



NORFOLK ISLAND

**PUBLIC SERVICE AMENDMENT ACT 1987**

**Act No 13 of 1987**

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An Act to amend the Public Service Ordinance 1979

[Assented to 29 July 1987]

**BE IT ENACTED** by the Legislative Assembly of Norfolk Island as follows -

**Short title**

1. This Act may be cited as the Public Service Amendment Act 1987.

**Commencement**

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

**Principal Ordinance**

3. The Public Service Ordinance 1979 is in this Act referred to as the Principal Ordinance.

**Definitions**

4. Section 5 of the Principal Ordinance is amended by inserting after the definition of "Board" the following:

"'Chairman' means the Chairman of the Board appointed in accordance with subsection 10(2A);".

**Ordinance not to apply to certain persons**

5. Section 6 of the Principal Ordinance is amended by omitting "Minister" (wherever occurring) and substituting "Administrator".

**Public Service Board**

6. Section 10 of the Principal Ordinance is amended by -

- (a) omitting paragraph (2)(a);
  - (b) omitting from paragraph (2)(c) "and";
  - (c) inserting after paragraph (2)(d) -  
"; and  
(e) a member appointed in accordance with section 13BA.
- (2A) The members of the Board shall, by resolution, appoint one of their number, other than the Chief Administrative Officer, to be the Chairman of the Board.
- (2B) Subject to subsection (2C), the Chairman shall preside at a meeting of the Board.
- (2C) If the Chairman is absent from a meeting of the Board the members present shall choose one of their number to preside at the meeting.";
- (d) omitting subsection (3) and substituting -  
" (3) Meetings of the Board shall be convened by the Chairman.";
  - (e) omitting from subsection (4) "Administrator" and substituting "Chairman"; and
  - (f) omitting from subsection (5) "the Administrator and at least 2 other members" and substituting "at least 3 members".

**Qualifications etc, for appointment to be independent Board member**

7. Subsection 13B(1) of the Principal Ordinance is amended by inserting after paragraph (a) the following:

- "(ab) the Administrator;".

**New sections**

8. The Principal Ordinance is amended by inserting after section 13B -

**Member of Board referred to in paragraph 10(2)(e)**

"13BA. (1) Subject to this section, the Legislative Assembly may, by resolution, appoint a person other than the Administrator to be a member of the Board.

(2) A resolution referred to in subsection (1) shall be proposed by the executive member.

(3) A resolution referred to in subsection (1) is of no effect unless -

(a) the executive member has, not less than 14 days before the making of the resolution, informed in writing -

(i) the Chairman; or

(ii) where no person holds office as Chairman - another member of the Board,

that a specified person is, whether alone or among other persons, being considered for appointment as a member of the Board under this section; and

(b) the resolution appoints as a member of the Board the person, or a person among the persons, referred to in paragraph (a).

(4) Subject to this Ordinance, a member of the Board appointed under this section holds office for such period, not exceeding 2 years, as is specified in the resolution by which the member is appointed, and is eligible for re-appointment.

(5) Where a period of appointment is not specified in a resolution referred to in subsection (1), the member to whom the resolution relates holds office, subject to this Ordinance, for 2 years.

(6) A member of the Board appointed under this section may resign the member's office by written notice delivered to the executive member.

(7) If a member of the Board appointed under this section is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board, the member ceases to hold office.

**Vacancy in membership of Board**

13BB. The exercise of a power or the performance of a function by the Board is not invalidated by reason only that there is a vacancy in the office of Chairman or a vacancy in the membership of the Board."

**New section**

9. The Principal Ordinance is amended by inserting after section 21 the following:

**Payment of salary**

"21A. The Administration may pay salary or other moneys due to an officer or employee -

- (a) by cheque payable to the officer or employee; or
- (b) with the consent of the officer or employee -
  - (i) by direct credit to a bank account specified by the officer or employee; or
  - (ii) in another manner."

**Regulations**

10. Section 51 of the Principal Ordinance is amended by omitting "Minister" and substituting "Administrator".

**Transitional**

11. (1) In this section -

"Board" and "Chairman" have the same meaning as in the Principal Ordinance as amended by this Act;

"former Board" means the Board established under the Principal Ordinance as in force immediately before the commencement of this Act.

(2) The first meeting of the Board after the commencement of this Act shall be convened by the Administrator, who shall preside at the meeting until the members of the Board have appointed a Chairman.

(3) The Administrator shall not vote at the meeting referred to in subsection (2).

(4) This Act does not affect -

- (a) a right, privilege, obligation or liability acquired, accrued or incurred by the former Board;
- (b) a penalty or punishment imposed by the former Board;
- (c) an investigation, legal proceeding or remedy in respect of any such right, privilege, obligation or liability acquired, accrued or incurred, or a penalty or punishment imposed, by the former Board; or
- (d) a decision in relation to a matter taken by the former Board.

(5) A matter pending before the former Board immediately before the commencement of this Act may be dealt with by the Board in the same manner as it could have been dealt with by the former Board.

(6) A declaration or determination by the Minister under section 6 of the Principal Ordinance as in force immediately before the commencement of this Act continues to have effect as if made by the Administrator under section 6 of the Principal Ordinance as amended by this Act.

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Notified Gazette No 36, 30 July 1987

Commenced 1 August 1987 (Gazette No 36, 30 July 1987)

This enactment amends Ordinance No 7 of 1979 as previously amended by Act No 4 of 1979, Act No 8 of 1980, Act No 1 of 1986, Act No 8 of 1986, Act No 14 of 1986, Act No 21 of 1986 (as amended by Act No 22 of 1986) and Act No 27 of 1986

Printed on the authority of the Administrator