



Senator the Hon Fiona Nash
Minister for Regional Development
Minister for Local Government and Territories
Minister for Regional Communications
Deputy Leader of The Nationals

PDR ID: MS17-000522

30 MAR 2017

Mr Eric Hutchinson

47F

A handwritten signature in blue ink that reads "Eric".

Dear Mr Hutchinson

On behalf of the Australian Government, I congratulate you on your appointment as the Administrator of the Australian Territory of Norfolk Island and wish you well for your term. The Governor-General appointed you under section 7 of the Norfolk Island Administrator Ordinance 2016 for a period of two years commencing on 1 April 2017.

I have outlined my expectations for your term as Administrator below.

Leadership

The Australian Government commenced significant reforms on Norfolk Island on 17 June 2015 to improve services, reform local governance and provide a more sustainable future for the community. As the Administrator, you will be an influential adviser and champion of these reforms. Your work should strongly support the Government's efforts to progress reforms and assist local residents and businesses to integrate into Australia's taxation, health and social security services and systems.

It will be important for you to meet regularly with officials from the Australian and NSW government agencies operating on the island and ensure their activities are well coordinated. As a guide, the previous Administrator convened monthly meetings with representatives from these agencies.

Engaging with the community

A central part of your role is to regularly engage with members of the Norfolk Island community, lead consultation and provide an effective link between government and the community.

The Norfolk Island Regional Council is the community's elected representative body. I will advise the Mayor that you will be her primary point of contact to discuss issues of concern or mutual interest, and that you will establish a regular forum to allow this. You should promptly advise the Department of Infrastructure and Regional Development (the Department) of any material issues you discuss with the Mayor or the other councillors to ensure the Government provides consistent messages to the Regional Council.

You will play an important role in communicating with the community on behalf of the Government. The Department has prepared a formal consultation framework that you should use for consultation on some issues, including changes to Norfolk Island law.

You should also engage with the community informally at your discretion in order to advocate for the reforms, inform residents of government information and seek feedback. The Department will support you in this task and ensure you are kept abreast of key initiatives across government that may be of benefit to Norfolk Island.

I expect you will maintain the long-standing practice of hosting regular Government House Open Days. In the past, the Administrator and their spouse have provided patronage of a variety of voluntary organisations, which has been well regarded by the Norfolk Island community. I hope that you will continue to support these organisations and encourage them to identify patrons in the local community.

Committees

As Administrator, you will also chair the Kingston and Arthur's Vale Historic Area (KAVHA) Advisory Committee. The strategic development of KAVHA is essential for the future of the island's tourism industry and to protect a significant aspect of Australia's colonial history. The redevelopment of the Cascade Pier, due for completion in late 2017, will provide opportunities to increase cruise ship passenger arrivals on Norfolk Island. It will be important that KAVHA is ready to provide a high-quality experience to this new class of tourist.

Delegations

Much of the legislation in force on Norfolk Island before the reforms commenced on 17 June 2015 continues to be in force on Norfolk Island. Powers and functions which these laws originally conferred on the Administrator and on Norfolk Island Government Ministers have now been vested in me as the Commonwealth Minister. I have delegated almost all of these powers to you as Administrator, and to Departmental officials who can exercise these powers if you are absent from duty or when it is otherwise appropriate.

You have access to staff within the Norfolk Island Branch of the Department who can provide you with advice and support in exercising your delegated powers. These powers and functions include matters relating to land, planning, statutory appointments, disaster and emergency management, importation of dangerous drugs, licensing and other functions such as liquor importation. Many of these delegated powers can have significant impacts on individuals and the community of Norfolk Island.

As the Administrator, you may be expected to perform the functions of the Regional Certifying Body for the Regional Sponsored Migration Scheme administered by the Department of Immigration and Border Protection.

Working with the Department

I will benefit from your considered views on policy matters concerning Norfolk Island and encourage you to work closely with the Local Government and Territories Division Executive Director and the Norfolk Island Branch General Manager.

The Department's on-island team supports the Administrator to undertake ceremonial and community engagement duties. This team also manages the Service Delivery Agreement with the Norfolk Island Regional Council for the provision of many of the state-type services provided to the community. The team includes an Executive Officer to the Administrator, a Contract Manager, and a small administrative support team. I also expect you will collaborate regularly with the Commonwealth Heritage Manager who functionally reports to the Heritage and Local Government Section in the Norfolk Island Branch.

Reporting and advice to Government

It may be necessary at times to provide me with a written report outlining significant developments on Norfolk Island that are of direct interest or relevance to the Commonwealth. The Administrator's reports provide a unique perspective on current activities and developments and have been a valuable resource to successive Ministers.

I ask that you continue the practice of providing these reports to me as appropriate. The reports will be treated as confidential and allow you as the Administrator to provide a frank assessment of current activities on Norfolk Island and to bring to my attention emerging issues which may be of interest or concern. Including an assessment of the likely impact of these issues will greatly assist me to understand their substance. If there are any other matters of detail on which you require advice, please do not hesitate to seek it from the Department.

Engaging with the media

The Administrator is often called upon by media outlets to comment on Australian Government policies, programs or operations. All comments to the media should be made as the representative of the Australian Government. I have attached principles to inform your engagement with the media at Attachment A.

Official hospitality

As the Australian Government's senior representative on Norfolk Island, I ask that you host functions to celebrate or commemorate events that are of national or cultural importance. Such events should include Anzac Day, Australia Day, and Foundation Day. Attending celebratory or commemorative events organised by local communities is also an important part of your representative role. A guide to official hospitality is appended at Attachment B.

Terms and conditions

The Remuneration Tribunal has made a Determination (2016/19) for the remuneration of the position. The terms and conditions of your appointment are set out in Attachment C to this letter. The Department of Infrastructure and Regional Development has sought Remuneration Tribunal consideration of the reunion travel entitlements for the position to account for your personal circumstances and will immediately advise you once informed of the Tribunal's ruling.

In undertaking your role, I would also expect you to adhere to the values and principles set out in the Australian Public Service (APS) Values, the APS Employment Principles and the APS Code of Conduct at Attachment D.

I am sure you will find the role of Administrator of Norfolk Island an interesting and rewarding experience and that you will make a significant contribution to the Government's reform agenda. I look forward to forming a productive working relationship as we work together to support the Norfolk Island community.

Yours sincerely, *+ with best wishes,*

A handwritten signature in blue ink, appearing to read 'Fiona Nash', followed by a period.

FIONA NASH

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The Hon Sussan Ley MP

Assistant Minister for Regional Development and Territories
Federal Member for Farrer

Ref: MS19-000417

01 APR 2019

Mr Eric Hutchinson
Administrator of the Australian Territory of Norfolk Island
Government House
Quality Row
PO BOX 201
NORFOLK ISLAND 2899

Dear Mr Hutchinson

On behalf of the Australian Government, I again congratulate you on your reappointment as the Administrator of the Australian Territory of Norfolk Island and wish you well for your new term. The Governor-General has appointed you under section 7 of the *Norfolk Island Administrator Ordinance 2016* for a period of two years commencing on 1 April 2019.

I would like to thank you for the important role you are playing in supporting the Australian Government on Norfolk Island and I acknowledge the strong relationship that you have built with the Norfolk Island community.

I look forward to you continuing this work and further strengthening your connections to support the Government's work on the Island.

My expectations for your second term as Administrator are outlined below.

Leadership

The Government continues to progress its work to improve access to services and to provide a more sustainable future for the Norfolk Island community. As Administrator, you have been, and will continue to be, an influential adviser and a champion of the Government's work. You should continue to strongly support the Government's efforts to improve governance and service delivery, and assist local residents and businesses by providing advice and access to information, and playing a key leadership and advocacy role.

A key role for you in this next term must be assisting the community and the Government to transition to new arrangements for the provision of state type services. The Department of Infrastructure, Regional Development and Cities (the Department) will look to your leadership to inform the way forward. This will require a strong focus, clear communication and a determined attitude with the outcomes of the work being critically important to the Island. For these reasons, I have asked the Department to bring you into discussions early and to maintain your involvement as arrangements develop.

Engaging with the Community

A central part of your role is to regularly engage with members of the Norfolk Island community, lead consultation on certain matters and provide an effective link between government and the community.

The Norfolk Island Regional Council (Council) is the community's elected representative body. I expect that you will continue to work with the Mayor and the General Manager to discuss issues of concern or mutual interest, and that you will maintain a regular forum or meeting schedule to support this. You should promptly advise the Department of any material issues you discuss at these forums to ensure a more effective delivery of the Government's work for the Island. Similarly, I expect the Department to advise you of material issues it discusses with the General Manager and executive staff.

You will play an important role in engaging with the community on behalf of the Government. Well-considered engagement and communication strategies will ensure timely and consistent messaging that builds confidence and trust from within the community. The Department will ensure you are kept informed of key initiatives and projects that may benefit or impact the island, and that you are supported by the Department's communication staff.

I expect you will maintain the long-standing practice of hosting regular Government House Open Days. In the past, the Administrator has provided patronage to a variety of voluntary organisations, which has been well regarded by the Norfolk Island community. I hope you will continue to support these organisations.

Statutory Roles and Functions

Much of the legislation in force in Norfolk Island before the 2015-16 governance transition continues to be in force. The Department has an active program of work to improve these continued laws to ensure that progressively, the laws applying in Norfolk Island become comparable with the laws in other Australian jurisdictions.

Various powers and functions which these laws originally conferred on the Administrator and on ministers of the former Norfolk Island Government are vested in me as the Australian Government Minister. Many of these powers have been delegated to you as Administrator, and to departmental officials who can exercise these powers should you be absent from duty or when it is otherwise appropriate. As you are aware, a number of powers and functions that relate to Council activities were recently delegated to the Council's General Manager. This has removed some administrative burden from your Office allowing you to focus on more strategic matters and engagement with the community. I encourage you to identify areas where the Norfolk Island community and the Government can achieve mutually beneficial outcomes.

You have access to staff within the Norfolk Island and Jervis Bay Territory Branch (Branch) of the Department who can provide you with advice and support in the exercise of your delegated powers. These powers and functions include matters relating to land, planning, statutory appointments, disaster and emergency management, importation of dangerous drugs, licensing and other functions such as liquor importation. Many of these delegated powers can have significant impacts on individuals and the community of Norfolk Island. Should it be required, staff from the Branch will also assist you with obtaining legal advice relating to your role as Administrator from the Department's Legal Services Branch.

Heritage

Your advocacy for effective heritage management and community use of the Kingston and Arthur's Vale Historic Area (KAVHA) has been effective and valuable. You will continue with your formal role as chair of the KAVHA Advisory Committee. I encourage you to support this group with your advice and to enable the integration of the newly appointed Heritage Manager into the community.

I was pleased to hear about the oral history project you are progressing relating to the governance of Norfolk Island, and I wish you well with this endeavour.

Working with the Department

I encourage you to continue working closely with the Department, in particular with the management team in the Territories Division.

As you know, the Department has established a new team located on the Island to take on a number of important roles, including management of the Department's relationship with the Council on service delivery matters. This team provides an important presence on the Island and local experience and knowledge that is key to the delivery of the Government's agenda. I expect you and your staff will work closely as necessary with this team, and that they will do the same.

Reporting and Advice to Government

As you know, it is critical that we direct our resources to the issues that are of greatest benefit to the Norfolk Island community and the Government, in order to drive better economic and governance performance, and to improve general community wellbeing. Your advice on priorities will be important to help structure our program of work and to ensure the most appropriate use of resources.

The Administrator's reports provide a unique perspective on current activities and developments and have been a valuable resource to successive Ministers. I ask that you provide a report at least every six months, with the first report due in September this year, noting you last reported in February this year. I ask that these reports outline what you see as the priorities for the Island and include a list outlining the decisions you have made during the preceding period when exercising your delegated statutory powers and functions.

Engaging with the Media

The Administrator is often called upon by media outlets to comment on Australian Government policies, programs or operations. All comments to the media should be made as the representative of the Australian Government. I have attached principles to inform your engagement with the media at **Attachment A**.

Official Hospitality

As the Australian Government's senior representative on Norfolk Island, I ask that you host functions to celebrate or commemorate events that are of national or cultural importance. Such events should include ANZAC Day, Australia Day, and Foundation Day. Attendance at celebratory or commemorative events organised by local communities is also an important part of your representative role. A guide to official hospitality is at **Attachment B**.

Terms and Conditions

The *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2018* sets out the remuneration for the position. The terms and conditions of your appointment are detailed in **Attachment C**.

In undertaking your role, I would also expect you to adhere to the values and principles set out in the Australian Public Service (APS) Values, the APS Employment Principles and the APS Code of Conduct, at **Attachment D**.

I am sure you will continue to find the role of Administrator of Norfolk Island an interesting and rewarding experience, and I look forward to continuing a productive working relationship.

Yours sincerely



Hon Sussan Ley MP

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PRINCIPLES FOR ENGAGING WITH THE MEDIA

General principles for engaging with the Media may be found on the Australian Public Service Commission (APSC) website at www.apsc.gov.au.

The following principles must underpin the Administrator's comments to the media:

1. The Administrator is a representative of the Australian Government. As such, public comment should align with the government's policies.
2. The Administrator, or their representative, should notify the Office of the Minister with responsibility for Territories of any significant media engagements or media comment.
3. The Administrator, or their representative, should discuss and seek advice on matters of government policy from the Office of the Minister with responsibility for Territories. The Minister will be responsible for seeking guidance from the relevant Ministerial Office to support the Administrator.
4. The Administrator should provide early advice to the Office of the Minister with responsibility for Territories on significant events which may gain traction in broader media markets.
5. The Administrator may use social media to engage with the Norfolk Island community. All communication should be appropriate to the position. Comments made online in an official capacity may generate Commonwealth records which must be managed appropriately.
6. Any Newsletters and Community Bulletins issued by the Administrator are public communications. They should be used in a manner which is appropriate for public distribution and contain only information approved for public release.

OFFICIAL HOSPITALITY BY THE NORFOLK ISLAND ADMINISTRATOR

Introduction

1. These guidelines relate to official hospitality by the Administrator of Norfolk Island.

General Principles

2. Official Hospitality covers the use of public funds to facilitate the conduct of public business through the provision of food, beverages, entertainment and/or gifts to individuals other than an Administrator or their family.
3. For the purposes of this instruction, official hospitality does not include modest food and beverages provided on work premises in the course of official business or meetings. In addition, the provision of the following is not included, where provided offsite and in the course of business meetings:
 - tea and coffee;
 - non-alcoholic beverages;
 - biscuits; and/or
 - light lunch.

The purpose of the refreshments should be to complete the work day in comfort as opposed to participants enjoying themselves. Such refreshments must be provided to employees and clients only.

4. The Administrator's role and responsibilities require the provision of official hospitality in a variety of circumstances. This can include hospitality to certain visitors to the Territory (including parliamentarians and senior representatives of public and private sector organisations), to residents who are active in local government or community activities or who otherwise deserve acknowledgement, and to the general community on important national or local days of celebration. Where such hospitality is clearly of an official nature (having regard to the nature and purpose of the Administrator's role and responsibilities), the costs may be met from Administered funds.
5. Depending on the nature of the occasion, hospitality may take the form of a lunch or dinner at Government House or at a restaurant. In the case of events of national or local importance, a modest cocktail party, garden party, civic reception or similar event may be appropriate.
6. The number of people invited to a function should be kept to an appropriate minimum (except on 'open days') having regard to the purpose of the function. It would normally be expected that the majority of persons receiving hospitality would be from outside the Administrator's staff.
7. Care is to be taken that expenditure on official hospitality is not incurred in circumstances where it could be reasonably argued that the hospitality was inappropriate or unnecessary for the conduct of official business, or unnecessarily extravagant. Hospitality expenditure must be publicly defensible and the Administrator may be required to justify publicly the level of official hospitality to the Auditor-General, the Minister or the Parliament.

8. Hospitality that is consistent with the principles of these guidelines may be provided by an Administrator when off-Island on official business subject to a maximum cost of \$500 in a financial year or any greater amount approved by the Secretary or his or her delegate. An Administrator may not claim official hospitality for the cost of his or her meal in respect of which he or she will receive travel allowance.
9. An Administrator's role requires making floral tributes, gifts or donations (such as a commemorative wreath or an award for a school or community prize). In all cases the Administrator must first be satisfied that:
 - such a donation or award is an ethical and effective use of resources; and
 - the expenditure can be said to come within the Department's appropriation as being for Departmental purposes (having regard to the Administrator's role and functions).

Procedures

10. The Administrator shall ensure that proper records of expenditure on official hospitality are maintained and can be easily identified. Where entertainment is provided to employees, including as part of the provision of official hospitality, the Department may be liable to pay Fringe Benefits Tax.
11. Expenditure of \$5,000 or more must be approved by an Executive Director or above.
12. Procurement of goods and services for official hospitality by an Administrator are subject to Departmental procedures contained in the *Accountable Authority Instruction – Gifts and Hospitality*, as appropriate for local circumstances.

**TERMS AND CONDITIONS OF OFFICE APPLYING TO
THE ADMINISTRATOR OF THE TERRITORY OF NORFOLK ISLAND
OFFICE HELD BY MR ERIC HUTCHINSON**

The terms and conditions applying to the appointment of Mr Eric Hutchinson as Administrator of the Territory of Norfolk Island are in accordance with the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2018* and the *Remuneration Tribunal (Official Travel) Determination 2018*, and shall be as follows:

General

Where a situation arises that is not covered by these terms and conditions, the test of 'reasonableness' should be applied, that is, having regard to the circumstances, whether the actions taken and the costs incurred would be considered reasonable and an efficient, effective and ethical use of public resources.

Definitions

Fares – means airfares in business class where that level of service is available.

Official visit – means a visit to Canberra (or to any other destination approved by the Minister) for the purpose of conducting business relating to, or required by:

- the role and responsibilities of the Office of the Administrator;
- the interests of the Australian Government more generally; or
- Mr Hutchinson's professional development relevant to the role as Administrator.

Spouse – means the wife or partner of the Administrator.

Department – means the Australian Government Department with responsibility for Norfolk Island.

Minister – means the Australian Government Minister with responsibility for Norfolk Island.

Salary and Superannuation

The Remuneration Tribunal determines the total remuneration for the Office of Administrator, including the base salary for superannuation purposes. Please refer to the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2018*.

Transport

The Department will provide one fully maintained vehicle for official use at no cost to the Administrator.

Official Residence

The official residence, Government House, is provided free of charge. It is fully furnished and, as authorised by the Minister or the Minister's delegate, domestic staff are provided. Light, power, water, and other utility services required for the maintenance and running of the residence are provided by the Department. 47F

The Department also provides a basic cable Television package. The Administrator can add additional channels to the basic channels at their own cost.

Due to the historical rating of the residence, there are to be no modifications to furniture, furnishings or finishes in Government House without the prior approval of the Minister or the Minister's delegate.

Whilst it is recognised that Government House is a private residence it is also a significant public asset. The Administrator should exercise discretion in considering appropriate use of the residence.

Removal and Storage of Furniture and Household Effects

The Department will meet the cost of packing, removal to and from, and storage of the Administrator's furniture, household and personal effects (excluding motor vehicles) not taken to Norfolk Island.

The Department will accept liability for loss or damage to furniture and effects in transit or in storage. Comcare requirements for removal must be met to ensure insurance cover is provided.

Temporary Accommodation

The Department will reimburse the Administrator for up to seven days temporary accommodation, or a further reasonable period, as determined by the arrangements necessary for removal and storage of household effects on the expiry of the Administrator's appointment to facilitate relocation.

Fares

The cost of fares for the Administrator and any dependants between their place of residence in mainland Australia and Norfolk Island on appointment and from Norfolk Island and their former place of residence in mainland Australia (or to any intervening point nominated by the Administrator involving less cost) on termination of the appointment will be met as an official charge.

Air Freight on Personal Effects

The Department will meet the cost of freight by air on excess baggage for the Administrator and dependants on termination of appointment for any combined weight up to 150kg. Any additional air freight will need to be negotiated and agreed to by the Department.

Reunion Travel

The *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2018*, allows for up to \$41,400 to be claimed per year for travel costs between Norfolk Island and your principal place of residence for the purpose of family reunion.

Where you certify that the workload and responsibilities of the office prevents you from travelling to your principal place of residence for reunion purposes, reunion travel by your partner and/or a child or children, whose normal place of residence is your principal place of residence, can be funded within the financial limits of your allowance.

Travel by a person other than yourself must be at economy class, and only for direct travel between your principal place of residence and office location.

Official Visits (to Canberra or other destination approved by the Minister)

All official visits by the Administrator are to be approved in advance by the Minister or the Minister's Delegate.

Recreation Leave

Consistent with *Remuneration Tribunal (Recreation Leave for Full-Time Holders of Relevant Offices) Determination 2018*, recreation leave accrues at the rate of four weeks for each completed 12 months of service. Recreational leave accrues on a pro rata basis.

Absences on recreation leave must be approved by the Minister or the Minister's delegate

The Administrator is entitled to three days recreation leave per annum, additional to any other entitlement.

Personal Leave

The Administrator will be entitled to the same personal/carer leave entitlements as an employee of the Department.

Personal/carer leave entitlements will accrue at the rate of 20 days per year. For a complete explanation of personal leave entitlements, please refer to the extract from the Department's *Enterprise Agreement 2016*, which can be found on the Department's website at www.infrastructure.gov.au/departments/about/agreement.aspx.

Compassionate Leave

The Administrator will be entitled to the same compassionate leave entitlements as an employee of the Department. An employee may take compassionate leave when a member of the employee's immediate family or a household member experiences a personal injury or illness that poses a serious threat to their life or dies.

Where the Administrator is required to return to the Australian mainland due to a family member's serious illness or death, the Department will meet the reasonable costs of associated return flights from Norfolk Island for the Administrator and their dependant/s. If the family member is located overseas, the Department will meet the cost of a return fare to the nearest international airport on the Australian mainland. Off-island accommodation costs associated with compassionate leave will be the responsibility of the Administrator.

APS Values and Code of Conduct

The APS Values and code of conduct are set out in the *Public Service Act 1999* (PS Act). The Australian Public Service Commissioner's Directions 2016 (the Directions) determine the scope and application of the Values. Agency heads and employees are required to comply with the Directions. The Directions that are most relevant to relationships between employees in the workplace are outlined below in relation to each of the Values.

The APS Employment Principles, set out in section 10A of the PS Act, are also relevant to relationships in the workplace.

Committed to Service

The Committed to Service Value provides for an Australian Public Service (APS) that is professional, objective, innovative and efficient, that works collaboratively to achieve the best results for the Australian community and the Government.

The Directions about this Value require APS employees to engage effectively and appropriately with the community, be innovative and promote continuous improvement, support collaboration and teamwork, internally and externally, including with other agencies.

Respectful

The Respectful Value provides for an APS that respects all people, including their rights and heritage.

The Directions about this Value require that employees treat all people including work colleagues with dignity and to recognise that all people have value. Diversity must be recognised and fostered.

Accountable, Impartial and Ethical

The Accountable Value provides for an APS that is open and accountable to the Australian community under the law and within the framework of ministerial responsibility. The Directions about this Value require employees to demonstrate that their actions and decisions have been made with appropriate consideration, are transparent and are able to be explained to the people affected by them, including their colleagues. Employees are accountable for their actions and decisions through statutory and administrative reporting systems, including through performance management systems.

The Impartial Value provides for an APS that is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence. Employees must ensure that management and staffing decisions are made on a basis that is independent of the political party system, free from political bias and not influenced by the individual's political beliefs.

The Ethical Value provides for an APS that demonstrates leadership, is trustworthy, and acts with integrity in all it does. This includes reporting and addressing misconduct and other unacceptable behaviour by colleagues in a fair, timely and effective way.

Further information may be found on the Australian Public Service Commission (APSC) website at www.apsc.gov.au.



The Hon Nola Marino MP

**Assistant Minister for Regional Development and Territories
Federal Member for Forrest**

Ref: MS21-000113

17 SEP 2021

Mr Eric Hutchinson
Administrator of the Territory of Norfolk Island
PO Box 201
NORFOLK ISLAND 2899

Dear Mr Hutchinson

On behalf of the Australian Government, I again congratulate you on your reappointment as the Administrator of the Territory of Norfolk Island and wish you well for your new term.

Over the past four years you have played an important role as the senior representative of the Government on Norfolk Island and created strong links to the local community. During your new two-year term you will have the opportunity to build upon the relationship you have with the community to support the Government's delivery of services on Norfolk Island.

I commend you on the leadership role you have demonstrated during the Covid-19 pandemic. You have advocated to keep the community safe and for the introduction of targeted financial support for businesses. You have also played an important role implementing the economic stimulus package funded by the Australian Government. The rollout of the Covid-19 vaccine is also progressing effectively on Norfolk Island.

I thank you for the leadership role you played supporting the application of Commonwealth legislation on Norfolk Island, and the modernisation of Norfolk Island laws. This has been critical to ensuring Norfolk Island operates under a modern, unified legal framework that is consistent with the rest of Australia. I am advised the only outstanding piece of Commonwealth legislation yet to be applied to Norfolk Island is the *Telecommunication Act 1997*, and arrangements are well advanced for this legislation to also be applied to Norfolk Island as soon as possible.

Thank you for the strategic engagement you have undertaken with a range of stakeholders to deliver a long-term solution for issues relating to sea freight. I encourage you to continue to work with the Department of Infrastructure, Transport, Regional Development and Communications (the Department) and other stakeholders, and to keep me well informed as this work progresses.

I have outlined my expectations for your third term as Administrator of Norfolk Island below.

The Hon Nola Marino MP
Parliament House Canberra | (02) 6277 4293 | minister.marino@infrastructure.gov.au
PO Box 2028 BUNBURY WA 6231

State services transition

The Government's key focus is on ensuring better access to services for the Norfolk Island community and as a priority this includes negotiating with a new state government partner for the delivery of health and education services.

I would like you to continue a key leadership and advocacy role for the Government in the transition period. For the Norfolk Island community this will be a period of great change, and it will require strategic and thoughtful leadership to navigate uncertainties and swiftly deal with implementation issues.

Maintaining and developing good relationships across the Commonwealth, state and local governments will be essential to the transition's success, as will positive communications with the Norfolk Island community.

At the appropriate time, governance structures will be established to support the transition and I expect you to have a key leadership role in those arrangements to ensure you can effectively fulfil your responsibilities as the Government's representative on Norfolk Island.

My expectation is that the Department will support you, including by keeping you well informed of transition arrangements as they progress at officials' level.

I expect you to communicate early and clearly with the community to ensure they are kept well informed as new information about the transition becomes available. With this in mind, please carefully consider and identify the best mechanism/s for keeping the community informed. For example, through an appropriate combination of face to face engagements, the Administrators Newsletter, the local newspaper and social media. Please also continue the regular updates you already provide to the community via the local radio. I understand these updates and well received and provide an important mechanism for information sharing. Strong engagement with the school community and health professionals is particularly important in the early stages of the transition.

I expect you to keep me and the team in the Department well informed on any issues that arise during the transition process. Likewise, I have asked the Department to keep you well informed. To facilitate this joined-up approach between myself, you and the Department I have already taken steps to include you in a weekly teleconference to discuss Norfolk Island state services transition issues.

In summary for this issue, I am asking you in your capacity as the Administrator of Norfolk Island, to play a key leadership role in the transition to a new state partner for Norfolk Island service delivery. To effectively fulfil this function in the transition of education, health and beyond it is important that your leadership role is reflected in governance structures and arrangements that are established. This will assist you to remain well informed of developments and to fulfil your obligations keeping the community informed as new information becomes available.

Emergency management

Furthermore, as a leader in the community, I expect you to continue to engage with the response to the COVID-19 pandemic in Norfolk Island, and in paving the pathway out. As the senior Government representative on Norfolk Island you have a key role in promoting the Government's policy in relation to pandemic management.

Similarly, emergency management more broadly is an area of focus in Norfolk Island following the recent review of the emergency management framework. You are in an ideal position to present the Government's position in relation to best practice emergency management and report the Island's needs and concerns back to me and the Department. I would expect you to continue any statutory role you have in relation to emergency management while also playing a community liaison and facilitation role.

Fostering good relationships with the Norfolk Island Regional Council and the community

There will be significant changes to the operation of the Norfolk Island Regional Council (the Council) over the next two years. During these changes, I would like you to engage constructively with the Norfolk Island community, and where appropriate, facilitate consultation on certain matters and provide an effective link with the Government. I would envisage your well-considered engagement will build trust and confidence within the community.

It will be important that you keep me and the Department informed about your interactions with the Council, including any issues raised. Conversely, the Department will keep you informed early of all relevant areas of work and projects that may benefit or impact the Island.

As you have done in previous years, I would expect you to maintain the practice of hosting regular Government House Open Days and provided patronage to local voluntary organisations.

Other matters

Thank you for the work you are already doing to champion youth engagement on Norfolk Island. I believe this will continue to be a rewarding function for you. You will be able to provide guidance to young leaders in the community, including the Norfolk Island Youth Council, and work towards finding local solutions to issues affecting young people including health and wellbeing. Please also continue your engagement with local businesses and encourage them to work collaboratively and constructively to identify and tap into opportunities to strengthen the local economy now and into the future. I would also appreciate your consideration of linkages between the Norfolk Island Youth Council and the business sector and whether they could be strengthened to develop young leaders and encourage entrepreneurialism.

You will continue any existing roles, including the handling of supply chain matters and being the chair of the Kingston and Arthur's Vale Historic Area (KAVHA) Advisory Committee. I appreciate your commitment to these functions.

Accountability for exercising delegated powers and functions

As you are aware, you have been delegated a number of powers and functions that are vested in me, as the Commonwealth Minister with responsibility for the Territories, under laws made by the former Legislative Assembly of Norfolk Island.

These powers and functions include matters relating to land, planning, statutory appointments, disaster and emergency management, importation of dangerous drugs and liquor. Many of these delegated powers can have significant impacts on individuals and the community of Norfolk Island.

I would like you to report to me and the Department on the exercise of these powers every six months, with the first report due this month, in September 2021. As Administrator of Norfolk Island you have a responsibility to be accountable for decisions made under delegated powers and functions and to ensure your Office keeps a record of decisions made.

To support your decision-making you will continue to have access to staff in the Norfolk Island Branch, who will be able to provide advice or arrange legal advice from the Department's Legal Services Branch if required.

Reporting to Government

As you know, it is critical that the Government direct resources to the issues that are of greatest benefit to the Norfolk Island community in order to drive better economic and governance performance, and to improve general community wellbeing. To inform this process, I would like to receive a report from you outlining what you see as the priorities for the Island. The first report due is due this month, in September 2021.

Engaging with the media

The Administrator is often called upon by mainland and international media outlets to comment on Government policies, programs or operations. All comments to the media should be made as the representative of the Government. I have attached principles to inform your engagement with the media at **Attachment A**.

Official hospitality

As the Government's representative on Norfolk Island, I ask that you host functions to celebrate or commemorate events that are of national importance or of cultural importance to Norfolk Island, such as Anzac Day, Australia Day, and Foundation Day, and attend local celebratory or commemorative events. A guide to official hospitality is at **Attachment B**.

Terms and conditions

The *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2020*, as amended from time to time, sets out the remuneration for the position. A summary of the terms and conditions of your appointment are detailed in **Attachment C**.

In undertaking your role, I would also expect you to adhere to the values and principles set out in the Australian Public Service (APS) Values, the APS Employment Principles and the APS Code of Conduct at **Attachment D**.

I am sure you will continue to find the role of Administrator of Norfolk Island an interesting and rewarding experience, and I look forward to continuing a productive working relationship.

Yours sincerely



Nola Marino

Enc

cc Hon Barnaby Joyce, Deputy Prime Minister and Minister for Infrastructure

PRINCIPLES FOR ENGAGING WITH THE MEDIA

General principles for engaging with the media may be found on the APSC website at www.apsc.gov.au

The following principles must underpin the Administrator's comments to the media:

1. The Administrator is a representative of the Australian Government. As such, public comment should align with the Government's policies.
2. The Administrator, or his representative, should notify the Office of the Minister with responsibility for Territories of any significant media engagements or media comment.
3. The Administrator, or his representative, should discuss and seek advice on matters of Government policy from the Office of the Minister with responsibility for Territories. The Minister will be responsible for seeking guidance from the relevant Ministerial Office to support the Administrator.
4. The Administrator should provide early advice to the Office of the Minister with responsibility for Territories on significant events which may gain traction in broader media markets.
5. The Administrator may use social media to engage with the Norfolk Island community. All communication should be appropriate to the position. Comments made online in an official capacity may generate Commonwealth records which must be managed appropriately.
6. Any media releases and newsletters issued by the Administrator are public communications. They should be used in a manner which is appropriate for public distribution and contain only information approved for public release.

OFFICIAL HOSPITALITY BY THE NORFOLK ISLAND ADMINISTRATOR

Introduction

1. These guidelines relate to official hospitality by the Administrator of Norfolk Island.

General Principles

2. Official Hospitality covers the use of public funds to facilitate the conduct of public business through the provision of food, beverages, entertainment and/or gifts to individuals other than an Administrator or their family.

3. For the purposes of this instruction, official hospitality does not include modest food and beverages provided on work premises in the course of official business or meetings. In addition, the provision of the following is not included where provided offsite and in the course of business meetings:

- tea/coffee,
- non-alcoholic beverages,
- biscuits, and/or
- light lunch.

The purpose of the refreshments should be to complete the work day in comfort as opposed to participants enjoying themselves. Such refreshments must be provided to employees and clients only.

4. The Administrator's role and responsibilities require the provision of official hospitality in a variety of circumstances. This can include hospitality to certain visitors to the Territory (including parliamentarians and senior representatives of public and private sector organisations), to residents who are active in local government or community activities or who otherwise deserve acknowledgement, and to the general community on important national or local days of celebration. Where such hospitality is clearly of an official nature (having regard to the nature and purpose of the Administrator's role and responsibilities), the costs may be met from Administered funds.

5. Depending on the nature of the occasion, hospitality may take the form of a lunch or dinner at Government House or at a restaurant. In the case of events of national or local importance, a modest cocktail party, garden party, civic reception or similar event may be appropriate.

6. The number of people invited to a function should be kept to an appropriate minimum (except on 'open days') having regard to the purpose of the function. It would normally be expected that the majority of persons receiving hospitality would be from outside the Administrator's staff.

7. Care is to be taken that expenditure on official hospitality is not incurred in circumstances where it could be reasonably argued that the hospitality was inappropriate or unnecessary for the conduct of official business, or unnecessarily extravagant. Hospitality expenditure must be publicly defensible and the Administrator may be required to justify publicly the level of official hospitality to the Auditor-General, the Minister or the Parliament.

8. Hospitality that is consistent with the principles of these guidelines may be provided by an Administrator when off-Island on official business subject to a maximum cost of \$5000 in a financial year or any greater amount approved by the Secretary or his or her delegate. An Administrator may not claim official hospitality for the cost of his or her meal in respect of which he or she will receive travel allowance.

9. An Administrator's role requires making floral tributes, gifts or donations (such as a commemorative wreath or an award for a school or community prize). In all cases the Administrator must first be satisfied that:

- such a donation or award is an ethical and effective use of resources, and
- the expenditure can be said to come within the Department's appropriation as being for Departmental purposes (having regard to the Administrator's role and functions).

Procedures

10. The Administrator shall ensure that proper records of expenditure on official hospitality are maintained and can be easily identified. Where entertainment is provided to employees, including as part of the provision of official hospitality, the Department may be liable to pay

11. Expenditure of \$5,000 or more must be approved by a First Assistant Secretary or above.

12. Procurement of goods and services for official hospitality by an Administrator are subject to departmental procedures contained in the *Accountable Authority Instruction—Gifts and Hospitality* as appropriate for local circumstances.

**TERMS AND CONDITIONS OF OFFICE APPLYING TO THE
ADMINISTRATOR OF THE TERRITORY OF NORFOLK ISLAND
OFFICE HELD BY MR ERIC HUTCHINSON**

General

Where a situation arises that is not covered by these terms and conditions, the test of 'reasonableness' should be applied. That is, having regard to the circumstances, whether the actions taken and the costs incurred be considered reasonable and an efficient, effective and ethical use of public resources.

Definitions

Fares - means airfares in business class where that level of service is available.

Official visit - means a visit to Canberra (or to any other destination approved by the Minister) for the purpose of conducting business relating to or required by:

- the role and responsibilities of the Office of the Administrator;
- the interests of the Australian Government more generally; or
- Mr Hutchinson's professional development relevant to the role as Administrator.

Spouse - means the wife or partner of the Administrator.

Department - means the Commonwealth Department with responsibility for Norfolk Island.

Minister – means the Commonwealth Minister with responsibility for Norfolk Island.

Remuneration Tribunal

The Remuneration Tribunal determines the total remuneration and other entitlements for public office holders. Copies of the determinations made by the Remuneration Tribunal can be found on the following webpage:

www.remtribunal.gov.au/full-time-offices

(a) Salary and Superannuation

The Remuneration Tribunal determines the total remuneration for the Office of Administrator, including a base salary for superannuation purposes. Please refer to the *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination 2020* for details.

(b) Recreation Leave

Recreation leave is provided in accordance with the *Remuneration Tribunal (Recreation Leave for Full-Time Holders of Relevant Offices) Determination 2018*.

Recreation leave must be approved by the Minister or the Minister's delegate.

(c) Reunion Travel Assistance

The Remuneration Tribunal has agreed to a reunion travel allowance of up to \$24,000 per annum to cover the cost of airfares and accommodation where the airline schedule requires an overnight stay on the mainland between Launceston and Norfolk Island.

Further information will be available in the next *Remuneration Tribunal (Remuneration and Allowances for Holders of Full-time Public Office) Determination* due to be published on the Remuneration Tribunal's webpage in June.

Transport

The Department will provide one fully maintained vehicle for official use at no cost to the Administrator.

Official Residence

The official residence, Government House, is provided free of charge. It is fully furnished and, as authorised by the Minister or the Minister's delegate, domestic staff are provided. Electricity, water and other utility services required for the maintenance and running of the residence are provided by the Department^{47F}

47F

Due to the historical rating of the residence, there are to be no modifications to furniture, furnishings or finishes in Government House without the prior approval of the Minister or the Minister's delegate.

Whilst it is recognised that Government House is a private residence it is also a significant public asset. The Administrator should exercise discretion in considering appropriate use of the residence.

Removal and Storage of Furniture and Household Effects

The Department will meet the cost of packing, removal to and from, and storage of the Administrator's furniture, household and personal effects (excluding motor vehicles) not taken to, Norfolk Island.

The Department will accept liability for loss or damage to furniture in storage.

Temporary Accommodation

The Department will reimburse the Administrator for up to seven days temporary accommodation, or a further reasonable period, as determined by the arrangements necessary for removal and storage of household effects on the expiry of the Administrator's appointment to facilitate relocation.

Fares

The cost of fares for the Administrator and any dependants between their place of residence in mainland Australia and Norfolk Island on appointment and from Norfolk Island and their former place of residence in mainland Australia (or to any intervening point nominated by the Administrator involving less cost) on termination of the appointment will be met as an official charge.

Air Freight on Personal Effects

The Department will meet the cost of freight by air on excess baggage for the Administrator and dependants on termination of appointment for any combined weight up to 150kg. Any additional air freight will need to be negotiated and agreed to by the Department.

Official Visits (to Canberra or other destination approved by the Minister)

All official visits by the Administrator are to be approved in advance by the Minister or the Minister's Delegate.

Personal Leave

The Administrator will be entitled to the same personal/carer leave entitlements as an employee of the Department. The Department's Enterprise Agreement can be found at www.infrastructure.gov.au/departments/about/agreement.aspx.

Compassionate Leave

The Administrator will be entitled to the same compassionate leave entitlements as an employee of the Department, as set out in the Department's Enterprise Agreement.

Where the Administrator is required to return to the Australian mainland due to an immediate family member's death or serious illness or injury, the Department will meet the reasonable costs of associated return flights from Norfolk Island for the Administrator and his dependant/s. If the immediate family member is located overseas, the Department will meet the cost of a return fare to the nearest international airport on the Australian mainland. Off-island accommodation costs associated with compassionate leave will be the responsibility of the Administrator.

APS VALUES AND CODE OF CONDUCT

The APS Values and Code of Conduct are set out in the *Public Service Act 1999* (PS Act).

The *Australian Public Service Commissioner's Directions 2016* (the Directions) determine the scope and application of the five APS Values in the PS Act. Agency heads and employees are required to comply with the Directions.

As Administrator of Norfolk Island you are required to comply with the below Directions to the extent that they are relevant to your role and responsibilities.

1. Committed to Service

The Australian Public Service (APS) is professional, objective, innovative and efficient, that works collaboratively to achieve the best results for the Australian community and the Government. Upholding this value requires the following:

- engaging effectively with the community and providing responsive, client-focussed service delivery,
- providing appropriate information to clients and the community about rights and entitlements, and the process for gaining access to them,
- ensuring that decisions and interactions with clients are objective and impartial, and in accordance with Government policy,
- encouraging innovative thought and supporting innovative solutions,
- managing data to enhance evidence-based policy advice, ensuring information is readily available to the community,
- supporting collaboration and teamwork, both within an Agency and with other agencies and the wider community,
- promoting continuous improvement and managing change effectively,
- identifying and managing areas of potential risk,
- pursuing and supporting training and development to improve capability,
- being responsive to Ministers, including being knowledgeable about the Government's policies and understanding the relevant issues and options, the Government's objectives and the environment in which it operates.

2. Ethical

The APS demonstrates leadership, is trustworthy, and acts with integrity in all it does. Upholding this value requires the following:

- acting in a way that models and promotes the highest standard of ethical behaviour,
- following through on commitments made,
- having the courage to address difficult issues,
- complying with all relevant laws, appropriate professional standards and the APS Code of Conduct,
- acting in a way that is right and proper, as well as technically and legally correct or preferable,

- reporting and addressing misconduct and other unacceptable behaviour by public servants in a fair, timely and effective way,
- providing leadership in policy development, implementation, program management and regulation,
- supporting systems that give APS employees appropriate opportunities to develop and demonstrate leadership qualities.

3. Respectful

The APS respects all people, including their rights and heritage. Upholding this value requires the following:

- treating all people with dignity and recognising that all people have value,
- dealing with all people honestly and with integrity,
- recognising the importance of human rights and understanding Australia's human rights obligations,
- recognising and fostering diversity,
- collaborating and being open to ideas in policy development, implementation, program management and regulation,
- complying with all relevant anti-discrimination laws.

4. Accountable

The APS is open and accountable to the Australian community under the law and within the framework of ministerial responsibility. Upholding this value requires the following:

- being answerable to Ministers for the exercise of delegated authority, and, through them, to Parliament,
- being open to scrutiny and being transparent in decision making,
- being able to demonstrate that actions and decisions have been made with appropriate consideration,
- being able to explain actions and decisions to the people affected by them,
- being accountable for actions and decisions through statutory and administrative reporting systems,
- being able to demonstrate clearly that resources have been used efficiently, effectively, economically and ethically,
- being answerable for individual performance.

5. Impartial

The APS is apolitical and provides the Government with advice that is frank, honest, timely and based on the best available evidence. Upholding this value requires the following:

- serving the Government of the day with high quality professional support, irrespective of which political party is in power and of personal political beliefs,
- ensuring that the individual's actions do not provide grounds for a reasonable person to conclude that the individual could not serve the Government of the day impartially,
- ensuring that management and staffing decisions are made on a basis that is independent of the political party system, free from political bias and not influenced by the individual's political beliefs,

- understanding the needs of the Government and providing it with the best objective, non-partisan advice based on the best evidence available,
- providing advice that is relevant and comprehensive, is not affected by fear of consequences, and does not withhold important facts or bad news,
- providing advice that takes account of the context in which policy needs to be implemented, the broader policy directions set by Government and, where appropriate, implications for the longer term,
- implementing Government policies in a way that is free from bias, and in accordance with the law.

Further information may be found on the Australian Public Service Commission (APSC) website at www.apsc.gov.au