legal Aid applicant/s and assessing legal aid application forms. As Officer in Charge of the Retail Price Index, this position is also responsible for the collection of prices and input of data and preparing of gazettal information for the relevant executive member.

Salary commences at \$34,845 per annum.

How to Apply

A position specification containing the essential and desirable criteria along with the major responsibilities and the salary range for this position is available from the Human Resources section of the Administration or by phoning 22001 extension 2. Further information can be obtained by contacting the Community Services Manager on extension 4.

All Administration positions are advertised as subject to 7-day spread of hours and positions may be rostered dependent on customer and service level needs.

Appointments will be on merit according to skills and experience and in accordance with the *Public Sector Management Act 2000*. If you are interested in this position you will need to submit a comprehensive written application addressing the criteria contained in the position specification. Applications will need to also include two recent work related references and two nominated referees. Applications will need to be lodged with the Human Resources section at the Administration offices by close of business Friday 25 March 2005.

The Administration promotes a smoke-free workplace.

STEVE MATHEWS
ACTING CHIEF EXECUTIVE OFFICER

IMMIGRATION ACT 1980

In accordance with paragraph 34(1)(a), I advise that the following persons have applied for grants of a declaration of residency —

Sallie Buchanan Davie
Sarah Joanne Davie
Kevin David Jensen
Kim Leanne Jensen
Lloyd Douglas Fletcher
Lee Fletcher
Jedda Fletcher
Grant Noel Gardner

Dated 10 March 2005.

JOHN BROWN
MINISTER FOR COMMUNITY SERVICES

PASTURAGE AND ENCLOSURE ACT 1949
RIGHTS OF PASTURAGE FOR 2005/2006

Subject to the payment by 31 March 2005 of the fee of \$50.00 for each head of cattle to the Cashier, Administration, the rights of pasturage are granted for the year ended 31 March 2006 as follows:

Applicant 2nd Name	Applicant 1st Name	05/06 Number of Head of Cattle	Applicant 2nd Name	Applicant 1st Name	05/06 Number of Head of Cattle
ADAMS	ROBIN-ELEANOR	3	GRAHAM	AARON	4
BATAILLE	ALLEN	9	GRAHAM	ELTON	6
BATES	BRIAN	2	GRUBE	BELINDA	2
BATES	DARREN	3	HOWELL	RIA	2
BATES	DAVID	3	HUCKSTEP	JOHN	2
BIGG	ARCHIE	6	JUDD	NORMA	2
BIGG	MAT	4	McCoy	BEVERLEY	2
BIGG	SIMON	4	McCoy	HARVEY	2
BUFFETT	ALLEN ANTHONY	4	McCoy	RUTH	3
BUFFETT	BOYD	4	MENGHETTI	PAUL	3
BUFFETT	FRANCES	3	MOGEY	JOHN	2
BUFFETT	IAN	4	NOBBS	CANDICE	2
BUFFETT	MERVYN	9	NOBBS	RON	2
BUFFETT	NORMAN	9	PARSONS	GEORGE	3
BUFFETT	PETER	3	PARTRIDGE	ALLEN	3
BUFFETT	SHANELLE	3	PARTRIDGE	JAMES	4
BUFFETT	SHELLEY	2	PARTRIDGE	KIM	3
BUFFETT	SHEREE	3	PARTRIDGE	LINDA	4
BUFFETT	SHERYL	2	PROLE	PHYLLIS	2
BUFFETT	TODD	3	QUINTAL	APRIL	2
CHRISTIAN	DARREN	4	QUINTAL	LAURIE	1

CHRISTIAN	DOLLY	2	RANDALL	BASIL	7
CHRISTIAN	EDITH	5	RANDALL	DEBBIE-JANE	4
CHRISTIAN	JOHN M.	4	RANDALL	FRANKLIN	8
CHRISTIAN	JOY	3	RANDALL	KEVIN	4
CHRISTIAN	RAYMOND	3	RANDALL	SUZANNE	3
COOPER	SIDNEY	6	REEVES	MATTHEW	4
DOURAN	SINDY	2	ROBINSON	GLENN	2
DOURAN	VICKIE	2	SANDERS	MICHAEL	2
EVANS	ADRIAN	3	SANDERS	WILLIAM H.	7
EVANS	ARTHUR	4	SANDERS	WILLIAM W.	9
EVANS	BERYL	2	SHERIDAN	SAM	2
EVANS	DAVID R.G.	2	SIM	JEAN & TOM	8
EVANS	KAYE	2	SINGER	DIANA	2
EVANS	KERRY-ANNE	2	SNELL	DENE	3
EVANS	LEON	9	SNELL	JONATHON	2
EVANS	PAUL	4	TAVENER	LYLE	9
			WOOD	KAYE	1

A right of pasturage is also granted for the progeny of female cattle referred to in the table until that progeny attains the age of six months and will be tagged with an identification brand.

Notice is given to each person named in the table that they are prohibited from depasturing a head of cattle in respect of which a right of pasturage has been granted, if that animal:

- does not have a tag attached to it; **or**
- is not branded with the owner's registered brand.

Pasturage rights are allocated in accordance with and subject to the Administration of Norfolk Island Pasturage Rights Policy August 2003.

Dated 21 February 2005.

S.V. JACK
MINISTER FOR THE ENVIRONMENT

BURSARIES AND SCHOLARSHIPS

Applications are invited for awards of bursaries and scholarships to enable students to continue their education elsewhere than on Norfolk Island.

Students must have completed at least three years schooling on Norfolk Island and their parents or guardians must be residents of Norfolk Island.

Particular attention is drawn to the fact that **FRESH APPLICATIONS ARE REQUIRED IN RESPECT OF STUDENTS WHO HAVE BEEN IN RECEIPT OF A BURSARY OR SCHOLARSHIP DURING 2004.**

Bursaries and scholarships are considered on a means tested basis. A statement about income **must** be lodged with each application.

Brief details of awards available are:

BURSARIES

(a) Up to School Certificate

Available to students between the ages of 11 and 16 years who are eligible for secondary schooling, who in the opinion of the Bursaries and Scholarships Committee established under the Education Regulations, are capable of proceeding to the level of the School Certificate and who have special requirements for schooling elsewhere than on Norfolk Island.

(b) Beyond School Certificate

Available to students who have attained the School Certificate and who, in the opinion of the Bursaries and Scholarships Committee, are capable of proceeding to and passing the Higher School Certificate examination or its equivalent and who have special requirements for schooling elsewhere than on Norfolk Island.

SPECIAL NOTE

As both the School Certificate and Higher School Certificate are available at the Norfolk Island Central School, these bursaries are limited to applicants with special curriculum needs.

SCHOLARSHIPS**(a) Tertiary Education Scholarships**

Available to assist full time students undertaking a course leading to a tertiary qualification from a university or other tertiary institution.

(b) Vocational Trainee Scholarships

These are intended to assist persons wishing to undertake apprenticeships, technical or para-professional studies and/or training away from Norfolk Island.

Award payments are as follows:

School Certificate Bursary

One return airfare between Norfolk Island and Sydney
50% of the costs of prescribed textbooks or \$250 whichever is less

Higher School Certificate Bursary

One return airfare between Norfolk Island and Sydney
50% of the costs of prescribed textbooks or \$500 whichever is less

Tertiary Education Scholarship

One return airfare between Norfolk Island and Sydney
50% of the costs of prescribed textbooks or \$500 whichever is less

Vocational Training Scholarships

One return airfare between Norfolk Island and Sydney
50% of the costs of prescribed textbooks or \$500 whichever is less

Please note that reimbursement of textbook costs will be made upon production of receipts.

To obtain application forms and for further enquiries please contact Bella Wilson at the Administration on telephone 22001.

ALL APPLICATIONS SHOULD BE LODGED BY CLOSE OF BUSINESS ON 25 MARCH 2005.

STEVE MATHEWS
ACTING CHIEF EXECUTIVE OFFICER

ADMINISTRATION OF NORFOLK ISLAND
CLEANING OF ADMINISTRATION BUILDING
PERFORMANCE BASED CONTRACT

TENDER NO. 2/05

Tenders are invited for the cleaning of the Airport Terminal building. The contract is for a period of approximately 15 months ending on 30 June 2006. There is provision within the contract for 12 months extension. The contract is also subject to 6 monthly performance reviews.

Any interested person needs to obtain a copy of the Schedule of Cleaning and the Tender Submission Form prior to submitting any tender. These documents can be obtained from Katie Sexton, telephone 22001, extension 121 or ksexton@admin.gov.nf. **Tenders must be submitted using a Tender Submission Form.**

Tender amounts are to be on a per-annum basis.

Workers Compensation and Public Liability insurance are compulsory for all Administration cleaning contracts. Prospective tenderers are strongly encouraged to obtain insurance quotations before submitting a tender.

Tenders should be placed in a sealed envelope marked 'Tender No. 2/05 – Cleaning of Administration Building – Airport Terminal' and placed in the tender box located in Records section, top floor, New Military Barracks, Kingston. Closing date for tenders is 4:00pm Tuesday 29 March 2005. There will be a public opening of tenders 9:00am Wednesday 30 March 2005 in the Records section.

The lowest or any tender need not necessarily be accepted.

STEVE MATHEWS
ACTING CHIEF EXECUTIVE OFFICER

ELECTRICITY SUPPLY ACT 1985
NOTICE TO CONSUMERS

PLEASE NOTE THAT under subsection 9(1) of the Electricity supply Act 1985, authorised officers will be entering lands Island wide in Norfolk Island on 29, 30, 31 March and 1 April 2005 between the hours of 7.00am and 4.00pm for the purpose of reading electricity meters.

All dogs on lands in the above mentioned times should be securely tethered or housed to allow the authorised officers to carry out their duty in safety.

Failure to securely tether or house a dog will result in an electricity meter not being read.

If an electricity meter on any land is not read as a result of a dog not being securely tethered or housed, the electricity supply to that land may be assessed.

Persistent failure to comply with the request to restrain dogs at all times when the meters are to be read, may cause a disconnection of the service.

Dated 14 March 2005.

JOHN CHRISTIAN
ELECTRICITY MANAGER

COURT OF PETTY SESSIONS

The next Sittings of the Court of Petty Sessions is set down for Tuesday, 12 April 2005 at 10.0am in the Court House, Kingston.

A V A BATAILLE
CLERK OF THE COURT OF PETTY SESSIONS

NEXT SITTING DATE FOR THE LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND

At the sitting of the Legislative Assembly on 16 March 2005 the House resolved to adjourn until Wednesday 20 April 2005 at 10 am.

Dated 17 March 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY

TABLING OF DISALLOWABLE INSTRUMENTS

The following disallowable instruments were tabled at the sitting of the Legislative Assembly on Wednesday 16 March 2005:

Road Traffic (General) (Amendment) Regulations 2005
Education (Amendment) Regulations 2005

Dated 17 March 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY

BILLS PRESENTED IN THE LEGISLATIVE ASSEMBLY ON 16 MARCH 2005

The following Bills were presented:

EVIDENCE (AMENDMENT) BILL 2005

This Bill is introduced to correct certain omissions where references have been made to Norfolk Island or a foreign country and the reference should include references to Australia. The amendments made therefore include, in places where it is clear from the context there should be included, a reference to Australia, Australian law, Australian courts and proceedings in Australia. Omission of the references could, in certain circumstances involve injustice to defendants or accused persons or impede the administration of justice.

LEGAL AID (AMENDMENT) BILL 2005

The purpose of the Bill is to make a number of changes to extend and improve the Legislation's impact in Norfolk Island. Principally, the Bill sets out the Objects that the legislation and the scheme seek to achieve and in addition to the provision of legal aid, includes programs of community awareness of the Norfolk Island legal system. The Legal Aid Committee is given the specific task of taking steps to improve legal education and awareness of the legal system. A number of other amendments empower the executive member to approve grants as legal assistance so as to allow for unusual circumstances that are not provided for (clause 7), extension of the system to aid in the High Court and several Norfolk Island Tribunals (clause 8), the requirement that Committee recommendations have regard to the guidelines (clause 9), requirement that if an application is refused by the executive member or conditions changed after the Committee has made different recommendations, written reasons must be given (clause 10), and finally, provision that the Fund may be used for the objects of the legislation thereby widening the class of costs and expenses that may be met by the Fund.

NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD (AMENDMENT) BILL 2005

This Bill is introduced, primarily, to change the system of providing delegate members and also to make changes to the quorum and to extend the regulation-making power to include rules about Board minutes and the rotation of delegate members. The Chairperson of the Board will be required to prepare a rotation system but the executive member is also empowered to make rules if the Chairperson's system is not working or is disputed. A benefit of the proposed change is that a small group may gain experience and knowledge of Board processes and responsibilities that may not be available at present – particularly to delegates whose principal does not miss meetings. It also means that if there is a vacancy, a delegate member may attend to fill the vacancy at the meeting. The circulation of approved minutes to delegate members will ensure that they are aware of what has gone before and not find themselves at meetings with no knowledge of events and decisions previously occurring or determined. The quorum for Board meetings is also changed from a proportion to a number thereby avoiding a notional quorum that is less than a whole number of persons.

PUBLIC SECTOR MANAGEMENT (AMENDMENT) BILL 2005

This Bill has been introduced to clarify streamline and make more open, the selection process for the Chief Executive Officer. This is proposed to be done by having the initial selection process done by an independent agency selected for its experience in recruiting managerial staff for government and local government. This aspect of the process will be independent of the Administration and will be done in accordance with the criteria set by the executive member in consultation with administration officers where necessary and the process will be required to comply with the "Merit Principle" set out in section 5 of the Act and other relevant provisions.

The Bill envisages that when the independent agency has reported and made its recommendations to the executive member, these will be taken to the members of the Legislative Assembly who will, acting as an advisory panel interview the successful applicants. The effect of the Bill is that following the meeting with the members, the executive member will make a determination and will seek the formal recommendation of the Assembly before making the appointment. Once made the Bill then provides that the appointment is not subject to appeal.

SOCIAL SERVICES AMENDMENT BILL 2004

This Bill proposes to put in place a number of the recommendations of the Policy Review ("the Review") prepared by the Norfolk Island Social Services Board in April 2002 which was in turn prepared following a request from the Members of the Legislative Assembly by resolution of 23 August 1999. The Bill addresses various issues such as residence requirements, the eventual equalisation of entitlement to age benefits of males and females, benefits for incapacity, payments on death, special benefits, improvement of application systems and criteria, hospital and medical assistance, and appeals.

The Bill opens with a statement of the basic objectives of the legislation and then provides a number of new definitions required by the amendments (as well as some tidying up of existing definitions). The main change is the inclusion of a definition of "hospital and medical assistance" also known as HMA which provides assistance to persons who are not eligible for normal benefits because they are recipients of certain benefits in Australia – this benefit which is being normalised was recommended in recommendation 15 of the Review and is dealt with in more detail in clause 15 of the Bill. Other definition changes are the use of the expression "long term incapacity" instead of permanent incapacity which effects change in clause 12; redefining of "officer" to conform to the Public Sector Management Act; the change of the concept of "income" to one of "ordinary income" and the consequent removal from the definition of references to discretion; and the inclusion of "special benefit" as a defined term.

The next main clause of the Bill, clause 6, introduces the new concept of a couple which will extend the application of the Act to persons who are in a "de facto" relationship. Consequential changes to the Act apply the concept which provides extensive criteria to be complied with if the relationship is not one of marriage as well as excluding relationships where the parties live apart on a permanent or indefinite basis.

The Bill also makes some changes to the Board in clauses 7 and 8 by requiring the Board to provide an annual report of the reports and recommendations made in the preceding year and a report of the matters specified in section 11(2) as they appear at the end of the year. The report is to be provided by 31 August and subsequently tabled in the Assembly.

In addition the Bill extends significantly the secrecy provisions of the Act by requiring the Chief Executive Officer to take precautions and give directions to ensure that information made available is only provided to those who are authorised to receive it; and by prohibiting persons who are not entitled to information from accessing it or divulging it. As at present the Bill preserves the immunity of a member of the Legislative Assembly who discloses information at a meeting of the Assembly.

Clause 9 of the Bill requires the provision of annual income statements from the recipient of a benefit and deals with the variation of benefits arising from a review. A special benefit, on the contrary, because it only exists for a specific time requires a new application on its expiration.

Clause 10 is provided to authorise the executive member to approve forms for usage where they are not otherwise prescribed rather than simply require applications in writing, and to authorise delegation to an authorised officer (who is defined as a person who has been appointed by the executive member to be an authorised officer). At present there is no delegation power.

The Review's recommendation 4 was for the gradual implementation of a common age for "age" benefits and this is found in clause 11 which amends section 16 of the Act and provides a table of ages at which the benefit may be claimed by females and also alters the residence requirements to include residence for at least 25 years between the ages of 20 and 65 years.

The requirements for eligibility for invalid benefits have, as recommended in section 7 of the Review, been altered by clause 12 to change "permanently incapacitated for work" to "long term incapacity", now defined in the new definition in section 3 [clause 5 of the Bill] as mentioned at the commencement of this memorandum.

Clause 13 of the Bill provides a more extensive description of the process for obtaining and retaining an invalid or handicapped child benefit and includes the requirement for an annual medical examination and medical report.

Clause 14 includes, as recommended by the Review [section 3] a 2 years residence and authorises the executive member to make a disallowable instrument prescribing categories of special benefit, qualification for payment and maximum amounts.

Claims for hospital and medical benefits were recommended in section 15 of the Review and clause 16 gives effect to this by requiring a claim to be in a prescribed form and by requiring the provision of income information and details of any benefits being received from outside Norfolk Island as well as requiring the applicant to give authorisation to request information from sources outside Norfolk Island.

In accordance with section 17 of the Review, clause 18 of the Bill gives the right of appeal against a decision of the executive member or of an authorised person to the Administrative Review Tribunal.

Clause 19 is included to prevent the incurring of bad debts by recipients of benefits who, or whose next-of-kin, fail to pay hospital charges, by requiring that such charges be paid from their benefit up to an amount that does not exceed 80% of the persons income (including their benefit).

The regulation making provisions of the Act are changed by clause 22 to provide more extensive power to make regulations concerning the grant of benefits, particularly those for HMA, while clause 23 empowers the making of a disallowable instrument to provide for the payment of incentives to take out private insurance.

Copies of the Bill free of charge may be obtained from Mrs Jan Keeping, Legal Services, Norfolk Island Administration, Kingston.

Dated 17 March 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY
