



Norfolk Island Legislation Amendment Act Transitional Rule 2015 (No 1)

I, JAMIE BRIGGS, Assistant Minister for Infrastructure and Regional Development,
make the following rule.

Dated 17 June 2015

Jamie Briggs
Assistant Minister for Infrastructure and Regional Development

Part 1—Preliminary

1 Name of rule

This rule is the Norfolk Island Legislation Amendment Act Transitional Rule 2015 (No 1).

2 Commencement

This rule commences at the same time as Part 1 of Schedule 1 to the *Norfolk Island Legislation Amendment Act 2015*.

3 Authority

This rule is made under item 185 of Schedule 1 to the *Norfolk Island Legislation Amendment Act 2015*.

4 Definitions

- (1) In this rule:

interim transition time has the meaning given by the NILA Act.

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

Norfolk Island public service means the public service established or continued under the PS Act.

NILA Act means the *Norfolk Island Legislation Amendment Act 2015*.

PS Act means the *Public Service Act 2014* (Norfolk Island) continued in force by section 16A of the *Norfolk Island Act 1979*.

- (2) Any other expression that is used in the NILA Act has the same meaning, when used in this rule, as in that Act.

Part 2—Transitional rule

5 Purpose of this Part

This Part is made for item 185 of Schedule 1 to the NILA Act (which provides for the Minister to create 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 Schedule 1 to the NILA Act.

Part 1 of Schedule 1 to the NILA Act abolishes the Legislative Assembly. This rule prescribes transitional matters in relation to staff who immediately before the interim transition time were performing duties for the Legislative Assembly.

6 Eligible employee

A person engaged (however described) as the Clerk to the Legislative Assembly immediately before the transition time (the **Clerk**) is taken to be an eligible employee for the purposes of sub-item 193(1)(c)(iv) of Schedule 1 to the NILA Act.

7 Application of NILA Act to the Clerk

Schedule 1 to the NILA Act applies to the Clerk so that:

- (a) in item 193, a reference to ‘employment’ is taken to be a reference to an ‘appointment’, and
- (b) in sub-items 193(5)-(7), a reference to an ‘employee’ is taken to be a reference to an ‘appointee’.

8 Staff of the former Legislative Assembly

For the purposes of this rule, the following persons are **Staff of the former Legislative Assembly**:

- (a) a person engaged (however described) as the Secretary to the Legislative Assembly immediately before the interim transition time (**the Secretary**)
- (b) a person engaged (however described) as the Chief of Staff immediately before the interim transition time (**the Chief of Staff**)
- (c) a person engaged (however described) as the Senior Policy Advisor immediately before the interim transition time (**the Senior Policy Advisor**), and
- (d) the Clerk.

9 Application of PS Act

Despite regulation 7(f) of the *Public Service Regulations 2014* (Norfolk Island), from the interim transition time, the entire PS Act applies to the Staff of the former Legislative Assembly.

10 Other terms and conditions applying to Staff of the former Legislative Assembly

For the avoidance of doubt,

- (a) the employment of the Secretary, Chief of Staff and the Senior Policy Advisor do not come to an end because of the commencement of Part 1 of Schedule 1 to the NILA Act
- (b) subject to section 11, the Secretary, the Chief of Staff and the Senior Policy Advisor continue to be engaged by the Administration on the same terms and conditions as those that applied to him or her immediately before the interim transition time
- (c) Staff of the former Legislative Assembly are not entitled to receive any payment or benefit on or after the interim transition time merely because:
 - (i) he or she is no longer engaged to perform duties for the Legislative Assembly because of the commencement of Part 1 of Schedule 1 to the NILA Act,
 - (ii) he or she is directed to perform duties (however described) other than those that he or she was directed to perform immediately before the transition time, or
 - (iii) he or she is required to occupy a new position (however described) other than the position that he or she occupied immediately before the interim transition time.

Note: Sub-item 193(5) of the NILA Act has the effect that the Clerk not entitled to receive any payment or benefit on or after the interim transition time merely because he or she stopped being an employee of a person as a result of that item 193.

11 References in instruments setting terms and conditions

Sub-item 193(3) of Schedule 1 to the NILA Act and sub-section 10(b), as the case may be, apply to the Staff of the former Legislative Assembly so that:

- (a) a reference in a contract of employment or an instrument setting terms and conditions of appointment (however described) applying to any of the Staff of the former Legislative Assembly to ‘the Speaker’, ‘the Speaker of the Legislative Assembly’, ‘the Chief Minister’, or ‘the Minister for Tourism’, is taken to be a reference to ‘the Chief Executive Officer of the Norfolk Island public service’, and
- (b) a reference in a contract of employment or an instrument setting terms and conditions of appointment (however described) applying to any of the Staff of the former Legislative Assembly to ‘the Legislative Assembly’ is taken to be a reference to ‘the Administration’.