



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY
11TH NILA HANSARD – 11 JANUARY 2006**

PRAYER

Almighty God we humbly beseech Thee to vouchsafe Thy blessing upon this House, direct and prosper our deliberations to the advancement of Thy glory and the true welfare of the people of Norfolk Island, Amen

CONDOLENCES

SPEAKER We move to condolences, are there any condolences this morning? Mr Tim Brown

MR T BROWN Mr Speaker. It is with deep regret that this House records the passing of Shane Seymour Buffett. Shane, born in September 1958 was raised with four brothers and three sisters. He was an integral part of this close and loving family and was taught from a very young age to fish and tend gardens and these were passions remained with him until the last. Shane with his brothers and sisters, Steven, Melinda, Brent, Lee Anne, Richard, Dean and Tane usually provided their own entertainment and from this grew a sharp mind and gentle wit. Shane developed into a thoughtful and placid young man with a disarming charm and ready sense of humour. Shane went to school on Norfolk eventually meeting Jayne Lillico when her family moved here from England in 1972. Jayne says she was besotted but Shane was shy and things got off to a slow start. Shane completed his schooling and commenced his electrician's apprenticeship in Sydney. He and Jayne finally got their act together and in 1979 moved home to Norfolk to raise their family. Shane was quite open about the fact that the greatest experiences of his life were the births of his three children, Paul, Dion and Talae. Shane delighted in his role as a father and it was a great source of comfort to him in these last 12 months that he had his children near him. It had been five years since they were all together. He was an avid sports fan and he enjoyed his friendly rivalry with Talae's partner Jeff. They would often tease each other when his beloved Canterbury Bulldogs won or lost. Shane enjoyed a beer and a flutter on the pokies and often combined both activities to save time. He loved catching fish, cooking fish and eating fish. Shane was a diligent employee with a strong work ethic and took honest pride in a job well done. He worked with the Norfolk Island Administration as an electrician for many years and was particularly proud of himself when he and the boys completed a big cable run down Mount Pitt. Some years ago when working as an electrician on Norfolk he was electrocuted on a job out at Duncombe Bay and was thrown and landed unconscious some distance away. Soon after, he and Jayne moved to the Glasshouse Mountains in Queensland for a fresh start. He was desperately homesick for a while but eventually came to find a sense of community in Glasshouse and developed strong friendships there. He started working for Gordon Laurie and found not just a boss but a great mate. Shane suffered ill health for the last 16 months and was diagnosed with cardiomyopathy. He had suffered heart failure due to a tumour in his adrenal gland but this was removed in February and he was told that he didn't require a pacemaker as his heart was back to normal. Sadly Shane passed away on Wednesday 21st December while at work in Glasshouse. His death was sudden and unexpected and to his wife Jayne, his children Paul, Dion and Talae, to his mother Lona and father Goldie, to his brothers and sisters Steven, Melinda, Brent, Lee Anne, Richard, Dean and Tane and their families, to his many relatives and friends, this House extends its deepest sympathy

MR SPEAKER Thank you Mr Brown. Honourable members as a mark of respect to the memory of the deceased, I ask that all members stand in silence please. Thank you Honourable members.

PETITIONS

We move to petitions. Are there any petitions this morning?.

GIVING OF NOTICES

Are there any notices?

QUESTIONS WITHOUT NOTICE

Are there any questions without notice?

MR CHRISTIAN Thank you Mr Speaker, I direct my first question to the Minister with responsibility for tourism. Minister at the time the Air Nauru aircraft was being repossessed the Norfolk Island Government had entered into an agreement with Qantas to secure an aircraft ensuring the continuity of air services between Australia and Norfolk Island. Despite this, another arm of Qantas was busily informing visitors that air travel to and from Norfolk Island was no longer possible and offered them, meaning passengers, similar priced packages to other destinations. In addition to this, passengers on the last two Air Nauru services, were required to sign a waver, when they checked in for their flights to Norfolk Island acknowledging that there might not be any flight for them to return on. What have you done to ensure that this does not happen again, and will you be calling on Qantas seeking damages for any loss arising as a result of their actions

MR GARDNER Mr Speaker I'll deal with the last part of the question first. I haven't called on Qantas for damages as a result of those actions. I have however made significant representation to Qantas to correct any erroneous information that may have appeared both on public websites, industry websites, and other information provided by Qantas. I have had an assurance late last week, I think as late as Thursday of last week from Qantas from senior management in Qantas that in their view those irregularities in information that were being provided would be removed and taken down from those various websites. As late as this morning I understand through the Secretary of Government there still are some concerns in relation to information that Qantas Holidays are making available to some of the group wholesalers and travel agents and I've asked the Secretary to Government to take that up with Qantas which he's in the process of doing, to correct again any misinformation that appears in the public domain

MR CHRISTIAN Thank you Mr Speaker, I have a question for the Minister for Finance. Minister the ability of the Norfolk Island Government to run deficit budgets is rapidly drawing to a close. When will you present to the Legislative Assembly for consideration a paper detailing where and when staff reductions will take place in the Public Service and identifying all sections of the Administration that will be decommissioned permanently

MR NOBBS Thank you Mr Speaker I've been requested to make a statement of a financial nature, and whilst I won't be covering precisely those particular issues there are issues in there which are complimentary and I would prefer that to be left at that time and I would assume that there will be some debate on the statement, if that's alright with Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I have some further questions. This one is also to the Minister for Finance. Minister in order for the Administration to be able to provide a range of services when they are required without additional cost penalties, mandatory spread of hours must be implemented. What is your latest time table for this to occur

MR NOBBS Thank you Mr Speaker the timetable was actually to be today, but the problem is that the document was revised. There were some typo errors and the like and I have not received it as yet but I will definitely have it, I believe by the February, whatever the meeting is in February, the middle of February meeting

MR CHRISTIAN Thank you Mr Speaker, a further question to the Minister for Finance with his role as responsible Minister for roads. Minister when will the Norfolk Island Government acknowledge that the Administration has now lost the ability to build roads and engaged others within the community who have the will, knowledge, expertise and equipment to assist the Administration in rebuilding and maintaining Norfolk Island's roads

MR NOBBS Mr Speaker I thank Mr Christian for that question actually because I don't believe that the Norfolk Island Administration has lost the will or even the expertise to reconstruct roading arrangements. I think that it's something that we need to look at very closely and I am particularly meaning in relation to J E Road, I mentioned my problems with it I think at the last meeting, I think in answer to a question and I'm still quite angry with the way that road's been treated at the present time. The situation as far as the contracting of a number of activities within the Administration are concerned, there have been some tender arrangements sought, for various services, they will be redone again and we are looking for expressions of interest in a number of activities, within the Administration and I believe that the advertisement is close to completion and when it's completed it will be provided to Members as well as being circulated throughout the island in the Gazette. I assume it will be in the Gazette and also the Norfolk Islander

MR CHRISTIAN Thank you Mr Speaker, I have a question here for the Minister for the Environment. Minister the waste management centre appears to be developing an ever increasing reliance upon the Water Assurance Scheme's cash reserves, and given that the Commonwealth Government contribution to the centre exceeds \$1m can you advise when the waste management centre will break even financial and how you intend to replace the Commonwealth's contribution when the waste management centre and its associated equipment need replacing

MRS JACK Mr Speaker, I'm not aware of the... I'll have to take that on notice because I'm not aware of the added funding that keeps on coming from the Commonwealth. I was aware of the introduction of the waste management centre with the initial funding. The extra funding for the equipment if you are talking about that, then yes, how do I intend to replace that and seek repairs and maintenance. I should imagine from the selling of the products and one is hoping not to make a profit but surely to break even from the waste management centre levy but for a more detailed response, because I think it needs a more detailed response, I'll definitely have to take that on notice

MR SHERIDAN Thank you Mr Speaker I have virtually a follow up question for the Minister responsible for roads. I'm glad the Minister mentioned J E Road, just prior. Minister given the length of time taken and the smallness of the area being upgraded when will the current works on J E Road be completed. The road is both dangerous in both wet and dry conditions so let's not wait before an horrific accident happens before the job is done

MR NOBBS Thank you Mr Speaker I think this question was asked at the last meeting but I'll answer it again. The situation is that we were looking at completing the curbing and sealing on the northern side of the bridge, before Christmas. This for a variety of reasons was not possible and I won't go into them because I went into them last time, and I remember Mr Christian reminded me of another one. That didn't occur for that reason. I understood that we were to start that, we couldn't do it between Christmas and New Year and it was to start immediately after New Year. It hasn't started. Well it hadn't started. It might have started now, but it hadn't started and I expressed my concern at the end of last week in relation to this. The proposal as I see it now is that they complete the northern side. That curbing be undertaken on the southern side and then that will be sealed. The precise timing that, that will take I can't off the top of my head remember precisely when it is but I would have thought that once the curbing is done on the southern side that it shouldn't take them a lot of time to actually complete the sealing of the road itself, that's on the southern side of the bridge, but I can't give you one, but I will give you one after the meeting if that's okay

MR SHERIDAN A question again for the Minister responsible for the Public Service. Can the Minister give an indication of how many Public Service have taken time off be it leave without pay, etc, have taken a job in the private sector but their position remains open for their return when they decide to come back and are those positions being filled by casuals whilst they are away

MR NOBBS Taking the last one first, I don't know of any job where casuals are being used to fill the position whilst they've been away. There have been some on leave that I know of that have been away and come back, and once we did put somebody on, that was toilet cleaning, for that period. The officer has subsequently resigned. I don't know of any others where we've done that, but there has been a policy to allow Members of the Public Service to take time off to do other work or not to other work, what ever they want to do but just not turn up for work, with a view that there would be some saving in that for the Administration so I can't see why we would give somebody time off and then actually employ somebody to fill the position but I will definitely check those facts and get back to Mr Sheridan about that but the proposal was initially a dollar saving exercise and it was full well we knew there was to be a reduction in the service but there have been officers who have taken leave without pay for extended periods or for limited periods or they have taken, some of them have taken long service leave, others have taken ordinary leave, so it's a rather complex question that you asked me because I really can't give you the answers but I will give them to you if that's alright

MR SHERIDAN Just a supplementary please Mr Speaker. Minister if those positions have not been filled does this indicate that those positions are really not then required within the Public Service and if they are not required, what does the Minister intend to do with regard to the removal of these positions

MR NOBBS the situation is really that we fully understand that there will be a reduction in service and a reduction in the Public Service in any degree will see a reduction in service and it was accepted that those positions, there would be a reduction, and as for say the roads section, I understand that the roads section was originally six, it's now running of a complement of three so there are savings in that area but there is reduction in the service. Maybe if we had had the six that the road would have been done last week. I'm not too sure. I'm still to find out the actual facts on what's going on but there will be, it's accepted that any reduction in the Public Service will see a reduction in services or if the services are provided by an outside contract or some other such arrangement, a joint venture or whatever it is, there will still be some sort of a cost involved to Government

MR T BROWN Mr Speaker a question for the Chief Minister. Is it a fact that the Administration of Norfolk Island recently suffered a loss in the Supreme Court of Norfolk Island in relation to an immigration case and is it a fact that the Administration sought to deport a person while refusing to deal with his application for a Temporary Entry Permit. If so, will you please advise which Government Minister approved the commencement of those court proceedings

MR GARDNER Mr Speaker those court proceedings were initiated through my authority acting on behalf of the mi those court proceedings were initiated through my authority acting on behalf of the Minister for Immigration and the matter was that the Minister for immigration was the employer of the person who was the subject of the deportation order and that's the appropriate process that needed to be followed in this instance. I am not aware of any loss being suffered in the Supreme Court in relation to this matter. I understand that it is to be determined at a later sitting of the Supreme court...

SPEAKER If I might just interrupt you at this moment. Is this a matter that is before the courts

MR GARDNER It is a matter before the Courts Mr Speaker

SPEAKER Then I would rule that it is not a matter that we should be subject to questions or debate at the time that it is before the courts. Further questions without notice

MR T BROWN Mr Speaker another question for the Chief Minister. Is it a fact that the Administration of Norfolk Island suffered a significant loss in the Supreme Court recently in a claim against Dr Walsh of Brannagh and the President of the Administrative Review Tribunal and is it a fact that His Honour the Chief Justice was scathing in his criticism of the Administration and would you please advise which Government Minister approved the commencement of those court proceedings

SPEAKER Thank you. Before I turn to you Chief Minister may I just enquire as to whether this matter is on foot in the courts by any means

MR GARDNER I believe the matter has been finalised in the courts
Mr Speaker

SPEAKER Thank you

MR GARDNER Mr Speaker Mr Brown refers to a significant loss. I just wonder if he could quantify what he means by significant. If it's dollars and cents I understand that it is a very minor cost involved in that matter Mr Speaker. Through my authority those matters were pursued through the courts on a question of jurisdiction alone to hear matters. That matter has been settled. We've accepted the result and we get on with life. Thank you

MR CHRISTIAN Thank you Mr Speaker, I direct my question to the Chief Minister. Chief Minister it is obvious that taxation reforms that generate additional income is now long overdue. Do you favour an island based tax regime or a phased extension of Australian taxation to Norfolk Island

MR GARDNER Mr Speaker I haven't got a solid position one way or another on that, other than maybe to give some background to why I would say something about that at this time or make such a statement at this time. As Members of this Legislative Assembly are aware and I think many past Members of many past Legislative

Assembly's are aware there have been attempts over many years for Norfolk Island to put itself on a secure taxation footing to raise enough revenue to ensure sustainability of our Government's structure and the island community as a whole to ensure that we are able to deliver an appropriate level of services to the population. Ensure that we are in a position to be able to replace infrastructure as it requires replacing, ensure that we've made provision for depreciation as far as our assets and infrastructure are concerned. Mr Speaker in regard to that, as I said, many attempts have been made over many years, and I said at the Chamber of Commerce meeting the other night that I'd been haunted in the years that I had been a Member of this Legislative Assembly by the recommendation to implement a GST system in Norfolk Island and as you would well know and as a couple of others of my colleagues around this table that was something that was discussed by I believe the 8th Legislative Assembly back in 1997. there was a lot of debate, a lot of community input, a number of Committees were established in relation to that. Unfortunately the Assembly at that time, chose not to advance the model of a GST for Norfolk Island with a belief primarily in my view because of increasing visitor arrivals to Norfolk Island that the pressure had been relieved for a short time. However as we've witnessed in the intervening years, there has been a major roller coaster ride as far visitation numbers into Norfolk Island are concerned and the amount of funds that have been deposited in the community as a result of that activity, some years have been better than others, some years various assemblies have taken a view that we have sufficient funds flowing in and we have deferred, I think that's the right choice of words, we have deferred any serious attempt to deal with the matter usually until the following year. The next budget process. It goes without saying that over the last couple of years there has been more serious investigation of the need to raise additional revenue within this community. A lot of work has been put in by the Minister for Finance in regards to the NSL proposal. Which again for want of better words, is probably stalled in the process over the last few months, simply because not only myself but I believe all Members of the Legislative Assembly have detected a solid resistance in the community to want to embrace a system of additional taxation such as an NSL in the form that it's been proposed. There have been a number of suggestions from a great number of local bodies including the Chamber of Commerce, the Norfolk Action Group and other individuals in Norfolk Island with suggestions about various taxation initiatives, revenue raising initiatives, and serious recommendations Mr Speaker at the same time and in tandem with raising revenue a look at the way we spend money and whether that's responsible, whether that's efficient etc. those various bodies have proposed various taxation regimes such as personal income tax run by Norfolk Island the GST type thing which generated the NSL arrangements, land rates, movements in our general taxation regime by a certain percentage for a period of time until something else could be settled on in other words, various initiatives have been proposed to plug the hole, plug the gaps. For an interim period of time some of those have gone further as a complete restructure of our taxation regime in Norfolk Island. Mr Speaker I must admit that I was a solid and firm supporter of the GST component, the NSL type matter but again, not being an economist, not being a taxation expert I too have learnt a great deal in the process that we've followed in relation to that and I too now am not convinced that it is the ideal for Norfolk Island. However it may be one component in a series of options that we need to consider going forward. Coupled with our own initiatives and initiatives from people on island have been initiatives that have been undertaken by the Commonwealth including a need to have a look at our financial sustainability and our current financial viability and as not only Members around this table but the listening public would be aware that the acumen report was generated at the end of last year. That report was done with the Norfolk Island Government's full co-operation and was commissioned by the Commonwealth to give us some expert information and insight from an independent viewpoint as to exactly where we stood. That has made some recommendations Mr Speaker and contained in with that report are some recommendations as I think Mrs Boudan provided in a letter to all Members of the Legislative Assembly earlier this week, a recommendations that there may be should be a gradual embracing of Norfolk Island in the Australian taxation regime. Other than acumen there have been reports commissioned jointly and by ourselves through the Australian

Treasury and I think Mr Patrick coalman may have been the author of that that made certain recommendations, had a look at our long term prospectivity and had suggested a number of options. Prior to that Mr Speaker there had been another report and I just can't put my finger on it at this stage but the previous Minister for Finance had made quite a deal of comment about it in the previous Legislative Assembly which provided six various options, different options for Norfolk Island as far as taxation arrangements. I think it is probably fair to say that the bulk of those were dismissed as being less palatable to either the Legislative Assembly at that time or the Government. I don't believe that, that was widely debated in the community but the point that I'm trying to get to is that there are a major raft of options available to Norfolk Island and we need to give full and appropriate consideration to all of those options. Whatever happens in the future going for Norfolk Island may be a conglomerate of all of those options, some of those options or one particular option as yet to be determined. I have absolutely no aversion to giving consideration to the Australian taxation regime being extended to Norfolk Island if it is going to ensure the sustainability and maintenance of the standard of living of all people on Norfolk Island. Now the best option that I'm going to tag on will be one that delivers exactly that. I have no firm position on exactly which one of those is available at the moment, simply because in a lot of those instances we haven't been fully furnished with all of the detail necessary to make an informed decision. Thank you

MR CHRISTIAN Thank you Mr Speaker, I direct my next question to the Minister for Community Services. Minister the cost of providing health and welfare services to an aging population is growing rapidly. How will you fund these programmes into the future to ensure that recipients receive the necessary care and attention

MR BROWN Mr Speaker Mr Christian has referred to two aspects of our expenditure, the first being health, the second being social services. There is a bill before the Legislative Assembly at present which has been referred to and considered by the Impact of Bills and Subordinate Legislation Committee and that is stage one or its intended to be stage one of the reform of our Social Service system. It is intended that there will then be a stage two which will be a bill which it is planned to introduce as quickly as possible. The combination of stages one and two is intended to implement all of the recommendations of the Social Service Review which was carried out several years ago. That will bring about some reduction in the cost of Social Services but it will not overcome the fact that the Norfolk Island community has until now, not been obliged to save towards maintaining an acceptable lifestyle in older age. It is intended to begin to overcome that problem by the introduction of compulsory superannuation. I have been working with consultants in Australia in order to come up with a package which is both cost effective and aimed at over time, overcoming that difficulty. I've sought certain advice from the office of the Administrator as to the extent to which co-operation can be expected from the Commonwealth Government because there may be a need to seek minor amendment to the Commonwealth legislation about superannuation. Unfortunately I do not yet have a response to that communication so in short, in terms of Social Service it is intended to introduce compulsory superannuation to try to reduce the extent of the problem in the future, it is intended to review the extent to which we provide Social Service benefits at present, so as to ensure that they are provided to the needy, but that they are not provided to those who do not come into the category of being needy, and unfortunately, over the years that problem has become a larger problem than one would like it to be. In terms of health, health is always a difficulty. In Australia I understand that the Medicare levy funds something in the region of one twelfth of the cost of healthcare. Health of course is partly funded by the states and in various ways partly funded by the Commonwealth. The fees and charges of the Norfolk Island are currently being reviewed and it should be expected that over the course of the next few weeks they will be increased. The increase is likely to be in the range of 15% but at the same time a discount is intended to be introduced so that a person paying on the day of treatment which is what's expected in Australia and other parts of the world, a person

paying on the day of treatment will receive a substantial discount. It is intended that a person paying within fourteen days of invoice will receive a lesser discount and the person who doesn't pay within fourteen days of invoice will receive no discount and therefore will bear the brunt of the proposed 15% increase. The staffing at the hospital has been reviewed. Rostering principals have been reviewed, and certainly every endeavour is being made to ensure that the hospital operates as efficiently as it is possible to operate a hospital for a community of 2,000 people which is as remote as Norfolk Island is. There are constant pressures. For example, advertisements were placed in quite recent times seeking to employ a councilor to work at the hospital. We cannot at the same time have parts of the community demanding that certain additional personnel be employed but yet, try to satisfy the desire of keeping the costs as low as possible. We've got to accept that if we want a rolls Royce we are not going to be able to get it at mini minor prices. The compulsory membership of a private healthcare fund, normally Southern Cross, used to be a condition of immigration permits. A number of legal advisors to the Administration advised that such a requirement was in some way discriminatory. I sought external advise through the Secretary to Government about that issue. Unfortunately after something like six months the Secretary to Government had been unable to obtain the external advise and I am now proposing to obtain external advise myself. I don't accept the advise that's been provided to date and if it is legally possible for me to do so, I do propose to reintroduce the requirement that permit holders have membership in a private health fund. That will to some extent assist in reducing the overall cost to the community in terms of any necessary subsidy of the provision of health services. One change or rather one problem is that at present our HMA benefits and in particular the benefit that we provide to people who are in long term care at the hospital may be far more generous than we can afford. They are certainly far more generous than what applies in Australia and New Zealand and it is likely that forms of co-payment will need to be introduced. They've been introduced in other places in order to ration the extent of treatments which are sought by causing people to think twice before they go and get an extra box of tablets, by causing people to think twice before they actually go to the doctor just for a yarn because there is no doubt throughout the world where people were provided with a free opportunity to consult with a doctor the extent of consultations increased dramatically and Norfolk Island is seeing the same situation. So in terms of the cost of health we will be reviewing the HMA scheme. Not abandoning it but reviewing it. We will be increasing charges at the hospital so that the hospital is able to run with the least possible amount of subsidy, we will be continuing to strive towards achieving affordable excellence in the provision of healthcare at the hospital, but our community will need to understand that when they look at the Australian situation and see that in their case they might be exempt from the Medicare levy or they might pay only a few bob, the Medicare levy pays only a small cost of the overall cost of healthcare and the remainder of the cost comes either from rationing services, and I'm sure that you have all heard of people dying while waiting for operations because they have to wait for several years in some cases, here, people are able to be treated virtually instantly, you can't have both of those things. You can't have instant treatment without it having a cost so that is a brief outline of the directions in which I'm at least moving in terms of trying to contain the cost of health and trying to ensure that if Members of our community choose to seek what might be excessive degrees of treatment, excessive in terms of not necessary rather than excessive in terms of a lot of necessary treatment, then the cost of doing so will increase. Thank you

MR SHERIDAN

A question for the Minister for the Environment. Minister we are seeing more and more dogs on the beaches and around picnic areas. The sign near the Slaughter Bay beach area is almost illegible. Can we see that this sign is repainted and other signs located so that dog owners are aware of the restrictions

MRS JACK

Mr Speaker, the simple answer to that is yes, but I also ask the owners of the dogs to remember their responsibility that they have. I think every dog owner is well aware that dogs are only permitted in beach areas on Cemetery and Anson

and others but they are not to be in Slaughter, Middle or Emily Bay so the policing of that also is a resource area which is under considerable strain due to TOIL requirements and others mind you I don't think I have heard of a person being fined the \$200. I've seen the dogs use the sign but I don't think I've seen anyone police the sign so having said that, yes the signs can be brought up to date and I would ask maybe that has to come into the KAVHA area as well. I have no idea with signs but I'll certainly make sure that the appropriate steps are taken

MR SHERIDAN Mr Speaker given that the Government nowadays like to see more action regulations come into force, Minister would you give an undertaking to draft some rules or regulations that stipulate dog owners must carry a bag to collect their dogs litter

MRS JACK Mr Speaker, I can certainly bring that to MLA's meetings and get Members views and take it from there and if Members are of a mind to introduce that requirement into dog regulations then it will be done but I will seek the views of the broader Membership of the Legislative Assembly

MR SHERIDAN Mr Speaker another question for the Minister for Finance. Minister considering the financial constraints that the Government has imposed on the Administration in regard to employment of new employees, casual employees, overtime payments and in general across the board cuts, also considering the deferment of the Public Service wage increase and the hospital staff wage increase why was it that when a Government appointed senior Administration official's contract was renewed late last year it was considered necessary to increase the contracted salary by over \$6000 per annum. Can the Minister explain as to why the Government approved such an increase and what justification if any was provided by the employee to substantiate such a large increase

MR NOBBS I'll have to find out from Mr Sheridan who he's actually talking about because I can't recall a position that had an increase of that nature but I'll definitely find out and get back to you and let you know

MR T BROWN Mr Speaker a question for the Minister for Finance. Will the Minister please advise whether he has proposed to the Legislative Assembly that the internet section of Norfolk Telecom be partly given to a local person. If so will the Minister please advise the reason for considering such action and will the Minister please assure the community that he will take no further action in this regard unless the Legislative Assembly specifically by a vote in this House authorises him to do so

MR NOBBS Thank you Mr Speaker I mentioned in passing at last Monday's MLA meeting that there was a proposal, had been provided which would provide for a single internet provider on the island and that proposal had not been worked out fully, that the proposal was very much in the infancy stage, I guess, that I didn't have a proposal for the Legislative Assembly Member but I asked them as an aside if they had some concern about that bearing in mind that we are looking at ways of involving the private sector in the Government, I've been badgered by a number of Members in relation to that. We've also been looking at how we can make our operations more efficient. We've also been looking at how we can provide a better service to the community in what the Government and including the private sector actually does, and those issues are very much to the fore in any thinking as we progress any of these reports, which the Chief Minister just mentioned. The situation is that in relation to a combination or a joint venture involving the Norfolk Island Government and any outside force, there was a need for a proper legislative backing to that and one of the proposals, obviously would be the passing by the support for such a proposal by the Legislative Assembly. I'm surprised at the question because it was actually and in passing, and just seeking what Members really thought about such a

proposal. There are a number of others, I can assure you, similar type arrangements that could be put into place, but in future I'll be very wary about putting into the public arena before there's even a proper proposal put to cover that particular activity that's proposed. I don't think there's anything that I did in relation to that apart from advise the Legislative Assembly Member in what was an informal meeting, as the Monday meeting seems to be in that vein, although I believe that they should be more formalized. In an informal situation of what was maybe a proposal which was to be developed, and as I say, I'm a bit concerned that this issue has been thrown into the public arena. Thank you Mr Speaker

MR T BROWN This is a question for the Minister for the Environment, will the Minister advise whether the Administration of Norfolk Island considers itself bound by the requirements of the Planning Act in the same way that Members of the community are bound, and if so, will the Minister assure this House that the Administration will not carry out action requiring planning approval unless such approval has first been obtained

MRS JACK Mr Speaker, Thank you. One would hope that the methodology that was fit for the private sector would also apply to the administrative function. I don't know if Mr Tim Brown has any instance that he would like to bring to attention this morning. I can't think of any. If he has trouble I would certainly like it raised, but yes, what is good for one is good for all Mr Speaker

MR T BROWN Mr Speaker my final question today is a question for the Minister for the Environment. What is being done about the control of the argentine ants

MRS JACK Mr Speaker, thank you. The officers from the Administration met with Members of Parks yesterday afternoon and started formulating the plans. That plan is due to be finalised by Friday. A number of topics or areas of concern were raised in yesterday's meeting and the plan was drawn up on Friday has to deal with those concerns. For example, how far spread is the problem will determine on the type of treatment, the extent of the treatment. We have to determine what treatment is most suitable at cost benefit. There are concerns by some of the type of pesticides used because of the way certain land owners view their land, and what they want used on it. There are a whole range of concerns which those plans are going to try and show, but the plans are due to be finalised as I said earlier, on Friday, information will be getting out to the community on those plans I would hope by Saturday week

SPEAKER Honourable Members, any further Questions this morning. We move on

PRESENTATION OF PAPERS

Any Papers for presentation this morning

MR GARDNER Mr Speaker I table the arrivals and activities report in relation to our tourism industry for the month of December 2005 and move that the Paper be noted

SPEAKER Honourable Members the question is that the paper be noted

MR GARDNER Mr Speaker in tabling the paper there's only a couple of comments that I wish to make at this stage in relation to it. Unfortunately the level of decline in our visitation numbers has continued through December with Mr Speaker I think an

expectation within the community and within the industry that we will be in a position subject to the availability of aircraft through 2006 to turn that decline around. Mr Speaker of course it continues to provide concern in the community the little visitation as we are all aware the bulk of our revenue streams are derived both directly and indirectly through our tourist industry and the continuing decline and extensive decline that we've witnessed over the last twelve to eighteen months Mr Speaker are matters of serious concern and significantly impact on our revenue streams and our ability obviously to make ends meet in the budgetary process. That said, there are significant efforts being made by the Tourist Bureau and their associates, including the wholesale industry, the other service providers out there who are in the industry, private individuals, accommodation proprietors and others with our business interests on the island, to provide as much exposure to the industry about Norfolk Island as they possibly can. We are indebted to all of those persons obviously for their continued efforts. I think it's important to point out even though this Legislative Assembly this year have committed the best part of \$800,000 or thereabouts to promotion and marketing and advertising it is important through the Tourist Bureau to recognise the significant contribution that the external industry so to speak, out side of the Tourist Bureau make to those promotion and marketing activities and though firm figures are unavailable as far as that's concerned, I would imagine that that would be repeated at least four fold in the industry and it is important that, that commitment from those people remains in place to assist us in easing us out of the current decline in numbers. Talking about the money side of things and not meaning to pre-empt the matters before the House later in the day, but there will be a Supplementary Appropriation Bill brought forward to provide extra funding for the activities of the Norfolk Island Government Tourist Bureau again in a concerted effort to lift us out of the doldrums so to speak, and I will at that time be looking to Members support for that legislation and it's passage to enable further emphasis to be placed on the importance of getting visitors to Norfolk Island to assist us in our recovery, Thank you

MRS JACK Mr Speaker, I would just like to ask the Chief Minister, I see there's a second dot point on the second page saying Qantas Holidays were due to run a campaign that's now scheduled to run in late January. Will that still take place and how effective can that be given the current uncertainty with placement of airlines, ability for people to book. Is it still worthwhile doing. I mean, how good is all of this

MR GARDNER Look I think it's vitally important Mr Speaker that we proceed with confidence into this and that we be demonstrating to the industry as a whole that we have confidence about the ongoing services that will be provided. If we were to withdraw our feelers at this stage, it is just going to compound the problems that we faced over recent times and will be a negative as far as our promotion and marketing as a whole is concerned, we have to maintain the pressure out in the marketplace but equally we have to maintain the pressure in ensuring that we are providing the adequate seat capacity into Norfolk Island so that those seats can be filled

MRS JACK Mr Speaker, so long Chief Minister as we can spend, I have no problem with spending the money and encouraging it, I mean, 22% down out of Australia and 55% down out of New Zealand, I feel sorry and again not pre-empting debate, that we can't give double, triple, that you seek from the Supplementary Appropriation Bill. Will people be able to ring up and be told, yes we can put you on the flight. I mean I'm getting people saying that they are being called that the flights aren't there, getting an industry call and saying that the flights aren't there. so long as the campaign is run and everything's in place. That is what I'm saying

MR GARDNER Mr Speaker, yes, I've already addressed the concerns about what people are told in the industry but I can assure people from my knowledge and the assurances that have been given to me by Qantas senior management that the reservations system is up and running, those flights are open for people to be able

to travel, yes there are some hiccups that are being worked through at the moment in relation to capacity at some times of the year, particularly in this important year of ours around Anniversary Day/Bounty Day celebrations and the Airline Working Group and others are working to see how those things can be resolved to lock the extra services into place but importantly to lock them in so that we can afford them and that they are going to be of benefit to the community

SPEAKER
tourism papers be noted.

Is there further debate? The question is that the

QUESTION PUT
AGREED

Those Papers are so noted. Any further Papers? Are there further Papers Honourable Members, then we've concluded Papers

STATEMENTS OF AN OFFICIAL NATURE

SPEAKER

Any Statements Honourable Members?

MR NOBBS

Thank you Mr Speaker. Mr Speaker I've prepared a statement of a financial nature which I will present if I may. Mr Speaker when I last made a statement on the broad financial arrangements at the November Legislative Assembly meeting I said at the time that we awaited certain actions. There's certainly been some developments in the form of reports at least. We received the anticipated Acumen Report followed by one from the Joint Standing Committee. In the mix Members were provided with a compilation of a number of documents from a Working Group looking at income sources. None actually, unfortunately, Mr Speaker, stimulated the economy. With the economy running at less than optimum and no additional income sources agreed by the Legislative Assembly I can only report that this island's financial situation is not improved. In passing Mr Speaker I originally came across the industry economics' paper which is quite dated, actually 1994, and under the heading Get the Fundamentals Right were six points. These were: efficient management of the public sector and systems taxation; provision of efficient infrastructure; provision of effective education and training systems; operation of effective financial and labour markets; development of an effective regulatory and competitive framework, stability and predictability in policy setting. Why are these points so valid you may ask. I think these points sum up where we should be and on investigation, where we aint. What I ask Mr Speaker have been our fundamentals? And I think we really need to think about that. Some may say only two. Don't upset the apple cart and balance the budget come hell or high water. Mr Speaker they sound like a role in my younger days of what was expected of a good mum, keep the peace and provide everything required within what income was available. Mum's did practice budgeting techniques however, from a financial perspective they very rarely looked back or documented the past and also from a financial perspective they very rarely ever looked or even contemplated a planned future. It may sound Mr Speaker a bit familiar but we need to be fair. And whilst I agree having warned five years ago of our problems, that the current problems have been coming to get us for some time and are manifest largely of our past. However, I say again we need to be fair. To run your own affairs has been the wish of most people and I think that's been around forever. None stronger than on this island, from 1896 onwards. And if you don't believe me it's well documented. Self Government was thrust upon this island in my opinion in a time of complete confusion. There was a Royal Commission, and Royal Commission's were big time in those days and whilst I was writing this I thought that what happens now is that my friend the Premier of Queensland is out walking, stubs his toe on a stump, what would happen? His mob, the Labour group would call for a royal Commission to look at how come this stump was left there on the ground and the Premier stubbed his toe. On the other side

of the House of course they were asked why wasn't the limb left on it so it could belt him in the head. But those are the issues that we face, so Royal Commissions at this point in time are fairly common whereas I believe at that time from memory they were very very rare. The Royal Commission recommendations were integration with Australia and I think the balloon went up, consternation and a very upset community then a complete change. The island was handed self Government virtually in the form Mr Speaker as I put it, of a grenade with a pin out. Fortunately the Members at the time managed to get the pin back into the grenade but it was not super glued in place. Subsequently, from time to time it has commenced to rattle free. Self Government was greeted with gusto but unfortunately for Norfolk Island they did not receive the support and assistance afforded other similar exercises and I refer in particular to the Northern Territory and thus my reference earlier to self Government being thrust on the island. Maybe it was due to the politicians leading the charge in as far as the Northern Territory was concerned and the politicians leading the charge on Norfolk Island and the Canberra bureaucrats being against it

MR BROWN Mr Speaker Point of Order. Former Members of this House are being criticized without the opportunity to respond. I suggest that criticism of a former Member of the House in that fashion is inappropriate and should be withdrawn

MR NOBBS I'm prepared to withdraw this, it was not meant as any criticism on anybody I think it's got to be explained though Mr Speaker that we have had problems for a number of years and that those problems were, or a lot of the problems is what I'm saying now, were caused by external forces and I think it's mostly afforded...

SPEAKER Thank you Mr Nobbs. Mr Brown I don't sustain that as a Point of Order. I can see that the point has been made and I think Mr Nobbs has taken account of that. I will certainly give you a call at the first opportunity so that you might put your views if there are views that you would like to put on the other side of the ledger

MR NOBBS Mr Speaker the concern I have was that maybe it was due to the politicians leading the charge and the Canberra bureaucrats being against it whereas on the other hand with the Northern Territory the bureaucrats were overwhelming supportive, as well as the politicians of course, but it's enough I feel of political history and I'll move back to the actual finance situation at the present time, but it was essential that we look at our particular problems in what I believe is historical sense. The Acumen Report was developed following an agreement by both the Norfolk Island and Australian Governments to have an independent financial report prepared on the island. My understanding was that it was simply that the report would be independent and following its completion it would be provided to both Governments who would assess its findings and then, both Governments would sit down and discuss it. My understanding is that this process remains in place and the only difference is, a delay caused by the Christmas, New Year and a Canberra closedown factor. What did this report say. Precisely what I expected it to say. We are not currently insolvent but if we don't do something we will be broke in the foreseeable future. Acumen provided several scenarios. My view relates to the action which has always been that if we continue as we are we will see real problems from June 2006 onwards. The post June period will be dependent on the Government raising additional income, revision and strict control on expenditure and the strength of economy which in itself impacts on income. The Joint Standing Committee reported in a manner which seemed to be a bit strange. They provided two recommendations which in reality amount to one, that is, gradual incorporation into the Commonwealth taxation regime. There was a dissenting report by Ms Thanopolous which provided interesting reading. The recommendations to join the Australian taxation regime is not new. It has been flown by the Australian Treasury for some time. Treasury officers incidentally provided evidence to the Joint Standing Committee. My view on taxation is be very, very careful. I don't know an Australian except those in the tax office, who like their income tax system. The major attraction of Norfolk Island to those who have not seen

the place is, we don't pay tax. Earlier Members sought advice on several alternative proposals to the NSL. These were specifically taxation regimes on income and land. Members were provided in this period prior to Christmas with a compilation of basic documents from the working group established to look at alternate income streams. The documents were headed, Norfolk Income Tax Integration Into the Australian Tax Scheme, Land Tax, Example of a Policy for Fee for Government Service and also headed in there was the Norfolk Sustainability levy papers. The document needs firming up and this requires allocation of resources. As a consequence, the working group has requested and awaits the Legislative Assembly's direction as to which should be progressed. I think it is fair to say that there is need broadly to improve the current economy by increasing current tourist numbers, to try to develop complementary income streams for the island, establish better service provision mechanisms, provide economic planning mechanisms, but these will all take time. My views are I guess, encompassed in a document which I circulated to Members entitled Post Acumen – where To. Steps in the Process. I said in that, that the issues raised in the Acumen Report are not new and expressed similar concerns to the succession of reports and statements. The question is how the Legislative Assembly deals with the issues and how quickly. My believe is that the following steps and time frames should be implemented. Step one, relates to the Legislative Assembly itself. Any reform should commence at the tip. As an example, take a decision and make it well known that the processes have been put in place amongst other things, reduce the Assembly Membership to seven with only three Minister and appoint an independent part time Speaker just to name a couple. Step two, Government Functional Review. It is essential that the Government very quickly assess the needs of all functions currently supported by Government. Step three, Public Sector Organisation. Following the functional review a planned consolidation of compatible functions will provide a basis for greater efficiency. It is essential that during consolidation consideration of forward management operational arrangements are not restricted to accepted Public Service terms and conditions. In saying this it must be made clear that the current Act and Policy permits such considerations. Step four is the social health service. This is a high cost area. Parts of the report contain very specific recommendations in relation to social and health service. Such recommendations require implementation. It is also essential that the Government progress the development and implementation of the proposal which in time will afford the Norfolk Island Government considerable cost savings. The example that I put in there was the superannuation scheme and I just want to add to what Mr Brown said, I've been looking at superannuation schemes since I was in this position in 2000 and we have a proposal which is currently with the service because I needed to tie it in with other things that they have been doing over there, but unfortunately the officer concerned has been off sick, and we only received it in December, Christmas eve actually and he's been off sick every since, so I'm trying to find out what has been done in relation to that document. Step five relates to tourism. There is need to accept that tourism in Norfolk Island is it's main industry and as such there is a need for some urgent attention. Governments must look at what the island offers in facilities, services, attractions, marketing arrangements, if it wishes to increase the free independent travelers. Finances the Government must accept and implement an appropriate means of raising additional revenue and finally, Step seven, in relation to the Commonwealth Government. Once the five steps are agreed to there is a need to commence a series of face to face discussion with senior Ministers in the Commonwealth Government. I put into that at the end the timing. All of the above steps should commence immediately, be completed by June 2006, following which and provided amendments to the Legislative Assembly composition etc are in place an election be held in June, July 2006. those are the steps that were proposed to follow the Acumen report. As you are aware Mr Speaker there will be discussions with the Commonwealth Government coming up. Some of those issues which are covered in there which Mr Brown covered in his answer to questions, are progressive and also the other Minister who spoke this morning in answering a question, the Chief Minister also added his perspective in relation to some of those areas. This was written obviously before that

occurred but those are my views Mr Speaker and those are a summary of precisely what happens and they are my views which I hold at this particular point in time. Thank you

MR BROWN

Mr Speaker I move that the statement be noted

SPEAKER

The question is that the statement be noted

MR BROWN

Mr Speaker I did notice that the Chief Minister was calling, but he's now indicated that he's happy to speak after I do. Mr Speaker I think it's important for us all to understand that the previous speaker has just told us of his personal views. They are not the views of the Government and they are not the views of the Legislative Assembly. They are no more than personal views. And they are views that a number of us might wish to disassociate ourselves from in some part. For example, I certainly disassociate myself from the criticism of those who spent many many years fighting to regain self Government. And the fact that some Legislative Assembly's have done better than others in running self Government does not entitle us to go back and criticize those earlier people. It's very interesting Mr Speaker in recent weeks I've been reading through various and some of them are quite extensive, submissions which have been provided from Christmas Island and from Cocos Keeling from a Joint Standing Committee⁴ which is examining Governance issues in those places and Members will recall that it was in the 1950's that both Cocos and Christmas were transferred to the care of Australia. At the time Cocos was being reported as a non self Governing territory in terms of reports to the UN. Christmas had formed part of reports in earlier years while it was run from Singapore, but once it was run from Australia the Australian authorities declined to continue to report on Christmas Island as a non self Governing Territory. Members may recall that a referendum was held in Cocos asking the residents of those islands whether they wished to be incorporated into Australia and they were assured that pensions would be far better things than the credit accounts which were in effect provided by the Clunys Ross family through the plastic coinage which circulated on Cocos until those times. If one looks at Cocos now, although I can't say that I have been there, I'm relying on what I have read, both in terms of what I have read in the submissions and what I have read generally. If one looks at the information which is available it seem clear that the former plantations are now overgrown, and that if you do not have work either for the council or for the Commonwealth Government there is barely any work on Cocos so a once reasonably proud community was reduced to a very subservient community. At Christmas island Members will recall, relied very heavily on its phosphate mine and it's not many years ago that the Australian Government closed that phosphate mine and attempted to cause the Asian residents in particular to leave Christmas island and return to the various countries in Asia. The mine workers spent some years attempting to buy the mine because they felt that it was still a viable mine and they were eventually successful and much of the community was led in those days by a gentleman by the name of Gordon Bennett who has since passed away. Now the Australian authorities have decided that most of the island should be a national park and that although there are no shortage of phosphate reserves under those national park areas, basically they are not to be mined. The people on Christmas Island pay income tax but don't pay GST. They have a school which until two years ago went to year 10 and all students in those times who wished to proceed to years 11 and 12 went away from Christmas Island. Generally to Perth but went away from Christmas Island. There is a trial being run at present and there are small numbers of students in a Year 11 and 12 trial on Christmas Island. The Commonwealth Government provided quite extensive funding for, if my recollection is correct, a community centre. The Shire council didn't want it but the Commonwealth Government insisted that residents of Christmas Island should have the same rights and benefits as residents of other parts of Australia and Members may be forgiven for thinking they've heard that story before Mr Speaker. The Shire council now is lumbered with something like a bill of three quarters of a million dollars a year to run this thing, that they didn't want in the first place. There was a casino on Christmas Island. It's been closed for some time and the Australian Government

appears to be making it clear that there is no prospect of the casino reopening as a casino. And there has been what might prove to have been a pipe dream in terms of a satellite launching facility which has been proposed for the area known as south point which appears to have gone nowhere at this stage. But the reason for mentioned all of that, Mr Speaker is that the submissions to the Joint Standing Committee by the community, or on behalf of the community on Christmas island, are calling for self determination. They have found that the Australian umbrella for a remote community isn't the answer to the maiden's prayer and I've got little doubt that many of the Members of the Christmas island community are well aware of the circumstances in which Australia's aboriginal peoples are forced to live. They are certainly not provided with all of the facilities that Joint Standing Committee feels that the community of Norfolk Island must have and having tasted the benefits of the Joint Standing Committee's largesse the community of Christmas Island are not only saying listen, we want a say before you decide what's good for Christmas Island and what's not. They are going a step further and wanting to move further down the track to a self governing situation. Mr Speaker the previous speaker read a list of seven points which he sees as being the solution to Norfolk Island's current difficulties and the first of them was to reduce the size of the Legislative Assembly. That's been an old hobby horse of the previous speaker. It's been trotted out time and time again over a period of years, and it is not something which meets with general support within the Legislative Assembly. I'm not sure that it meets with any support Mr Speaker. The previous speaker was keen to reduce the number of Ministers to three and there are some who would think that, that could only increase the average degree of competence for whatever reason but at this stage that has not been supported particularly because the majority of Members have felt that the task really does require all Executive Members. Perhaps if the support from the Public Service matures in the coming years, perhaps it will be possible to reduce the number of Executive Members but I don't see that as a possibility at the moment. We've just been told that the island is not insolvent, and depending upon your definition of insolvency I expect that's correct. But if we look at the Acumen Report one must have a few doubts when looking at the opening cash balance which suggests that the island has cash of something like \$11m. \$11.362m. There's a \$12m loan for the airport and yet when one looks down the statement, it says that the loan is only \$8.26m. now the reason for that is that almost \$4m of the loan has already been drawn and is sitting in those cash reserves. So rather than \$11m we've taken \$4m of the loan which will have to be paid out from the airport and we can't really in an era of accrual accounting claim that, that \$11m is sitting there freely for us to spend. Similarly it seems clear that many of the funds which we have regarded as trust funds, have been included in the spendable money. The Acumen Report is based on a snapshot at about September and so we are unable to go back to the 30th June financial statements and see for ourselves, precisely how that \$11.3m figure was calculated. We have sought to meet with personnel from Acumen, and to date that simply has not happened. It seems more likely that the correct description would be, that to date there has been an unwillingness to do so. We have asked various questions. Some we have received answers to. Others we've not. We have sought access to the model which was used. Acumen said no, the Department of Territories, owns the model, the Department of Territories said, no you can't have it. So it is difficult to work out exactly what the cash position is, but there is absolutely no doubt that we recently ran out of cash in the revenue fund and additional money's have to be placed in the revenue fund and to me, the definition of are we broke or aren't we broke, is how much money is in the Revenue Fund and if we have to raid the piggy bank in order to refill the revenue fund we are so close to broke that it doesn't matter. I commend the Minister for making the statement but I want to make it very clear that I do not necessarily agree with any part of it and that it is a statement of the Minister's personal views, and not a statement of the views of the Government nor the views of the Legislative Assembly. Thank you

MR GARDNER

Thank you Mr Speaker. Just following on from some of the things Mr Brown said and obviously in response to some of the matters that Mr Nobbs raised, I think

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I think returning to Mr Nobbs firstly in his statement about whether the infrastructure was up to speed in 1979 and the different situation that maybe the Northern Territory enjoyed to that which Norfolk Island enjoyed at the time of self Government I think probably the heaviest criticism that's been levied at us is I guess that bell being rung many many times over the last 26 years but the criticism comes from the questions that people say, well into that period of 26 years even if all of the infrastructure was up to scratch, how much have you put aside yourselves to make sure you can replace that infrastructure and I think that that's a question that we really need to come to grips with, because though I've been part of that process for part of that time, I'm just as guilty as everybody else for not making sure that we have addressed that side of things so I don't think it's quite as simple to say that we can blame our current status on what happened in 1979 or prior to 1979. I think it's also important to point out that the Commonwealth through Minister Lloyd's office has offered to provide assistance. They've offered to provide assistance to us over the years in many and varied ways and some people would take any offer of assistance from the Commonwealth with a grain of salt and be a little skeptical about it all and suggest that they are only trying to weave their own magic and influence the direction of things. Look I take a different view on that and where offers of assistance have been made and we've accepted I think it's fair to say that we've assessed whether that is of potential benefit to us, where it might assist. I don't recall too many offers of assistance that we've declined but I think that there was unanimous support for providing open access, open books for the Acumen survey and study and assessment that was done with a firm belief that, that was going to be of invaluable assistance to us in trying to come to grips with the matters of our resources and our own revenue raising initiatives. And also to emphasise the fact that time is of the essence in dealing with this matter, that we don't have the 8 or 9 years to continue to debate GST as we have had to date, but we haven't got the luxury of time for dealing with some of those matters. There needs to be urgent attention and there needs to be resolve from this body and from this community through this body to face those challenges and find resolutions to those problems. Mr Speaker I think it's fair to say that although there is criticism by some of the material within the Acumen Report that on the whole, my view is, that it gives a fair snapshot. Yes there might be some debate about some of the figures used, and I think Mr Brown raised that there's \$11m or \$13m or whether it's in fact \$8m that might be available, and debate about whether that's readily available cash or whether it's cash that's tied up and committed to future projects, whether it's upgrades to infrastructure, whether it's the healthcare scheme or monies in the workers compensation fund, and those sorts of issues, but importantly what it does point out is that there are things that we need to do. Obviously, and that is that we need to resolve where it is that we are going to get our funds from. Acumen have made a reasonable assessment. They've provided models, they've provided updated information on some further models, and they've looked at increases in visitation numbers to Norfolk Island and graduations of about 2500 from 30000 through to about 40000 or 50000 persons on the island to see how increased visitation will impact on our revenue raising and our ability to be self sustaining. I think in the examples that they've provided, I think fair assessments, fair generalizations in a lot of areas about what impacts those graduated increases would have on our revenue streams, clearly indicates that even at 50000 into Norfolk Island we are not in any form or fashion going to be able to adequately fund the infrastructure, replacement and management arrangements that we need to and that is an environment where the asset management plan has not been finalised, it has not been yet considered by this Legislative Assembly but their assessments have been provided on draft documentation. It gives a very good snapshot of what needs to be done within the community. Yes there's going to be some debate about some of the time lines that would apply to undertake some of those roles, whether we do the roads in one year or spread it out over five or ten years. But really the bottom line is that even in their assessment with 50000 visitors coming into Norfolk Island and under our current taxation arrangements, and that needs to be emphasised, under our current taxation arrangements, that is not going to generate the funds that we need to sustain our economy and deliver the services and

provide for the replacement of infrastructure into the future in a fashion that is expected of a modern society. Acumen is fair to say, suggests that to be able to achieve that we need to be targeting somewhere in the region of 100,000 visitors per year on the length of stay that we currently enjoy an average stay of 7.2 days or thereabouts into Norfolk Island. Now that brings with it, if we are to accept that, if the community is to accept that, it brings with it a whole raft of other issues. How are we going to water them, how are we going to feed them, how are we going to accommodate them, which brings with it demands on even greater infrastructure needed to maintain that level of visitation into Norfolk Island but that's another matter for another day. I think it's important to emphasise the fact that Acumen are saying, even if we were to recover from the decline that we've experienced in tourism visitation to Norfolk Island got our record levels that we've enjoyed, it is going to fall far short of the required economic activity to generate the necessary funds in Norfolk Island. Mr Speaker that's my assessment of the Acumen Report, of what it says to us and what we need to be turning our mind to, but I think when giving consideration to that I think a very important point that Mr Brown made earlier in the day and a comment about questions dealing with social welfare and health that you are expecting a rolls Royce service for mini minor prices. Mr Speaker even if we were to return to levels of economic activity that we enjoyed back in 2000-2001 or thereabouts when we had record visitations to Norfolk Island it may suggest that it would lessen the burden on this community and on this economy because we would be able to cover our bills and our outgoings but I think it is also fair to point out that there has been enormous pressure brought to bear on this community and on the governance and on the Administration arrangements in Norfolk Island over particularly the last six or seven years where our ability to be able to offer packages to the expertise and the resources that are needed to appropriately manage all of our services has been found to be severely wanting, and is really at the point of breaking. I think we only have to look at the pressure from the Public Service for salary and wage adjustments at the hospital staff, justified in seeking increases in my view, Mr Speaker because they are professionals, they do have the expertise that they bring with them but their salary package, their remuneration falls far short Mr Speaker of that which is available to persons in other areas and the last thing that we want to see is our own local people deserting our shores simply because their professional expertise is in such demand that they are drawn away from this community but I'm talking there just about professionals that we have at the hospital. That's no different Mr Speaker, consideration that needs to be given to proposals that we might have to look at localizing teachers salaries. I'm not taking a position today here whether that's a good thing or a bad thing but just saying that if we expect to attract competent and professional people we are going to have to at least meet similar conditions, salaries and pay scales and everything else that somebody with those same sorts of qualifications would enjoy in the economies that surround us, whether it be Australia New Zealand or elsewhere. It is fair to say that it is increasingly difficult to attract into Norfolk Island competent and professional staff in so many areas, simply because we are not able to offer an attractive enough package. Now the point I'm trying to make is that even if we return to a significant level of visitation the record numbers that we've enjoyed in the past we are going to be faced with a massive burden of having to try and at least meet on a similar basis the types of salaries, work conditions and things that are enjoyed elsewhere and it's long overdue that we came to grips with that. Some may well argue that it's the same focus that we must apply to people who sit around this table. The time that you are required to commit as a Member of the Legislative Assembly let alone that that's required as an Executive Member and whether that is in itself enough to attract and retain competent people to sit around this table and undertake the tasks that Legislative Assembly's are asked to undertake. Now I'm not suggesting that we just instantly go out and put all of our lawyers, our staff to the Legislative Assembly, our teachers, our doctors, our politicians on the same levels as mainland structures but unless somewhere down the track we deal with that issue, we are going to find ourselves unfortunately, stumbling and probably going to fall at some of the barriers that are placed in front of us without ensuring that we are able to deliver competence, professional advice to allow for the ongoing governance and dealing with issues such as revenue raising and the

like and we are roundly criticized Mr Speaker regularly by many in the community about our desire to want to go out and seek consultants or retain consultants. Mr Speaker I think it's fair to say that our collective expertise in this House is not sufficient to cover all of the responsibilities that we need to cover and that is why for example we employ various people, we second various people to assist us in doing that but I venture to sway that one of our biggest problems, and I said that at the Chamber of Commerce meeting last night that the desperate need for support for Members of this Legislative Assembly with competent and professional advise so that we in turn can make informed and appropriate decisions in this place for the betterment of the Norfolk Island community. I dwelt on the rolls Royce comment of Mr Brown for a while but I think it was important that it needed pointing out that we can no longer expect to deliver services into this place at the mini minor prices. If we are going to get serious about it we have to address all of those matters across the board and we have to be prepared to face up to them. Mr Speaker a couple of other misuses that were raised as far as responding to reports and I'm very pleased that we are having this discussion today and I certainly hope that all Members of the Legislative Assembly will be involved in this debate. Certainly very clearly from my meeting again with the Chamber of Commerce the other night a cry I think from the community for the community to be made aware of each individual Member of the Legislative Assembly's views. Not necessary a firm decision but certainly views at this stage on the problems that we face, the difficulties that we face and how we are going to go about the process of responding to the various criticisms that are out there, whether they are generated by the Joint Standing Committee or the various options that have been promoted by the Acumen Report and others. There is a desperate need within this community to have some knowledge of each individual Members views on this and a desperate need for interaction between Members around this table and those in the community. A cry for help almost and that is part of the reason why I've asked Mr Nobbs if he could initiate a statement of this nature today to give everybody an opportunity to be able to talk to those matters. Mr Brown made some comment on those seven points that Mr Nobbs had raised. Again my views are probably different to Mr Brown's in regard to those as they are different to Mr Nobbs'. I in fact see absolutely no economies in knocking back the numbers that sit around this table. In fact I see that probably being even more resource intensive and expensive because to reduce the representation in this place Mr Speaker is not only going to make it more difficult for a range of views to be entered into the public arena but it is also going to ensure that there is going to be a far greater demand on the time, on the resources of those elected Members if we were to reduce it there will be a desperate call in my view to provide necessary staffing and secretarial assistance and that's certainly not intended to be any criticism of those arrangements that are in place, we have some excellent staff that provide excellent service to us at the moment but if we were looking at reducing the numbers there certainly would be a very strong argument that there would need to be a complete revamp of the resources available in this place and the resources available to each and every Member and that will come at a much greater cost in my own view. Look I agree that we need to look at the second point which was the functional review of Government. That's ongoing and it should be a role of Government to continually revise what it does and how it delivers services an the processes that are followed in delivering those services. That's something that requires to be ongoing. Consolidation of services. Again there seems to be a belief that if we consolidate things then we might evidence massive savings. I've been fairly consistent I guess in my call for somebody to be able to demonstrate in a proper business plan, a working paper or something to clearly demonstrate where there may be efficiencies going to savings in our current expenditure. To date I haven't seen too many of those examples come out. It's the same call that I've made with some suggestions that some of the services, some or many of the services within the Public Service be privatized or be tendered out. Let's not fool ourselves that just because the Administration divest itself of a range of services for example and privatizes them that we are not in some form or fashion as a community going to have to bear those costs. I think it's important that we have to with any proposal that might come forward in relation to any part of the Administration need to have a proper

assessment done of the impacts of doing that. What it means long term. This gets back to what I was saying the other day in our Members meeting on Monday, about our willingness our desire to take on all of the powers and responsibilities that we have. Where we failed in my view, where we have neglected the important side of things is putting away the necessary funds for the rainy day. For putting away and making sure that there is in place adequate funds, adequate resources, adequate expertise, to replace infrastructure, to upgrade roads, to improve hospital services, to do whatever it is necessary that we need to do. Mr Speaker the social and health services. There are some suggestions that with some superannuation scheme that may evidence somewhere down the track some significant savings. Those savings are not going to be immediate Mr Speaker and our problem is more immediate at this stage. And it's even argued, or could be argued that in actual fact, moving into a superannuation type arrangement is going to add further burden to a number of things in the island including a call for maybe increased wages to cover the superannuation contributions, maybe employers having to look at costs because they have to pick up or absorb the costs of entering into a superannuation scheme. Those are all the things that need to be assessed when we walk down that track and I am happy to consider them. I'm not dismissing them in any form or fashion but let's not fool ourselves that it's a great idea and it's going to evidence all these savings because I'm yet to be convinced. I'm yet to see the paperwork to convince me that that's exactly what it will do. Despite the fact that in any modern society these days I think it's a given that there are the superannuation type arrangements in place but it is not going, we are not putting in place a superannuation scheme, going to divest ourselves of the massive funding problem that is required for all of our social welfare type arrangements in Norfolk Island and our ability to provide for people in their age or disability or whatever the case may be. Mr Speaker tourism is always something that's under attack and I'm aware of the many and varied criticisms leveled at tourism. Everybody has a better idea about how we could spend the money or where we should be marketing. Again I think it is important to point out that we have some very good and very professional people who are providing assistance to us and I can assure Members and the listening public that every effort is being made within the constraints of the finances and the people resources that we have at large to direct urgent attention and it's been ongoing urgent attention and will continue to rectifying the decline in tourism as I was talking about earlier. Additional revenue as Mr Nobbs pointed out, is a given. It is something that we must do. I have a very firm view on that Mr Speaker. We need extra funds. End of Story. I can't sway from that decision. It is something that is an absolute must. We have to resolve how we are going to go about finding that extra revenue to ensure our sustainability and the Commonwealth Government, the last point that Mr Nobbs made Mr Speaker, in our interaction with them, we don't need to wait until June 2006 or the time frames that Mr Nobbs gave. As I've said earlier, and regularly today, our ability to deal with GST it's been ongoing for 8 or 9 years our desire to want to implement an NSL has been going on for all of last year. We are not renowned for making very very quick decisions and being in a position to respond quickly to some of the criticisms of some of the issues that are directed at us and that we face on a daily basis but Mr Speaker, I think it's fair to say that part one of the governance review we gave a very comprehensive response to that within a couple of months or thereabouts of that report coming out. Interesting that the Commonwealth took well over twelve months to respond with the vast resources that they have, the Commonwealth Government, not just the department, the Commonwealth Government took well over twelve months to respond to that first part of the report. Certainly not as extensive as our own response to that and the measures that we were putting in place to deal with some of those issues. I think it was maybe a page or a little over a page as far as their response was concerned but it is important to point out too Mr Speaker that when we are dealing with things such as immigration appeals for example, the vast resources that are available to the Commonwealth there are extensive delays encountered on a very regular basis in responding to those sorts of matters. Yes it's easy to say why isn't the Government or the Legislative Assembly responding to these things with some urgency. It's not that there is a lack of desire to want to deal with responding to those issues, with urgency, it is just

simply the matter that these are very complicated. It is in many cases very sensitive issues that need proper and fair assessment, not just by the people sitting around this table but also through the interaction within the community about assessing people's views, about what they see as being the long term future and yes, some guidance needs to be provided by this Legislative Assembly. I think Mr Nobbs rightfully has attempted to do that over a long period of time with the various papers and things that he has provided to the Members, provided to the Chamber of Commerce, promoted in the community through the newspaper. Unfortunately we don't get a great deal of feedback on that. I don't know how we are going to overcome that, but again it may well be a resource and staffing issue that may provide some of that answer long term, the point being there that a June 2006 time frame just going on past performance and history and knowledge, I do not suggest that we are going to be in a position to have achieved all of those items that Mr Nobbs has put up by June 2006. We will work with the Commonwealth Government, we have been working with the Commonwealth Government and we need to continue to work with the Commonwealth Government in trying to come to grip with these issues. Mr Brown had indicated that the views put forward by Mr Nobbs are personal views. As they were mine Mr Speaker in response to Mr Christian's question to me this morning on taxation arrangements and those sorts of things. They were my personal views. As I said, I don't have a firm position on the mix in taking us forward in relation to that. As I said earlier the only firm view I have is that we need some extra funds and we need to find a way of doing that, to ensure our future sustainability. I was interested in Mr Brown's comments on the Indian ocean Territories and the governance arrangements in that area. Interested too in the paperwork that Mr Brown circulated to us that it was certainly the view of the Department of Territories and Regional Services and I believe a reference to the Commonwealth Government that they believed the population of thereabouts of approximately 1800 people simply could not sustain a self Government arrangement. Well there's some doubt that that's actually right because I think for 26 years this population sustained a self Government arrangement, warts and all but we are facing problems and that's something that we are going to have to deal with and deal with in conjunction with the Commonwealth because it is the Commonwealth at the end of the day that have established the self Government arrangements in Norfolk Island. It's also important I think to again revisit the history of the Indian Ocean Territories and I guess the boom and bust cycles of the different industries that they may have had there. Mr Brown referred to the plantations in Cocos Keeling. I'm not sure what those plantations are that he was referring to whether they were oil palms or whatever the case may be but like so many I guess primary production type activities, so much of the success or otherwise of those things are determined by world prices and the fluctuations in those things. Christmas island had its phosphate mines. It is probably going to somewhere down the track, face the same problems that Nauru did. That is going to run out. It may not necessarily provide the sustenance for that community to be able to advance its aspirations as far as it would like but this all gets back to the necessity to make the assessments on that and obviously the Joint Standing Committee will make those assessments when they report as to whether its possible for them to sustain a structure of self government in the Indian Ocean Territories. I think it's also important to say and I need to point out Mr Speaker, that I am not aware of a significant tourism industry into those remote islands in the Indian Ocean. Primarily in my view because of the exorbitant cost in trying to reach there from Western Australia. Yes they've had their boom and bust with the casino and my understanding of that is partly political, changes in the political environment, changes in the relationship between the Indonesian Government who were the primary suppliers of punters to the casino so I understand and the Australian Government. Various concerns about security measures and I guess the proliferation of similar type operations both in Australia and other near sites I that part of the world including places like Macao and other places that have been established as major gambling and casino type operations Mr Speaker. But just to say that those things need to be taken into consideration when we are comparing ourselves with the Indian Ocean Territories. We have a very good industry. It needs nurturing and it needs support and I think it's fair to say that the Commonwealth even the Joint Standing Committee in their

report, acknowledged the need to sustain and increase the island's tourism industry and second to diversify the economy to the extent practicable. I think any measures that the Commonwealth may be providing as options for Norfolk Island to consider Mr Speaker are designed to ensure that we can continue with that major industry without impacting too heavily on it. Mr Speaker I've alerted Members to the soon to be visit of the Minister for Territories, the Hon Jim Lloyd to Norfolk Island either towards the end of this month or very early in February to discuss with this community, proposals put by the Federal Cabinet or options that have been generated by the Federal Cabinet, in relation to their responses to these reports, both Acumen Report and the Joint Standing Committee report and I guess ongoing concerns by the Commonwealth of the harbour in relation to Norfolk Island sustainability. They will be important discussions and important consultations and they will form an integral part of our consideration of the way forward and they must. We can't just dismiss those things. They must form an integral part of our consideration of the options of the way forward and the sustainability of Norfolk Island but in saying that, whether it is the Commonwealth who are putting up options or Norfolk Island Government that is putting up options or whether we are doing those options jointly, we still don't know that at this stage Mr Speaker, it is going to be imperative that the personal impact statements be put, that the business impact statements be put and that the appropriate assessments and impact statements be made on whatever tax revenue raising measure comes into play for Norfolk Island. Those are very real and necessary requirements of any major overhaul of our taxation and revenue raising mechanisms in Norfolk Island and I believe that as I said they are actually very necessary and before any decision is made on any of those things, there will need to be adequate consultation within this community and between the Governments in relation to that. Mr Speaker I've probably covered as many of the issues as I can in relation to Acumen Report, the Joint Standing Committee and what it means for Norfolk Island. I have provided a lot of my own personal views. I support what Mr Brown says in saying what we are saying today are views of us individually. Now we have to form a collective view on the way forward and that is going to be done in conjunction with this community and it's absolutely necessary that it is done. I look forward to the valuable input of my other colleagues around this table because I believe too, it is vital that the community is aware of each individual Members views on this very importantly matter for the future sustainability of Norfolk Island

MRS JACK

Mr Speaker, thank you. A different view could be seen and that is in taking Mr Nobbs' view of nine Members down to seven and incorporating it with Mr Brown's view of at times, substantially decreasing the Public Service and tendering out or privatization of the service or losing parts of it entirely to the private sector, do we then need to cover every requirement in schedule 2. do we in fact start to say, No. and Hand it Back. What price self Government? Now this is just a view as the Chief Minister and Mr Brown has started. It's all views but other points to be considered, other points that are being raised in the community, not necessarily those of my own, but are well worth being considered. We have I believe in discussions the other day with the Chief Minister taken on considerable extra matters in schedule 2. can we afford those matters. Can we attend to them properly in the manner which the community expects. We have tried to bring in another airline and the airline is wanting the ability to leave through or have the domestic terminal. Leave through the domestic which would certainly assist our tourism, which as the Chief Minister read out, is the third dot point in recommendation 2 of the Joint Standing Committee to assist and sustain our tourism industry. However when approaches have been made to the Commonwealth we hear all the reasons why through customs quarantine immigration, it's not possible to have them whereas in the past it has been able to happen and don't tell me how something can't be done. Tell me how something can be done. It used to be done before. Why can't it be done now? But we have to adjust our way of thinking just as I believe the Commonwealth have to come to adjust some of their views and hopefully those views can be formed into some cohesive nature over the next couple of months. I believe in self Government over the last 26 years this island has done extremely well. We

have achieved virtually everything except the very important one which is the last hurdle which is having enough money set aside for depreciation on all our infrastructure. Okay, if we didn't have to do that we would be smiling but we don't have it and those tremendous requirements of roads, hospital, health, everybody knows what they are, are just not there. Our ability has been found lacking. Not through want or desire but just through pressures being put on us by our single industry at times, faltering. I support the Acumen Report. I mean, it doesn't tell me anything I don't know. I agree with the Chief Minister. Some of the basic facts that they state, or premises that they've used which you could be finicky on but really it all ends up as the same report which I thought we were going to be handed. Where to from here? Again it's the collective view. I'm sorry that as a Government and as an Assembly we don't have something solid for the people but we are still waiting to hear on the Commonwealth's slant on things so until we have all the cards on the table I can't give a specific view. All I'm prepared to say at this point in time is I'm ready to listen to everything because the Commonwealth may be coming in with a certain amount of money and have money on one hand and a requirement by us on the other doesn't mean that I'm prepared to not consider it because of that. I'm prepared to consider anything and as the Chief Minister has also said, I've got to work out what is good for the community for businesses, for families, for individuals and for the lifestyle and the ability to maintain this marvelous way of life that we all have on Norfolk Island and until I can have more detail I'm afraid that I have to be very general. Thank you

MR BROWN

Mr Speaker I'm alarmed at what has been said this morning. Those listening to the broadcast of this meeting could be well and truly forgiven for forming a view that there is absolutely no leadership coming from our Government and that the Legislative Assembly together with the Government has decided to adopt some form of cargo cult mentality and to sit back while we wait for the Minister's next visit because we think he's going to come bearing gifts of gold. I'm hearing Minister's question the viability of self Government. I'm hearing a Minister tell us that we should pay Public Service more money. With no reference to ensuring that there is ability, no reference to ensuring that there is experience, no reference to doing away with the malice which pervades some parts of the Public Service. The answer is not just saying let's pay people more money. The answer is not saying let's give back some of self Government. If that is the view of any Member in this place that Member should grab a piece of paper right now and resign because we are not here to represent the community in order to give back self Government or any part of it. It is time that the Government showed leadership. It is time that we brought to an end statements such as one which was made to the Chamber of Commerce I understand on Monday of this week that I can't do anything I'm only one of 9 Members. We need the Government to come out and say this is the Government's view. It is the unanimous Government view and we have put behind us the incomprehensible past of having four Minister with four totally different views about the same subject. We've got to get to understand what Government is about. We've got to get to understand how Government runs and it's only when we do that, that people in Canberra will stop just laughing at us, because frankly the performance this morning must have been extremely entertaining so anyone listening to it, particularly anyone listening on behalf of the Commonwealth and it will be even more entertaining when those who haven't been able to listen are able to read transcripts of it. We've heard references to the Acumen Report. One speaker said it didn't tell me anything I didn't already know. Well my reaction to the Acumen Report is I don't know what it tells me because I can't find out what it's starting point is. What I can find out is that it assumes that 45% of customs revenue comes from visitors. It assumes that 40% of the fuel levy comes from visitors, 35% of the FIL, 20% of postage, 50% of telephone revenue, 40% of electricity, 40% of workers compensation and \$70 per head of liquor sales. Well I'm not being critical of the authors of the Acumen Report but I don't know where they got those assumptions from. I would not be at all surprised Mr Speaker and I would be surprised actually if it's not the case, I would not be at all surprised, if those figures greatly overstate the contributions by our visitors in those areas, and if that is

the case Mr Speaker the Acumen Report has not recognised the true seriousness of the situation we have allowed ourselves to descend into. At the same time the Acumen Report may have been a little pessimistic in terms of its optimal capital requirement statements that Members will recall that the report basically suggests that if \$4m per year is spent on capital items, a certain result will be achieved, but it goes on to suggest that rather than \$4m in the first year there's a need for \$45m in the second year a need for only \$1.3m in the third year a need for \$4.6m and in the fourth year a need for \$4.4m growing to \$7.1m in the following year. Now we have not sat down and worked out just what the proper answer to that is. Are Acumen correct? Are they incorrect? If they're incorrect, where is our paperwork to show what the figures should be. It doesn't exist Mr Speaker because we've joined the cargo cult and we're sitting here waiting for the Minister to arrive to show us how to do things. That's not good enough, it must come to an end, it's time for the Government to lead and if the Government isn't prepared to lead it's time for the Government to resign so that we get a Government that will lead. Thank you

MR GARDNER

If I could just respond to that Mr Speaker. Mr Brown is very quick to pick up on my statement at the Chamber of Commerce the other night. I am simply stating facts when addressing those people. I am one Member of 9. as I said at that meeting Mr Speaker I could sit there as I said the other night, make a statement, this is what Geoff Gardner thinks the issue should be and that's the way it's going to be and make a very clear statement as the Chief Minister of Norfolk Island but as I said at that meeting Mr Speaker if I were to do that without having the support and without the knowledge of the Members of the Legislative Assembly I would have been out of a job today. I probably would have been out of the Legislative Assembly by Sunday. It is important Mr Speaker that when people are using words that are used there that they are not twisted in such form or fashion to suggest that I am just trying to divest myself in any form or fashion of the responsibilities I hold as a Minister of this Legislative Assembly

MR D BUFFETT

Thank you Mr Deputy Speaker. This really commenced as a debate Honourable Members, Mr Deputy Speaker, about the financial nature of our situation at this movement and Mr Nobbs has spoken at reasonable length and others have also spoken at reasonable length. There have been a whole host of things that have been introduced to that debate. I don't intend to range over all of those and I will endeavour to give some brief reason why. But at the commencement there was some indicator that maybe Norfolk Island especially since 1979 hasn't done it very well and that has led us to where we are at this movement. I would just like to share with Members the view that in fact since 1979, in the last 26 years, we have done better with a range of things that had been on Norfolk Island's plate for say the previous 70 odd years. I'm not going to be totally covering all of those things. I can't remember them all just off the cuff, but educationally we have increased our capacity. We have certainly improved our Social Service and welfare situation, notwithstanding that, that has had it's difficulties, we have maintained our communication internationally with a standard that is recognised and reliable internationally, our air services which are absolutely essential, although they have been tricky at times, we in the Norfolk Island context have made every effort and have been successful in maintaining services whether we have had to do it on our own account, which we are doing at this moment or indeed whether we've had to encourage other carriers to do so. And have been prepared to put money forward to do that. They are just a couple of examples to demonstrate that in fact in those 26 years we have made significant advances. Could we have done it better. Of course we could have done it better because everybody could do the job better if they probably had an opportunity and could do it with visions of hindsight and all of those sorts of things. It may well have been that we could have at commencement conducted some negotiations that might have given us some substance further along the track than we did at the time, but it must be recognised that Norfolk Island on its own account have made tremendous advances of which it can be proud in those 26 years. It does move on to the costs of those arrangements. Because without a doubt costs

have increased over those 26 years and some of them have become significantly hefty. It does mean that we have had a need to review our revenue raising base. We've already signalled that and we've signalled that some time ago. I think it's to be regretted that we've not made that as a total achievement but identification of the problems are a significant way there and we need to continue our efforts to do that.

DEPUTY PEAKER Thank you Mr Buffett. Is there further debate? The question is that the statement be noted.

QUESTION PUT
AGREED

The statement is noted. Are there further statements

REPORT OF STANDING AND SELECT COMMITTEES

SPEAKER There are no Reports from Standing Committees

It's now twenty to one. Do you want to tackle the first Order of the Day at this time. Order of the Day No 1. We resume on the question that the House accepts the Report of the Committee of Privileges dated the 13th December 2005 and Mr Sheridan, you have the call to resume

MR SHERIDAN Thank you Mr Speaker. At the December sitting of the House I tabled the Report from the Committee of Privileges under subsection 12(7) of the Legislative Assembly (Register of Members' Interests) Act 2004. That Report documents fully the processes followed by the Committee along with its findings and recommendations. At that time I provided a summary of the Committee's deliberations and findings. Mr Speaker in terms of processes under the Act the next step is for the House to debate the motion and determine whether to accept or reject the report. In the event that the House accepts the report the House shall resolve what action under subsection 12(9) to apply. Thank you Mr Speaker

SPEAKER Thank you Mr Sheridan. The question before us is that the motion be agreed to

MRS JACK Mr Speaker, I raised the question at our MLA's on Monday and I did so. I have had some representation from the community just on point one of the questions I asked, which was who will be entitled to speak and I would just like it to be brought to the general public the reason why we've decided, so to speak Mr Speaker, why, and if you could just clarify that please

Tape 4

SPEAKER Thank you Mrs Jack. The capacity to speak in this debate, there will be no inhibition on any of the Members present. Of course there is the expectation that there will be appropriate and respectful debate. This is a matter that is delicate and Members would need to act accordingly and ensure that proper dignity is maintained

MR BROWN Mr Speaker I have a difficulty with that ruling. Two of the Members were Members of the Committee the report of which is being considered. Two of the Members were as it were complainants. It's my view that it is not appropriate for any of those four Members to participate in the debate

SPEAKER Thank you Mr Brown for your view. It is not a view that is shared by the Speaker. Debate Honourable Members

day, 7 days per week, 365 days of the year. That's the situation. The situation within the community is the community as a whole see you in that role whether you are out at a social function, whether you are in the back of a fishing boat, whether you are down sunning yourself on the beach, you are seen as an MLA, you are seen as an Executive Member if you hold that office and there are, or we've established, and it might be argued Mr Speaker that we've established the bar too high. Some people have criticized the legislation that we have in place for maybe being a little onerous for us adopting a Code of Conduct for Member of the Legislative Assembly which is another part of this whole arrangement and there are expectations Mr Speaker and granted sometimes it is very difficult to restrain yourself, contain your words or whatever the case may be but there is an expectation Mr Speaker that as elected representatives of this community you will meet and you will maintain a certain degree of standards as those that apply, but I will accept in slightly different circumstances to Members of the Public Service and how they conduct themselves in various situations Mr Speaker. They don't divorce themselves from their role depending on who it is that they are speaking to or how they are behaving so although I've been interested in what Mr Christian says, I can't accept his argument that because the meeting finishes suddenly you are no longer an elected representative of this community and whatever other office that you might have as a result of that. Those things stick with you and the only way that you can shed those whether we like it or not is when you are no longer a Member of the Legislative Assembly. Thank you

MR NOBBS

Thank you Mr Speaker. I agree with what the Chief Minister says and the other issue of course if that it occurred within the precinct, which is the Legislative Assembly buildings which made it even worse. But I've got concerns with the issue and I was actually asked to provide comments on it which I won't read out here and that was on the 20th of the 10th 05, but I did suggest at the time that it was a matter that should be referred to the police. I did say that in that statement and it was actually referred to one of the Deputy Crown Counsel's and from the report it says that they didn't believe that it was necessary to go that way, however, the situation is this, that unfortunately on the 3rd of the 11th I actually wrote to yourself Mr Speaker again, and I included a letter which was sent to the Executive Members from the Minister for Community Services and in that letter, I don't know whether it was, I can't see any reference to it in the report, but I believe in that that it was, I felt it was important to draw the correspondence to the Committee's attention and I thought that it, the letter, was of deep concern to myself for a number of reasons, not all of concern to the Committee, however, my major concern was that I felt it was a tactic of intimidation. It was some two weeks after I'd been asked to report on the incident when this letter arrived and I believed it was stated in it, to me it could be interpreted as a tactic of intimidation by a Minister of the Crown against a Public Servant given the complaint currently before your Committee and therefore that's why I referred it to you. I don't know what happened to that but it was an issue that came up in the course of your deliberation of the incident. I support the Committee's findings but I don't support the suggested penalty and just for the listening public if I can find it again which I probably can't, it says here, the action or actions that may be recommended and may be applied by the Assembly are (a) reprimand; (b) if the Committee considers that the complaint constitutes a serious contempt of the Assembly, suspension from the Assembly for a period not exceeding 6 months; and/or (c) if the member is an executive member, advice to the Administrator that the member be removed from executive office; and /or (d) fine of an amount not exceeding 50 penalty units. I believe that the penalty, because I was quite aghast at what actually happened that day and I know it's a sensitive issue but I felt that it was quite, and I said in my statement actually that if it had been between two Members of the Legislative Assembly maybe it mightn't have been as bad but with an Assembly Member and particularly a Minister and a Public Servant or an employee actually of the Crown to which the person was a Minister I think it was completely out of order Mr Speaker and should be dealt with accordingly

MR T BROWN Mr Speaker I find Mr Nobbs stance on this a bit strange because when I was assaulted by a Member of the Public Service his response was that's just something that happens and I made a complaint to the Acting CEO and nothing came of it, surprise, surprise, but I fail to understand how Mr Nobbs can sit down here with his point of view when not less than six months ago it was completely different. Thank you Mr Speaker

MR NOBBS Mr Speaker could I just answer that. I can say why it was completely different Mr Speaker , it didn't occur in my presence, it didn't occur on the Legislative Assembly premises, it wasn't referred to the Legislative Assembly for any consideration, it was referred to the CEO, I don't have control of the CEO, I mean we have a role in the appointment but those sort of issues are dealt with as they are seen fit by the CEO and the procedures are in place as you are well aware and my comment was simply that, these things do happen I think or whatever Mr Brown said at that particular point seemed fairly right, and they do. But this was an incident which was between a Minister and an employee within the context of this place and it was referred to the Privileges Committee and that's what we are dealing with now. The Privileges Committee weren't involved in Mr Tim Brown's issue

MR T BROWN Thank you Mr Speaker. Whilst I don't wish to dwell in the past the matter was brought up at an informal sitting of Members on the Monday meetings that we have and my opinion on this subject that we are debating now is because of the way that, that was dealt with, I won't be supporting the committee's recommendations. Thank you Mr Speaker

MRS JACK Mr Speaker, also can you just inform the public what accepting this report means. I said I accepted it, but like Mr Nobbs the findings if you will may not be those that I would also agree with so by accepting this report we don't necessarily accept the findings of the Committee

SPEAKER May I respond to that in an administrative sense from the Speaker's situation's the report is before the Members. There is a formal motion that the report be accepted. The Members are yet to decide upon that and that's what the debate is about at this moment. Within the report there is a recommendation. If in fact the report is not accepted then that closes the matter. If the report is accepted then the Members will need to turn their minds as to what should result from that report and that will need to be the subject of a subsequent motion. That can't be foreshadowed. Members still have to decide on the first matter. Is that helpful in an administrative sense

MRS JACK Thank you very much Mr Speaker, yes

MR BROWN Mr Speaker this relates to a 6'3" former policeman...

SPEAKER Order Mr Brown. I need to ask you to consider also that we have in Standing Orders 72a an identification in a range of ways needs to be kept

MR BROWN With the greatest of respect Mr Speaker this document identifies people and it is hardly appropriate that I be muzzled in terms of referring to people within that document. I'm not proposing to refer to names. The document alleges, or rather the findings of the Committee is that I breached a certain subsection by participating in several phone calls during the course of a meeting and it suggests that I breached subparagraph 2 of section 4a by my behaviour. I have some very real questions about the way the Committee went about performing its functions. The first is that the

Committee sat in private. I was not given the opportunity to attend each sitting of the Committee. I was not even told that the sittings were on apart from the one sitting that I attended. I was given no opportunity to ascertain what was alleged against me by any of the persons who gave verbal evidence. I asked that a number of files be made available to me by asking through the Clerk and the response which I received was that I should ask the Administration to give me the files. Well anything more preposterous a concept than thinking the Administration will provide one with files is difficult to imagine. The Code of Conduct Mr Speaker requires that Members will accept that their prime responsibility is to the performance of their public duty and so one and in subsection e, Members who are Executive Members shall perform their public duty without fear or favour and so on. On the particular day Mr Speaker I was leaving the meeting. I was asked where I was off to or what I was doing for the afternoon and I said I'll tell you where I'm going. Island Industries has been required to remove some rock from near the crushing plant, I'm using words to the effect of what was said, I'm not reading a record of the precise words, and I said that, that requirement had come about because of directions given by the Administration through their Project Manager GHD. Mr Rhead denied that. He said that's not true and we can't give directions anyway. I was not concerned about the directions Mr Speaker because arrangements had already been made to shift the rock. What I was concerned about was that I had caught out a very senior Member of the Public Service either given grossly incompetent advise or telling a story that lacked truth. I knew well that a Member of the Public Service had given an instruction to GHD.

MRS JACK Could I just interrupt there Mr Speaker. This is the same sort of thing that was going on at the time. And it's the same sort of issues that brought about this whole debacle was Mr Brown's view of proceedings to do with rock and removal and who's carting what at who's direction and it's just leading down the same path. Where are we leading with it. I mean where's the clarification

SPEAKER Is there a point of order Mrs Jack

MRS JACK 72a. A Senior Member of the Public Service. How many are there for God's sake

SPEAKER Yes. I think we have tackled that at least in part on an earlier occasion where there is acknowledgement that the people that are being addressed in debate are addressed in the report

MR NOBBS What about relevance Mr Speaker

SPEAKER If you are asking me to rule on relevance I would say that the matters are relevant at this time. I think Honourable Members, that there is some inevitability that there will be some detail of the matter discussed. Whether in fact the Members want to actually relive the work of the Committee and they might need to give some consideration to that, if in fact Members are of the view that they would wish to relive the work of the Committee then they might consider whether they wish to have a Committee at all but that's entirely a matter for Members. But we are continuing debate at this stage Honourable Members, and Mr Brown you have the call

MR BROWN Thank you Mr Speaker. Mr Speaker as I said I was well aware that the particular instruction had been given and so what was said was simply untrue. I'm not saying it was deliberately untrue. It may have been incompetently untrue but it was untrue but the next part of what was said was we cannot give such an instruction or such a direction. I said words to the effect that I agreed that the Administration should not give such directions but I said they certainly have the power to do so. And that Mr Speaker was borne out by a Memorandum which was prepared on 21 September 2005 by the

Legislative Counsel and forwarded to the Crown Counsel which paraphrased said, you've certainly got the power but it's not wise to exercise the power. Now that I believe was circulated to all Members and I table it. I was cranky that I had caught out a senior Public Servant in a fashion I described earlier. Either grossly incompetent....

SPEAKER Yes

MR NOBBS I question the relevance of that document to what we are talking about. I think it was dealing with a completely different, it was actually before this incident occurred that that was circulated and it was a paper produced by the Deputy Legislative Draftsperson for consideration by Legislative Assembly Members. I don't think it has relevance to this

MR BROWN Mr Speaker I would ask you to look at the date on the document

SPEAKER Yes, there is not necessarily a purpose in the Speaker examining the date on the document Mr Brown. The speaker is not today presiding in where he needs to give judgement in that context

MR BROWN Thank you Mr Speaker I'll refer to the date myself..

SPEAKER But I don't want to leave Mr Nobbs Point of Order unanswered at this moment. There may be degrees of relevance and Members may have various views as to its relevance. I wouldn't rule that it is totally irrelevant. It will be for Members to decide whether they consider that document is something that they would want to take into account when they decide this matter in their final vote

MR BROWN Thank you Mr Speaker the document is dated 21 September 2005. The day after the incident which we are discussing. The Alleged incident was the 20th of September. This document was written on the 21st and it commences by saying, arising out of recent events it struck me that it might be useful were I to put in writing some of the issues that I see arising out of the administration of contracts for the doing of works etc so with the greatest of respect for the Minister Mr Speaker I don't know what document he's talking of. If there is an earlier document I certainly would like him to produce it because that would provide further evidence of the gross inaccuracy of the denial of the Administration's power to issue instructions to its project managers in relation to contracts. Mr Speaker the gentleman, as I said, is a 6'3" former policeman. As I've said to Members the Code of Conduct requires me to accept that my prime responsibility is to the performance of my public duty and it also requires me to perform my public duty without fear or favour. Having totally satisfied myself that incorrect advice had been provided having totally satisfied myself that that arose either from gross incompetence or that it was provided after deliberation, I was cranky and I was entitled to be cranky. As I said, that had nothing to do with Island Industries. I was cranky because the Executives present in that room had been misled and potentially deliberately misled. Mr Speaker in those circumstances there can be no allegation that the events constituted a breach of section 4a1 because I felt and I still feel that I was abiding by my prime responsibility by attempting to sort out a problem. Not wanting anything changed in relation to Island Industries, but wanting that person to be providing sound and frank advice to the Executives present. Similar comments apply to the findings of the Committee in relation to section 4a2. I fail to see with respect Mr Speaker how a verbal altercation at the conclusion of a meeting of Executives which the public is not able to attend can in any way be suggested to bring discredit upon the Legislative Assembly and to the contrary, I would put it Mr Speaker that I was the only person prepared to stand up for what was right and to try to bring to an end something that in my view had been going on within the Public Service for far too long. Now let me turn Mr Speaker to the

words of the Minister for Finance in response to Mr Tim Brown a few moments ago. A more blatant breach of the privilege of the House than what occurred to Mr Tim Brown I cannot imagine. He raised a question ..

SPEAKER Order Mr Brown. That matter was raised. There was an opportunity for both parties to have a view. I may well rule on relevance if in fact you want to raise that again. I think there has been sufficient opportunity for that to be mentioned

MR BROWN It's relevant in terms of malice on the part of a Member Mr Speaker

SPEAKER I would rule against you Mr Brown if in fact you wanted to make that assertion in respect of a Member. That would be gross discourtesy to a Member and I at the very outset of this debate asked Members if they would maintain the dignity of the House in pursuing this very difficult and delicate matter

MR BROWN Mr Speaker I find no delicacy, I find no difficulty, save for being muzzled because I believe that what I want to say is something that I am obliged to say and that I'm certainly entitled to say. If having said it, you are of the view that it should be withdrawn then I will certainly withdraw it

SPEAKER Mr Brown it is clear that the matter that you are endeavouring to raise at this time is in the arena that I have earlier signalled

MR BROWN With respect Mr Speaker I do not accept that because it is very relevant to compare how one matter

SPEAKER Mr Brown there is no argument on the matter

MR BROWN Very well Mr Speaker. I wish to make the point that I have been muzzled. I wish to object to that but I will proceed

SPEAKER That is inappropriate for you to say that the Speaker is muzzling you Mr Brown

MR BROWN Well that's what's occurred with respect

ZSPEAKER That is not the case. That is not the case. The Speaker has the obligation to rule upon a number of matters including relevancy should that occur

MR BROWN Mr Speaker I ask that you note my protest at your ruling

SPEAKER I'm happy to note your protest

MR BROWN As I have said Mr Speaker I do not accept the findings of the Committee. In my view my actions were totally within my obligations under the Code of Conduct. The fact that I was the only Member present that was interested in the problem does not change that

MRS JACK Mr Speaker, I object to that, saying that Mr Brown was the only Member interested in a problem. The problem we were dealing with at the time..

SPEAKER Yes I don't see a point of order in this particular instance

MRS JACK I'm sorry

SPEAKER I'm very happy to give you the call Mrs Jack so you can put your point of view about that matter

MR BROWN Mr Speaker I trust that Mrs Jack will in future allow me to continue with my debate and that she will only interfere if she actually has..

SPEAKER Order Mr Brown. That is inappropriate. m I trust that Mrs Jack will in future allow me to continue with my debate and that she will only interfere if she actually has..

SPEAKER Order Mr Brown. That is inappropriate. Members are at liberty to seek points of order if in fact they feel that is so. It may not always be so that they are points of order..

MR BROWN With respect Mr Speaker

SPEAKER .. and I have ruled accordingly

MR BROWN With respect there was no point of order called. What happened was Mrs Jack wanted to intervene

MR NOBBS Mr Speaker there must be a point of order that you've ruled on something and that there..

SPEAKER Yes, I am able to pursue the matter thank you Mr Nobbs

MR BROWN So Mr Speaker I have raised my concerns about denial of natural justice in terms of the sittings of the committee. I've raised my concerns about the failure to provide me with the files which I wanted to provide to the Committee. I've raised my concerns that in my view my actions were wholly in accordance with the Code of Conduct. I've raised my concerns that my actions were not related to Island Industries, they were related to being confronted by a situation where a senior public servant was either grossly in error or was misrepresenting the situation to those persons present and in my view I had a right and an obligation to take the person to task and I don't wish to say anything further. I have noted Mrs Jack's question in terms of penalties and I have noted what I understood to be your response to the effect that penalties are not part of what is being discussed and therefore any penalty which is suggested in the report, namely in section 16 of the report, is not part of the discussion at this stage

SPEAKER Thank you Mr Brown. Mrs Jack I said that I would give you the opportunity and I do so now

MRS JACK Thank you Mr Speaker. Yes it was just the implication that Mr Brown was the only person present in the room caring about events at hand on that day. Events of the day were discussing the fuel crisis and we all have ways of recollecting events of the afternoon. My recollection involves other matters as well. Of Island Industries trucks having to use up diesel which they hardly had any diesel left because of this matter that Mr Brown keeps on referring to in having to move his rock from one place to another and he was extremely irate over the instruction because it meant he was having to

use the limited diesel. Now to me that was raising the conflict there. That's the end of it. That's all I'll continue to say but I object to one person present in the room only caring about what was happening

MR BROWN

Mr Speaker indeed I mentioned the use of fuel. Not in the context of the discussions with the complainant. But more importantly I wasn't asking any of the Executives present to do some favour for Island Industries. I wasn't asking that the direction be revoked. There is no doubt that there was a shortage of fuel but I was seeking no favours of any kind. Had I been of that mind I could have filled Island Industries fuel tanks the previous week because I had been aware of the problem, not only through the Legislative Assembly but through the community but Island Industries did the right thing and waited until it needed fuel before it went and sort something so it's quite unfair and quite incorrect to leave anyone feeling that there was any suggestion at all that I was seeking some favour for myself and that actually amplifies Mr Speaker the true situation which occurred as I was leaving that meeting. What I was cranky about was nothing to do with fuel. It was nothing to do with rock. It was to do with Executive Members being misled. Thank you

MR SHERIDAN

Thank you Mr Speaker. If I may Mr Speaker I was part of the Committee that put the report up and just to allay a couple of things that have been said by various Members, firstly by a Member that he believes it's not the right forum for this case to be actually heard under. Well unfortunately in the Act it's the only way that it could have been heard so unfortunately we are stuck with that at this point in time. As for Mr Brown's concerns that he was denied natural justice in that he was unable to attend meetings where we took witness statements etc, unfortunately in our Standing Orders 213 and 214 negates that requirement as it states there in 213, that subject to Standing Order 214 Members of the House not being Members of the Committee may be present at meetings except when the Committee is receiving evidence under the Register of Members Interest Act and 214 states the Committee may exclude Members other than Members of the Committee when b) it is receiving evidence under the Legislative Assembly Members Act. Actually it was discussed by the Chair and myself believe it or not but with those Standing Orders there it actually precluded Mr Brown and so that may answer one of Mr Brown's question. Mr Neville Christian and Mr Nobbs stated that it should have been handed over to the police. The Committee at the time took the view that it could or it may well have been an assault and we did refer it to the Deputy Crown Counsel but she in her wisdom sent it back to the Committee for further deliberation and some of her extracts from her correspondence, just for the listening public noted were although there was no evidence that Mr Brown made any threats or physical violence against Mr Rhead it could be argued that Mr Rhead by the way of his action of advising Mr Brown to back off, coupled with Mr Brown's manner amounted to an assault and what also needs to be borne in mind is that the decision whether or not to prosecute needs to take into account the interest of the victim, the suspended offender and the community at large, also it must be borne in mind that the onus lies on prosecution to satisfy the Court beyond reasonable doubt that an offence has occurred and also having considered all the evidence she considers that given the circumstance it is not appropriate for the matter to be dealt with by the way of commencing proceedings and the matter should be dealt with under the Act itself. So therefore Mr Speaker the complaint was referred back to the Committee so it may well have gone down the road of civil prosecution but on advice the Committee was informed that it was not in the best interest of doing so, so then it came back to us, and just a quick remark on how we came to our deliberations, you might say, the Committee at the time, we tried to distance ourselves from all the outside influences and events leading up to the occurrence and we tried to concentrate on the actual occurrence at the time concurred with by witness statements and that is why we came to the conclusion, the Committee reached the conclusion as we say in the report, based on the following, during the course of the meeting of Executive Members Mr Brown periodically left the meeting to make personal calls in

relation to his private interests because in witness statements it was stated that he was talking about Island Industries. Evidence tendered by Mr Rhead, Mr Brown clearly identified at the time the breach occurred the subject matter under discussion related to the removal of rock by Island Industries and then we went on to say, both witnesses in oral evidence confirmed that during the altercation the issues surrounding the removal of rock were the only matters under discussion so therefore the Committee took the view of the discussion at that time and the actions of the two people in the discussion and so with all that and having heard everything else around the table today I fully support what the Committee came to a conclusion on. I had no doubt I would and as I said I will be agreeing to it. Thank you Mr Speaker

MR GARDNER

Thank you Mr Speaker I think it's important to point out a few matters in relation to this. One that I was in attendance when this matter arose which was the primary reason based on independently legal advise, not legal advice from the Administration advising that I should not participate as a Member of the Privileges Committee in hearing the matter. Mr Speaker I think it's also important to point out and to confirm that this did occur at the conclusion of an Executives meeting specifically called for to deal with the matter of the fuel shortages on Norfolk Island and our attempts at that time to call the Membership of the Legislative Assembly together to deal with some emergency legislative provisions imposing for want of a better word, rationing systems in Norfolk Island. Mr Speaker it is also true that the certainly from the position that I was in, that this altercation took place at the conclusion of the meeting of Executive Members. I can't confirm one way or other as to whether a question was asked of Mr Brown or something else generated the comments about the Island Industries matter and the need to relocate fuel or to source fuel to relocate rock or whatever the case may have been. I take on board some of the comments that Mr Brown makes in regard to the altercation and his view that erroneous advice was being provided to the Executive Members at that time. Well I can certify if that's the right word Mr Speaker the fact that I was not receiving advice at that time from anybody. It was at the conclusion of the meeting, writing the necessary notes about the necessary motions and things and the processes that needed to be followed for the sitting of the House from my recollection and it was only when the altercation became somewhat heated that I became more so aware of the topic under discussion but Mr Speaker I think it's also important to point out at the end of the day regardless of the matter under debate, it was the core reason for this altercation to have taken place. It very clearly in my mind was a very clear request from one person involved in that to ask the other Member to basically cease and desist from what they were trying to do. The words were I think, stand back or something like that. Mr Brown in that instant continued with his, with his conversation for want of better words, with Mr Rhead and declined to accept that and the real difficulty here is that in attendance at that time and unavoidably there were a number of other Members of the Public Service in attendance. Clearly somebody had been requested to basically back off. In my view it is a matter that shouldn't have got to where it got. It should have been something that should have been more appropriately dealt with in the confines of an office between Mr Brown and Mr Rhead so that they could sort that out and if there were difficulties in relation to the matter that was the appropriate way of dealing with it without I guess a more so called public stouch about the matter and that is the way many matters are dealt with where there is disagreement over things. People get called to offices and there's discussions had. Occasionally they become heated and quite rightly Mr Brown is saying, that's part of your job. That's part of your job to defend Norfolk Island to do whatever necessary you've got to do or make your point, but it's not part of your job to do that publicly. It's not part of your job to bring discredit on the Legislative Assembly in any form or fashion and unfortunately Mr Brown is a colleague of mine, and unfortunately I believe that the actions of that day are something that will remain for everybody in attendance for a long time and in my view Mr Speaker it did bring discredit upon Mr Brown as an Executive Member and a Member of this Legislative Assembly and I understand the sensitivity of the situation but we have set standards and somewhere we have to clearly define where those

standards begin and end. This is a test for our new piece of legislation but as I have said, in my view very clearly, it was something that should have been handled in a different form or fashion. I know there were appeals made of me at that time to intervene in some form or fashion but I think it is only fair to say Mr Speaker that I was somewhat aghast at the activities that were taking place and as I've said earlier my mind was elsewhere trying to deal with the import of the matter that was facing this community as far as fuel shortages were concerned and if I failed in my duties in some form or fashion in not intervening as a Member of the Assembly as the senior Minister in attendance which should probably go a long way to allaying Mr Christian's fears that the meeting had concluded so we didn't have any roles and responsibilities, Mr Speaker I accept that I didn't take the necessary steps and appropriate steps at the time and again that's probably unfortunate because maybe if I had or somebody else had stepped in at the time it may well have avoided this process going through but that said, the altercation did occur, there is absolutely no doubt about that in my view, the way it was handled was inappropriate, there are other and better and more effective ways of dealing with things if there is a dispute between parties but when those disputes arise Mr Speaker we need to bear in mind our role, our duty and it's very, very difficult sometimes to be very clear on where that line in the sand is but we must draw that line in the sand Mr Speaker and in my view the actions of that day I think may well have brought discredit upon us all not just Mr Brown and not just the Legislative Assembly. That said Mr Speaker I support the process that the Committee went through and that's been established by statute. I certainly do take on board the concerns that Mr Brown has raised in relation to representation or otherwise at various meetings but again by our Standing Orders Mr Speaker. Those things have been put in place by the Legislative Assembly for these matters to be dealt with. Those things can be changed but must be changed by this Legislative Assembly so the process in place is the process that is followed. Mr Speaker I tend to agree with you earlier words, that if we are not to take these things seriously and establish appropriate processes which we believe that we had established these things should be abandoned. If they are abandoned, I think that, that's really going to be just continue to invite further nails in our coffin at the end of the day. Thank you

MR CHRISTIAN

Thank you Mr Speaker, after listening to the debate to and fro around the room I am quite alarmed at some of the information that has been delivered as a result of that debate. Mr Speaker I have formed a view that the Committee of Privileges is completely out of its depth in this matter. There can be no doubt about that. Mr Brown is being denied natural justice in what is really a serious matter with far reaching consequences. Mr Sheridan in his debate drew my attention to section 12 of the document that is before the House at the moment and it's quite clear in there that the Deputy Crown Counsel's advice to the Committee in section 12 is that Mr Brown's actions amounted to assault and then failed to report it to the appropriate authorities. The Privileges Committee isn't the authority that you report assault to therefore Mr Speaker I can form no other conclusion than this is an attempt to pervert the cause of justice. It would appear to me Mr Speaker that there is a conspiracy by the Legal Services Unit to get square with Mr Brown who has been critical of their performance on previous occasions. Mr Speaker I would urge that this motion be withdrawn or adjourned until further advice can be sought

MR BROWN

Mr Speaker Mr Sheridan drew the attention of the House to Standing Orders 214 which indeed says the community may exclude Members other than Members of the Committee when a) the House so authorises or b) it is receiving evidence under the Legislative Assembly Register of Members Interests Act. Mr Speaker the operative word is may and that does not say that the Committee shall exclude the accused person. If I could give you a parallel Mr Speaker within the court system it is not unusual for a court to be closed. A children's court is a perfect example of that but the young child who is before the children's court for some reason, doesn't get excluded from the hearing about himself because that would be a total denial of natural justice and that is what has occurred on this occasion. And that, is what makes this report although I accept that it was prepared

in good faith, it is what makes this report a very dangerous report. Mr Speaker I don't wish to add anything to what I've said already other than to emphasise that the alleged event occurred after I had caught a senior public servant misleading Executive Members either deliberately or otherwise, and the fact that that misleading occurred was borne out by the letter the following day, written by the Legislative Counsel thank you

MR NOBBS I just want to add to something there. I mean regardless of it all, we do find from time to time that we get into situations that are a little bit different to the normal as has occurred and I think one of which Mr Tim Brown referred to but I've always found that at the end of the day and the next time you meet its usually something passes by and you usually sit down and have a beer but because there is usually some form of remorse in that and I think even in Mr Tim Brown's case there was, though we don't want to talk to any more I guess, there was an apology but there is no remorse whatsoever in this case and that's what I'm concerned about. As I said in my statement to you Mr Speaker there was a fair bit of argy, I didn't say argy bargy but there was in relation to it, and I would suggest that remorse should be considered in this as well and I haven't seen anywhere where there's been an apology. Thank you Mr Speaker

MR CHRISTIAN Thank you Mr Speaker, it's quite apparent to me Mr Speaker that the proceedings that we are dealing with today is rapidly turning into nothing more than a kangaroo court and once again I would ask that we adjourn the matter and seek some special advise

SPEAKER Yes. Let me ask you if that is a formal motion of adjournment Mr Christian

MR CHRISTIAN I suppose it's not a formal one because I won't move it unless there is a degree of support amongst the wider membership because it would be absolutely pointless but I do think that everybody is in quite deep and it's a very delicate matter

MR GARDNER Mr Speaker I would question whether we have the ability to adjourn the matter. It's very clear from the legislation or the provisions of the legislation under subsection 12 (10) that the Legislative Assembly must not later than two sittings days after presentation of the report of the Committee of Privileges resolve to either accept or reject the report so we can't adjourn it in my view according to the legislation. This is the second sitting day. We either have to accept it or reject it and it's very clear in the provisions of the legislation of what actions to take if we were to accept it or reject it. I do not believe there is a facility to adjourn it in accord with the legislation

MR CHRISTIAN Thank you Mr Speaker, we really are in a heck of a mess now because the principle piece of legislation is now obviously deficient if what Mr Gardner has just told the House is in fact correct

MR GARDNER Mr Speaker if I might just read for the purpose of Hansard those provisions, subsection 12(10) of the Act says that Assembly must not later than two sitting days after presentation of the report of the Committee of Privileges resolve to a) accept or b) reject the report and c) if it accepts the report resolve what action under subsection 9 to apply or d) if it rejects the report state in a resolution its reasons for so doing. Mr Speaker that's the end of the excerpt from the legislation but I think that legislation also binds us to having to deal with what action we would propose to take if we accept it or also to state in a resolution at this sitting our reasons for doing so if we were to reject the report

MR BROWN Mr Speaker with respect the proper course is to reject the report on the grounds that natural justice was denied and that complies with subsection 10(d)

MR NOBBS I move that the question be put

SPEAKER Mr Nobbs has moved that the question be put

QUESTION PUT

Would the Clerk please call the House

MR GARDNER Mr Speaker might I just ask that the subject matter of the question be put again, the motion I'm sorry

SPEAKER Mr Nobbs has moved that the question be put

MR GARDNER Sorry. On the question of..

SPEAKER The principal motion

MRS JACK Accepting the Report

MR GARDNER I thought Mr Brown had indicated to move that the matter be rejected, that the report be rejected. I might have missed that

MR BROWN Mr Speaker I hadn't intended to move a motion

SPEAKER No I didn't interpret that. I interpret that Mr Brown was giving his view in terms of the motion that is before the House

MR BROWN Which is still ..

SPEAKER The motion before the House is that the Report be accepted. Mr Nobbs has moved that we put that question to the House and I'm really going through a formality now to see whether we want to get to the stage of putting that question. Those of that opinion which is that we put the question say aye, to the contrary no, could the Clerk please call the House

| | |
|--------------|-----|
| MR BUFFETT | AYE |
| MR GARDNER | AYE |
| MR SHERIDAN | AYE |
| MR NOBBS | AYE |
| MR CHRISTIAN | NO |
| MRS JACK | AYE |
| MR TIM BROWN | NO |
| MRS BOUDAN | AYE |
| MR BROWN | NO |

The result of voting Honourable Members the ayes six the noes three. The ayes have it . Therefore I put the question. The question is that the motion be agreed to

QUESTION PUT

Would the Clerk please call the House

| | |
|--------------|-----|
| MR BUFFETT | AYE |
| MR GARDNER | AYE |
| MR SHERIDAN | AYE |
| MR NOBBS | AYE |
| MR CHRISTIAN | NO |
| MRS JACK | AYE |
| MR TIM BROWN | NO |
| MRS BOUDAN | AYE |
| MR BROWN | NO |

The result of voting Honourable Members the ayes six the noes three. The ayes have it .
The report is agreed to

MR GARDNER Thank you Mr Speaker. There had been discussion earlier on this matter about the penalties that should apply in an instance such as this. Mr Speaker I have already advised of my view as being a witness to that event that I believe the actions of that day bought discredit on a lot of people but primarily bought discredit on the Executive Member and as such on the Membership of the whole of the Legislative Assembly. For the Committee to consider a suspension from this House for three months as it has in the body of the report is a serious matter. A very serious recommendation in that it excludes the opportunity by other Members of this House to question an Executive Member in relation to their responsibilities, roles and responsibilities and happenings within the community, precludes the Executive Member in their roles and duties of being able to fulfill their necessary role in ensuring the placement of reports and various statements and things before this House and precludes and restricts the ability for appropriate representation in this Chamber by an elected representative of this House. In my view a suspension of a Member is something that consideration would be given in circumstances and obviously there would be other people who have different views but in circumstances where a Member of the Legislative Assembly maybe for various reasons may have breached their responsibilities within this Chamber but to seek to exclude an Executive Member effectively takes out of the equation for the next three months, 25% of the business of Government. Granted that there is the ability obviously in the absence of a Minister for another Minister to provide answers to tabled reports and do that sort of, to undertake those duties on behalf of the Minister, it in my view is not penalizing a Minister but in effect penalizes the Legislative Assembly in many ways. Mr Speaker there are a number of options that are available to us having accepted the report in whatever measures..

SPEAKER Chief Minister I hesitate to interrupt you but I would like there to be a motion before the House so that the House is aware that they have a motion before it

MR GARDNER I'm getting to the motion Mr Speaker if I may

SPEAKER It is a long introduction Chief Minister

MR GARDNER It is a long introduction Mr Speaker but I think a necessary introduction, but I'll be guided by your rulings Mr Speaker. I'm nearly finished if that's going to help before I make a recommendation about a motion for consideration by this House as far as the penalty provisions provided in the report but Mr Speaker what I'm trying to do is trying to provide some outline of the mechanisms available to this Legislative Assembly in dealing with the content of the report and they are clearly laid out in the legislation as I think Mr Nobbs may have alluded to earlier, is to provide a reprimand, look to suspension for up to a period of no further than six month period if an Executive Member,

and in this case we are talking about an Executive Member, advise to the Administrator that the Executive Member be removed from his office or a fine. Mr Speaker in not accepting the recommendation of the committee for the three month suspension I've obviously had to turn my mind to an appropriate sanction for what I believe is a very serious matter in this community and one that is looked on in many parts of the community with a degree of disgust, disappointment and with a great deal of I guess hurt that these matters have been brought to public attention but that said, I regrettably propose a motion Mr Speaker that this House resolves to tender advice to the Administrator under subsection 12(9) of the Legislative Assembly Register of Members Interest Act 2004 that John Terence Brown be removed from Executive office. Mr Speaker I don't have a great deal further to offer in debate on that matter. It is a particularly serious matter. Regardless of the circumstances that brought about the altercation I think it is a very serious matter in the way that the Executive Member in this case Mr Brown, conducted himself. I've already in earlier debate discussed my views on how altercations of that type should be managed and handled. I've accepted partially the responsibility myself for not stepping into the fray so to speak, but as I've already explained on the whole my mind at that time were on vastly more important matters as far as Norfolk Island were concerned, and I'll say no more than that

MR CHRISTIAN

Thank you Mr Speaker. I have to say up front that I find the way the Chief Minister conducted himself today to be absolutely despicable. To sit there in secret with a motion to dismiss an Executive Member and not tell us about that during the debate of the previous thing I find quite deceitful. Mr Speaker community feedback to me quite clearly indicates that Mr Brown is widely regarded as the most effective Minister in the Norfolk Island Government. If Mr Brown is suspended for three months, the Norfolk Island Government effectively becomes impotent. If Mr Brown is removed as an Executive Member there is only one course open for the rest of the Legislative Assembly and that is to go to the polls. Thank you. That is. We all resign

MR NOBBS

Mr Speaker I take umbrage at what Mr Christian has just said. I think he doesn't understand what actually happened or he's trying to mislead us a bit but as far as..

MR BROWN

Point of Order. Mr Christian has been accused of trying to mislead. That is an imputation which is disorderly and should with respect be withdrawn

SPEAKER

Yes. Mr Brown and Mr Christian and Mr Nobbs. We are moving into an area which has some element of lack of dignity. Mr Christian's words about the Chief Minister were not really appropriate. Equally Mr Nobbs words may not be appropriate. I think we should move along in this debate which continues to be delicate and difficult with dignity to offer each other in this House notwithstanding that we are moving through some very difficult times and I would ask Mr Nobbs to take that into account as he continues his debate and Mr Christian to take that into account if he wishes to enter the debate subsequently

MR NOBBS

I agree to that Mr Speaker. There's no problem there. If I was in any way, said the wrong thing to Mr Christian well I've got no problem with withdrawing it but the words been used quite a bit today and I thought well, it's fairly appropriate but anyhow Mr Speaker you've ruled us and I accept your ruling. The situation is that if the Membership agrees to that I would have thought that more of a... a greater penalty as I had seen the thing, I mean I grew up on the island here and I developed in the Territory I guess and I've seen these sort of things happen before and it was fairly lively I can assure you Mr Speaker as you probably have learnt, and I would have thought that there was more of a, there would also be a potential there for suspension as well but I don't

intend moving that. If the Chief Minister wants this motion, is felt to be settled, I'll support it, no problems

MR CHRISTIAN Thank you Mr Speaker. Mr Gardner made comment this morning that he was disappointed that he hadn't heard from three or four other Members around the table on where the economy of Norfolk Island was going and what we should do in taxation. Well Mr Speaker I didn't contribute to that debate because I was appalled. I sat here for nearly an hour and listened to so much diatribe that was totally unnecessary when what is needed today is action. Mr Brown is the only Member of the Government prepared to stick his neck out to do the things that need to be done and what are we doing today. Dealing with a motion to sack him. Once more I think we should all go

MR BROWN Mr Speaker I don't have with me the current House of Representative's Practice book, I have the second edition which if my recollection is correct was printed in 1989 but at page 733 of that it deals with the question of the Committee of Privileges of the Commonwealth Parliament and at note 298 it says since the establishment of the Committee of Privileges in 1944, and this is up to 1989 Mr Speaker, 24 matters have been referred to the Committee. Of these matters 11 were found to contain some kind of breach of privilege or contempt and of these in only five cases did the House impose or insist on any significant punitive measure, namely in one case imprisonment, in another case a form of reprimand, and in the other three, the demand of a suitable apology. Mr Speaker the House is not being given the benefit of sound independent advice as to the action which would be appropriate or would be considered appropriate in other cases if one accepted the finding of the Committee. It's a matter for the House but the literature contains numerous warnings that the House should exercise or invoke its powers in respect of matters of contempt and privilege sparingly. The House has the power to sack a Minister at any time. And if that's what the House wants to do that's the House's business. But the House should if that's its wish simply sack the Minister. It should not be over extending the area of privileges. Thank you Mr Speaker

MR T BROWN Thank you Mr Speaker. I agree with what Mr Christian and Mr Brown have both said and if we are going to be sacking Ministers I think the lot should go. If we are going to sack a Minister for this we should sack those who are incompetent and unfortunately we'd need to go back to the polls. Thank you Mr Speaker

MR GARDNER And if Mr Brown is serious about that I will look to giving consideration to a motion along those lines but I wouldn't be supporting it of course. But he's free to move such a motion Mr Speaker

MRS JACK Just one thing thank you. It's personal. I gave my wholehearted support to Mr Brown in becoming a Minister. I've found that the time that we've had together, this time up until now extremely challenging at times but it is with regret that I would have to support the Chief Minister's motion because I agree that I expect certain standards to be maintained and achieved and if they can't be in that sort of situation I can't support the Minister. I'm very sorry

MR SHERIDAN Thank you Mr Speaker. Just briefly whilst the report recommended a suspension for three months I take on board the Chief Minister's argument that not only would the Legislative Assembly be without the responsibility of that portfolio in this House for a period of three months, it would also deny the community of the benefit of having a Minister. He would be in the portfolio but he wouldn't be able to answer questions in the House so therefore I accept the argument that it may very well be for an Executive Member, an inappropriate punishment and considering that when we formed this Government fourteen months ago I suppose it is now, the Chief Minister himself selected his Executive Members you might say, he formed the Government so in saying that and in

considering the Chief Minister has moved the motion he obviously has lost faith in one of his Members so therefore I would have to support the altered recommendation for a penalty in this instance

SPEAKER Chief Minister Mrs Boudan had signalled earlier. Is it essential that you, in terms of the earlier debate

MR GARDNER It was only just in relation to a point made them Mr Speaker. I think it's important to point out that Mr Brown has not lost my confidence or otherwise as an Executive Member in the role he undertakes, this is purely a matter relating to conduct and I think it is an appropriate step to have to take. A regrettable one but an appropriate step in the circumstances

MRS BOUDAN Thank you Mr Speaker. I have no problem working alongside Minister Brown however I would just like to say that Minister or backbencher we all have a responsibility at all times to live up to the rightful expectations of every community Member that we conduct ourselves in a dignified manner always and I really feel that suspension for three months in my mind is too lenient

MR NOBBS I move that the question be put

SPEAKER Honourable Members, Mr Nobbs has moved that the question be put

QUESTION PUT

Could the Clerk please call the House

| | |
|--------------|-----|
| MR BUFFETT | AYE |
| MR GARDNER | AYE |
| MR SHERIDAN | AYE |
| MR NOBBS | AYE |
| MR CHRISTIAN | NO |
| MRS JACK | AYE |
| MR TIM BROWN | NO |
| MRS BOUDAN | AYE |
| MR BROWN | NO |

The result of voting Honourable Members on the question that the question be put, the ayes six the noes three. The ayes have it. I Therefore I put the question Honourable Members. The question is that the motion before us be agreed to

QUESTION PUT

Would the Clerk please call the House

| | |
|--------------|-----|
| MR BUFFETT | AYE |
| MR GARDNER | AYE |
| MR SHERIDAN | AYE |
| MR NOBBS | AYE |
| MR CHRISTIAN | NO |
| MRS JACK | AYE |
| MR TIM BROWN | NO |
| MRS BOUDAN | AYE |
| MR BROWN | NO |

months now and would encourage people to complain to police. We can proceed by means of an infringement if we have a complainant willing to attend court however, no-one seems to want to commit themselves to this. I believe the legislation which Mr Speaker if I can just digress for a motion was the motion moved by Mr Brown, will be easier for police to enforce as it will make the fitting of an item classified as a boom box under the act an absolute offence meaning that all we have to do is detect the offending item and issue an infringement. We would not require evidence or use of a complainant's statement". Forwarded for your information. Mr Speaker I'm happy to table that advise. If there is any further advice required in relation to the substance of this motion I'm happy to pursue it, but I don't think that it's going to differ to any degree from that advise that was provided to executives as I said back at the beginning of December. Thank you

MR SHERIDAN Thank you Mr Speaker. The last time that Mr Brown brought this up about boom boxes I stated that it was a complete waste of time and I still hold that view. I don't think there needs to be legislation against it. I was actually going to support this motion until the Chief Minister read out that letter. It's obviously already been addressed. They do give out the infringement notices if they hear it and apparently it's not a problem according to the police so in that case, I don't think I will, thank you

MR BROWN Mr Speaker the motion was very deliberately worded in a polite fashion. I very deliberately did not say that it seems hard to get the police to take action about this but that's the fact of the matter. It is hard I accept because if they don't hear it they feel they can't take action but on the other hand, people who have asked whether it's okay to ring the police late at night, have allegedly been told no it's not, so we need the police at the very least to provide the community with a protocol as to the hours during which they are available to receive complaints about these things. Now if that is the answer to the question posed by the motion that will at least be an answer, but my view is the motion should be passed, the police should be asked just what assistance is it that they need, in order to take action and if they don't want to be disturbed late at night will they tell us the hours during which they don't wish to be disturbed

MR NOBBS As part of the environmental legislation that was supposed to be in I was under the impression that noise was one of the areas we were looking at. Can anybody tell me if there are any measurements that are applied in a case like this or what do we do

MR BROWN Mr Speaker I've been interested in this subject for some time and indeed, back in the days I think when Bill Sanders was a Member of this House legislation was passed which was aimed at enabling the police to take action in relation to noisy parties. The view of the police was that the legislation was inadequate and they couldn't take any action so this noise issue in terms of police inability to act is a very long standing issue and it's about time we fixed it. It's time we either said to the community we're not interested, go to hell, or this is what we are going to do to actually fix the problem. Thank you

MR NOBBS The legislation I think you're referring to is the Environment legislation wasn't it and only part of that was actually introduced. Is that the one you're referring to. That was to be updated with the land initiative and all that sort of thing so I'm just wondering if the Minister for the Environment may be able to enlighten me

MRS JACK Mr Speaker, there was a Public Health Act passed in 1996 I think it was and to be placed alongside that was the public health code. The Public Health Act only commenced sections 1 and 2 which is something like gazettal and some definitions and the rest of it was never passed because it all referred to the Public Health Code. I've raised this matter with MLA's last week over concerns on a couple of other issues

that could be included in the Public Health Code. The Public Health Code came to a standstill over its complex issues and it was tied in with the land transfer initiative so the Commonwealth as my understanding, the Commonwealth advised the Service and the Norfolk Island Government of the day that the need to progress with the Public Health Code was no longer necessary and instead to progress with the Road codes and water. A development control plan for water. This was done, the Public Health Code stagnated and the issue of noise didn't progress. I've asked the service to start looking at that matter again because there were issues such as these that the community wants to have some say and control over. I hope I can get the support of my fellow Legislative Assembly Members to move along that line. It will take some money and resources to progress it but the fact is that we are established in it and hopefully we can continue, thank you

MR SHERIDAN Thank you Mr Speaker considering Mr Brown's explanation of his requirement to have this advice from the police and I'm always open to advice by anybody so I just changed my mind on this issue there, I support this at this time

MR BROWN Mr Speaker the Bill that the Minister for Finance was referring to I think was a much earlier bill again. It may have been an earlier Planning Act or an earlier Environment Act, I've forgotten the title but it was a dismal failure in terms of that section.

MR NOBBS I understand the uniform health codes have been pretty well developed and I don't suppose that's part of the noise situation but I know that they were developing those. The Public Service is and so maybe that's the way to go because I find it very difficult for somebody to say when we've got instruments that can measure these sorts of things now, that oh, you're making too much noise, so I mean it's something that I think should be formalized

MR GARDNER Mr Speaker as the executive member responsible or identified in the motion to progress this matter I'm only too happy to go and get further advice from the police in relation to this matter for Members of the Legislative Assembly to consider in addressing this problem and if there's no further debate I move that the question be put

SPEAKER Yes, I think I can probably put the question without that motion unless Members have a difficulty with that. The question is that this motion be agreed to Honourable Members and I put that question

QUESTION PUT
AGREED

Thank you. That motion is agreed to thank you Honourable Members,

SUPPLEMENTARY APPROPRIATION BILL 2005-2006 – MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR NO 29

SPEAKER Message No. 29 from the Deputy Administrator. Supplementary Appropriation Bill 2005-2006. In accordance with the requirements of section 25 of the Norfolk Island Act 1979 I recommend to the Legislative Assembly the enactment of a proposed law entitled "A Bill for an Act to authorise supplementary expenditure from the Public Account for the year ending on 30 June 2006". That message is dated the 9th January 2006 and signed Michael Stephens, Deputy Administrator

SUPPLEMENTARY APPROPRIATION BILL 2005-2006 – SUSPENSION OF STANDING ORDERS

gap, but I think it's important to point out that there may yet still be need for further supplementary appropriation in this area before the end of the financial year. The request for the supplementary appropriation from the Tourist Bureau primarily deals with funds for unbudgeted promotional airfares, a little over \$100,000 or thereabouts, for monies expended as part of the last financial year that spilled into this financial year on promotional marketing campaigns that were already under way with wholesalers, which were accounted for in the audited reports, also includes \$20,000 for promotional airfares over the next six months, that's to bring in trade travel type people. \$235,000 for an additional advertising plan through January through June and \$20,000 to fund the two major events, which were the opera event and the jazz festival that were pick ups from the Norfolk Jet Express days. Mr Speaker there obviously is going to need to be a very careful watch on how these monies are expended obviously subject to agreement by Members to provide that extra funding. A need for our new General Manager of the new airline services to work very closely with the Tourist Bureau in getting the best bang for buck that we are able to provide and saying that Mr Speaker I commend the bill to the House

SPEAKER Thank you. Is there further debate at this time? Then I put the question to you Honourable Members that the Bill be agreed to in principle

QUESTION PUT
AGREED

Thank you. The Bill is agreed to in principle

Thank you. Do you wish to dispense with the detail stage. We so dispense with the detail stage and I seek a final motion then please. Sorry

MR BROWN Mr Speaker I would be grateful if you would note my abstention in that I have an interest in the tourist industry

Thank you. Is there further debate at this time? Then I look to you for a final motion

MR NOBBS Mr Speaker, I move that the bill be agreed to

SPEAKER Thank you Mr Nobbs. Any participation in the final decision. Then I put the question that the Bill be agreed to

QUESTION PUT
AGREED

MR BROWN ABSTAIN

The ayes have it thank you, that Bill is agreed

LEGISLATIVE ASSEMBLY (AMENDMENT) BILL 2006

MR BROWN Mr Speaker I present the Legislative Assembly (Amendment) Bill 2006 and I move that the Bill be agreed to in principle

SPEAKER The question to is that the Bill be agreed to in principle

MR BROWN Mr Speaker Members will recall that the Select Committee Report just over a year ago recommended that the voting system be changed back to a first past the post system. There have been differing views as to what first past the

used here previously and I think it would be successful and I have no problem in supporting theme

MRS JACK Mr Speaker, yes I think there are a number of combinations and permutations you could have for this. Mrs Boudan said one, the other one is one vote one person. I'm more than happy to support Mr Brown in this nine votes, one vote per person. I think if we are going to keep on looking at this we could end up with another 189 submissions and various ones so I'm just more than happy to consider the proposal as is without considering any amendments or changes to it because we could be here forever again. Thank you

MR BROWN Mr Speaker if Mrs Boudan or any other Member is desirous of moving an amendment there would be time to do that. The Bill is simple so the amendment is pretty simple but in the meanwhile I move the adjournment

SPEAKER Thank you. The question is that this matter be adjourned and made an order of the day for a subsequent day of sitting. and I put the question to you Honourable Members

QUESTION PUT
AGREED

Thank you. The Bill is so adjourned

GAMING (LOTTERIES AMENDMENT) BILL 2005

Honourable Members, we resume on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume

MR GARDNER Mr Speaker with the introduction of the Bill at the December sitting I indicated that the primary purpose of this was to facilitate international online lotteries arrangements under the auspices of our gaming legislation. The primary act being the Gaming Act 1998. I understand in its amended form, there have been a couple of amendments to it since it came into being. Mr Speaker this provides for the oversight of any of those licensing type activities to do with lotteries and the like and puts them under the umbrella of the Gaming Authority which is an appropriate body to give consideration to the licensing aspects and the regulation and administration of these internationally based type arrangements. I commend the Bill to the House but in so doing Mr Speaker just to alert Members to the fact and I see it on the Notice Paper, the detail stage amendments too that I alerted Members to on introduction that it was necessary to provide some detail stage amendments. Those have been circulated to Members and at the appropriate time Mr Speaker I move to deal with those but I would be interested in Members comments on the bill as it stands. Thank you

SPEAKER Thank you Chief Minister. Debate Honourable Members. The question is that the Bill be agreed to in principle

QUESTION PUT
AGREED

Thank you. The Bill is agreed to in principle. We will move to the detail stage. I wonder if we could look at it in this way. If we could look at the amendments that you have proposed and vote upon those and then move forward from there Chief Minister so I will give you the call now to address those amendments

MR GARDNER Thank you Mr Speaker I would move that the detail stage amendments dated 4 January 2006 circulated in my name be taken as read and agreed to as a whole

SPEAKER Thank you. Would you like to address those

MR GARDNER Thank you Mr Speaker. On the whole they deal with minor amendments basically to ensure that the language is consistent throughout which were oversights in the initial drafting of the legislation and in my desire to want to deal with the matter and get it into the House as early as I possibly could some of those things were left out and I accept full responsibility for that. The matters dealing with the renumbering of some clauses Mr Speaker is one that certainly caught my interest and later consideration of the detail stage amendments but I have been advised that the flow of numbering in some of the clauses, particularly in clause 10 here where it talks about changing 28m to 28l is more to do with the style of drafting in this day and age Mr Speaker where it is not common when dealing with such large numbers to use the letter O in a clause numbering or the capital letter I simply because it can cause confusion as far as numbering is concerned and that is part of the reason obviously for the renumbering provisions within this legislation. I've been through these detail stage amendments. They were submitted to the Director of Gaming for consideration as part of his consideration of the necessary amendments to provide for lotteries. I am satisfied. I believe he's satisfied Mr Speaker that this will give us the necessary flexibility to be able to provide a Licencing regime for those international on line lotteries as I've alluded to and I commend the detail stage amendments to the House

SPEAKER Thank you. Any debate in respect of the amendments. Members do you agree that the amendments read as a whole be agreed

QUESTION PUT
AGREED

The amendments taken as a whole are agreed Honourable Members

Can I move now to the clauses that are amended. Are they agreed

QUESTION PUT
AGREED

The remainder of the Bill Honourable Members in the detail stage

QUESTION PUT
AGREED

Thank you. The remainder of the bill is agreed, Thank you

A final motion please Chief Minister

MR GARDNER Mr Speaker I move that the Bill as amended be agreed to

SPEAKER Thank you. The question is that the Bill as amended be agreed to. Any final debate. I put that question to you Honourable Members

QUESTION PUT
AGREED

The ayes have it. The Bill as amended is agreed Honourable Members

SOCIAL SERVICES AMENDMENT BILL 2004 – REPORT OF IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE

Honourable Members, we resume debate on the question that the motion be agreed to, that is, that the recommendations be agreed to and Mr Sheridan you have the call to resume

MR SHERIDAN Thank you Mr Speaker. At the December sitting of the House I tabled on behalf of the Impact of Bills and Subordinate Legislation Committee Report No 1 of the Committee in respect of the Social Services Amendment Bill 2004. the Committee had recommended as follows Mr Speaker , 1. the resident requirements as proposed to secure a benefit are too severe, (to quote representatives from the Social Services board). Whilst views varied about the increase from 5 years to 10 years as a qualifying period of ordinary residence immediately before the date of application, this seemed generally acceptable. Twenty five year criteria during the claimants working life between the ages of twenty and sixty-five years was viewed as extremely demanding. The Committee recommends a more realistic qualifying period. 2. There may be gradual implementation of equalization of entitlement to H benefits for males and females be introduced so that eventually they will all become eligible at 65 years. The Committee points out that the table in the Bill relating to the aged benefits equivalents requires updating. 3. the remaining provisions of the Bill are generally acceptable, namely, invalid benefits, benefits for incapacity, payments on death, long term incapacity, the concept of a couple, special benefits, improvement of application systems and criteria, defining hospital and medical assistance, (also known as HMA), annual reporting process, penalties for breaches of confidentiality, lodgement of statement of income, appeal to the Administrative Review Tribunal, recovery of unpaid hospital debts and incentive payments to eligible persons. Thank you Mr Speaker

MRS JACK Mr Speaker, look I having been a previous Member on the Social Services board how great it is to see it coming to this stage. I can agree to the requirements or the recommendations of the Committee and I am very happy to also see the appeal to the Administrative Review Tribunal coming in at long last rather than to the Administrator as it currently stands. No offence there, but I think keeping our own affairs in hand and managing them is a tremendous step forward and I'll be agreeing to the report. Thank you

SPEAKER Any further debate. The question agreed is that this motion be agreed to Honourable Members and I put that question

QUESTION PUT
AGREED

MR BROWN

ABSTAIN

Thank you. That motion is agreed to

SOCIAL SERVICES AMENDMENT BILL 2004

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mr Brown you have the call to resume in this matter

MR BROWN Mr Speaker I seek leave to withdraw the Bill with the intention it be reintroduced in an amended form by a new Executive Member

SPEAKER Is Leave granted? Leave is granted. The Bill is so withdrawn. Thank you Mr Brown

DE FACTO RELATIONSHIPS BILL 2005

Honourable Members, we resume debate on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume

MR GARDNER Thank you Mr Speaker I have read at a previous sitting when it was introduced, I think back in November the explanatory memorandum into Hansard. Just briefly Mr Speaker this Bill proposes to make provision for determining the rights and obligations of persons who cohabit

Tape 7/8

MR GARDNER

cohabit in marriage like relationships and who by reason of their relationship may be seen to incur mutual obligations. Mr Speaker I have had representation in relation to this bill over the period since introduction into the House. Those representations have been overwhelmingly in support of this legislation acknowledging that it brings that type of legislation in line with modern day community's expectations and I think most of those representations have indicated to me that this is long overdue legislation. Without going right through the explanatory memorandum and every section again, being conscious of the fact that this has laid on the table for a period of time now Mr Speaker I would look to any comments that my colleagues have in relation to this matter and certainly would look forward to finalising the matter today

MRS JACK Mr Speaker, thank you. Just a brief comment that this bill moving forward will also help in the matter of social services where there can be some interesting debate and discussions coming back from couples regarding their view of whether they are seen as a couple or not or their de facto relationship so it will also assist the Committees report and I'll be supporting it thank you

MR T BROWN Mr Speaker I won't be voting against this today but I will be abstaining because I don't want to be seen to be supporting people living a life of sin. Thank you Mr Speaker

MR BROWN Mr Speaker the concept behind the bill is a sound legal concept, whilst accepting the feelings of Mr Tim Brown but I think that there are some things that we need to have a look at and be certain about before we pass it. We say that the Act shall commence on the notice of assent being published in the Gazette. That's fine. But we don't appear to have a transitional clause to deal with things for example, like a couple who decide that they don't like this legislation they never intended to be in a situation where one could be suing the other and they want to end the relationship. I think that we've got to go a step further than saying well the Act commences on the date that its assent is published, and we've got to say in a transitional clause just what that means. Looking to section 4 it vests jurisdiction in the Supreme Court and then goes on to say subject to the powers of the Family Court of Australia. I'm not sure what that means but if in a family court

may therefore come forward. You might like to put it in more concrete terms. I don't know if you have a piece of paper. You may care to repeat the matter so that Members are aware of your words

MR BROWN Mr Speaker I move that this House resolves that Mrs Loraine Boudan be elected as Minister for Community Services and that His Honour the Administrator be advised accordingly

SPEAKER Did you use the word elect

MR BROWN Mr Speaker I think I used the word elect. Maybe there may be, chosen may be a better word

SPEAKER Thank you. I'm just trying to reflect what the legislation may say but the option is entirely yours Mr Brown in this matter

MR BROWN I think chosen might be better Mr Speaker

SPEAKER That is the matter before you Honourable Members. Any debate

MR NOBBS My sole comment Mr Speaker and it's nothing against Mrs Boudan, was that the original convention was that the Chief Minister would select his ministry. That was when we started and I'm just wondering if Members are still of that view or whether we are moving to another view that's all

MRS JACK Mr Speaker, I would also like to start the proceedings for head hunting a new Minister with MLA's perhaps behind closed doors first. I think we need to have some very direct words and I would like that to proceed out of view of the public at first

MR CHRISTIAN Thank you Mr Speaker. I would have no difficulty at all in supporting Mrs Boudan as the next Minister for Community Services. She has served an apprenticeship so to speak with Mr Brown over the past year and a bit. That was the general idea with this Legislative Assembly was that Minister's would more or less have a junior Minister assisting them, even though the junior Minister had no executive clout. I think Mrs Boudan has successfully served her apprenticeship and I think she would make a wonderful Minister and I support the motion

MR T BROWN Mr Speaker I'm in agreeance with Mr Christian on this matter, pretty much everything he's just said, he's taken the words right out of my mouth. I support Mrs Boudan. Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker. We haven't had an opportunity to hear from Mrs Boudan on this matter as we haven't had an opportunity for other Members of the Legislative Assembly to necessarily promote themselves into the position and at the appropriate time Mr Speaker to give us an opportunity to consider those matters I would be looking to adjourn the matter and made an Order of the Day for a subsequent day of sitting

MRS BOUDAN Thank you Mr Speaker. Thank you for your confidence. I'm reluctant to make any moves today and I would support adjournment of such a motion, thank you

MR CHRISTIAN Thank you Mr Speaker. I must say I'm amazed at the words of our Chief Minister just now. He is seeking to adjourn the matter on the basis that the MLA's haven't discussed it yet he was quite happy to come to the Chamber today and sack a Minister and I can assure you that wasn't discussed with the wider membership before it occurred so he's a bit of a hypocrite. Thank you

MR GARDNER Mr Speaker I take offence

SPEAKER Yes, I would ask you to withdraw the last remark Mr Christian

MR CHRISTIAN Thank you Mr Speaker, I cannot withdraw that because it's the correct description for somebody who does something which they claim not to do

SPEAKER It is an offensive word in respect of Membership of the Legislative Assembly

MR CHRISTIAN It's a word in the English language

SPEAKER There is no argument Mr Christian. The matter is offensive and it is appropriate that it not be said

MR GARDNER Thank you Mr Speaker I move the adjournment

SPEAKER Thank you. Is there further debate at this time? Then I put the question to you Honourable Members, that this matter be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT

Would the Clerk please call the House

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|--------------|-----|
| MR BUFFETT | AYE |
| MR GARDNER | AYE |
| MR SHERIDAN | AYE |
| MR NOBBS | AYE |
| MR CHRISTIAN | NO |
| MRS JACK | AYE |
| MR TIM BROWN | NO |
| MRS BOUDAN | AYE |
| MR BROWN | NO |

The result of voting Honourable Members the ayes six the noes three. The ayes have it thank you, that matter is adjourned and will be made an order of the day for a subsequent day of sitting

Honourable Members, we've concluded Orders our business for the day, and we are now at the Fixing of the next Sitting Day

FIXING OF NEXT SITTING DAY

MR GARDNER Thank you Mr Speaker. I move that this House resolves to next meet at 10 am on Wednesday 18 January 2006 at a Ceremonial Sitting convened for the purpose of welcoming the Queen's Baton into the Legislative Assembly

Chamber and the proceedings of the day be as ordered by the Speaker to observe the dignity of the occasion

SPEAKER Thank you Chief Minister. Any debate Honourable Members in respect of that matter. I put the question that the motion be agreed

QUESTION PUT
AGREED

The Ayes have it. Our next sitting day is the 18th January 2006. We are agreed on that matter and so we move to adjournment

ADJOURNMENT

MR SHERIDAN Thank you Mr Speaker I move that the House do now adjourn

SPEAKER Thank you Mr Sheridan. The question is that the House do now adjourn. Any adjournment debate.

SPEAKER Thank you Mr Sheridan. Any further debate Honourable Members. There being no further debate I put the question that the motion be agreed to

QUESTION
AGREED

The motion is agreed to. Therefore Honourable Members this House stands adjourned until Wednesday 18 January 2006 at 10 o'clock in the morning

