



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
11<sup>TH</sup> NILA HANSARD – 22 FEBRUARY 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** It is with regret that this House records the death of Heather Elma Adams, nee Bradshaw, wife of Charles Pat Adams and mother of Glynn Templeton, Sue Ann Sinclair and Robert Punga Adams on the 7<sup>th</sup> January in Sydney. Heather was born in Gladesville, in 1918. She attended Gladesville Primary School where she was Dux in 1928 and after winning a Scholarship, attended Fort Street Girl's High School. Following two years training at Sydney Teacher's College she spent the next ten years teaching throughout New South Wales. In 1946 Heather travelled on the SS Morinda to take a one year appointment on Norfolk Island as a teacher in exchange with Faye Bataille. On that sea voyage she met Charlie (Bob Pat) Adams who was returning home after active service and the end World War 2. On the completion of the one year exchange, Heather returned to Australia and on completing her six month service she came back to Norfolk to marry Bob Pat, a marriage which lasted 58 years and 6 months. They had Glynn, Sue Ann and Robert - 3 children in 3-1/2 years. Heather was re-appointed to the Norfolk Island Central School in 1954. In 1958 the family moved to Sydney where the children had to adjust to the loss of their island freedom. Heather was to Beverley Hills Primary School where she remained teaching until her retirement in 1973. Life on Norfolk Island was initially full of many sacrifices. Heather had left a comfortable middle-class life style in Sydney for one of relative poverty on Norfolk Island. No electricity, no hot or cold running water. She advised her children to 'never learn to chop wood or milk cows'. Heather was a very proud First Fleeter. She researched and completed the family tree on her side when she retired from teaching. She was also very proud of her Scottish ancestry. Heather is remembered for her long and loyal friendships; her love of Music and sport. To Bob Pat, Glynn, Sue Ann, Robert, to their families and to their many friends this House extends its deepest sympathy

Mr Speaker, it is with deep regret that this House records the death of Lance Alfred Semple on the 11<sup>th</sup> January. Ted as he was known was the second youngest of nine children. Born and bred in Sydney, like many boys of that time, following school he lied about his age and joined the Army. After his father found out and blew the whistle Ted rejoined the forces at age 18, this time with the Air Force. He was deployed to New Guinea, where both harbour diving and a secretive grog distillery kept him busy. Displaying innovation from these early days, Ted sourced the resources for his grog from regular supplies of his father's hops. Back in Sydney Ted worked as an Industrial Chemist. He met Jan in 1946 and they married the following year. Although they had no children they displayed consistent care for others. Eric Semple and family moved to Norfolk Island in the early sixties and in 1967 Ted and Jan followed his older brother. As a partnership Ted initiated and operated the fish factory at Cockpit then became an employee at Eric's Hotel Paradise in Kingston before Ted purchased it in 1981. The hotel had a reputation for fantastic nights of entertainment and many people remember it

well. In 1987 Ted pulled down the Paradise and he and Jan moved to their home at Ball Bay. They continued to travel and learn with modern technology. A particular interest with Ted was fibre glassing and he tried his hand at everything. He had a lifelong passion for fishing and boats. Ted lived a great life and to Jan, his family and many friends this House extends its deepest sympathy.

It is with regret that we record the passing of Peter John Nobbs in Sydney on the 27<sup>th</sup> January after a long battle with cancer. To Peter's family and friends this House extends its sincere 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 Chief Minister who has responsibility for the Government airlines. Minister are you aware that the Qantas charter services is carrying virtually no freight or mail in addition to leaving passengers luggage behind and is this problem caused by the operators policy of carrying sufficient fuel for the round trip rather than purchasing fuel in Norfolk Island

MR GARDNER Mr Speaker I do have an explanation that was forwarded to me yesterday in relation to this matter and I understand that because of some of the weight factors associated with passengers departing Norfolk Island from the Norfolk Island Gun Club International Shoot where passengers utilized their full 30 kilograms of baggage allowance that the aircraft was several hundred kilograms heavier than usual for that number of passengers. There was actually some offloaded outbound cargo however this was the first time that mail had been reduced from a flight. I understand that for the inbound flights the reasons for some of the problems encountered were due to weather forecasting that the crew work on for their planning, as there were 130 passengers and no alternate holding fuel the aircraft can carry all usually mail and possibly even a small amount of freight. If the weather at Norfolk Island has any low cloud, low visibility or high winds the pilot may be required or may choose to carry the extra fuel. Just in clarification Mr Speaker last Wednesday the flight from Brisbane offloaded around 20 to 25 bags due to extra fuel required, it was actually very foggy at Norfolk Island on that morning. These bags went to Sydney and came that night however, another 23 bags were offloaded from Sydney passengers due to a belt failure at Sydney airport. These bags were due to be sent on the flight on Saturday and were offloaded due to weight limitations as extra fuel was taken for the poor forecast into Norfolk Island

MR CHRISTIAN Thank you Mr Speaker, I direct my next question to the Chief Minister as well in his capacity as head of Government. Chief Minister is the

Norfolk Island Government capable of assessing the Federal Government's offer in a sensible, productive manner without resorting to distasteful, personal attacks upon those who delivered the message

MR GARDNER

Of course

MR CHRISTIAN

Thank you Mr Speaker, my next question is also to the Chief Minister in his capacity as Minister for Tourism. Minister will you clarify the Tourist Bureau's recent announcement of an additional Sunday service by confirming that two of the weekly services, and possibly all three will be operated by Fokker 100 aircraft and therefore, will not provide significantly more seats into Norfolk Island and will lead to an increase in cancelled or delayed flights accompanied by more passenger luggage and freight being offloaded

MR GARDNER

Mr Speaker as Mr Christian would know as a Member of the Airline Working Group we have for some time been desirous of putting in place a third service from the Australian mainland into Norfolk Island due to the restriction on the types of aircrafts that are available and Qantas's undertaking that they would only load into the system flights into Norfolk Island or bookings into Norfolk Island with a guarantee of aircraft, we have been forced to utilise for a period of three weeks at this time, the Fokker 100 but at the same time ensuring that we open up the opportunity for the extra service to be provided into Norfolk Island on a Sunday. If Air Nauru are in a position to provide a replacement aircraft it is intended that that will slot immediately into that schedule and provide the extra seats but at this stage the move to provide the extra service is one that has been roundly supported by the Airline Working Group and I believe the Legislative Assembly and the community as a whole. The only restriction on that as far as benefits to Norfolk Island is the capacity of the aircraft that we are bound to use for at least that three week period

MR CHRISTIAN

Thank you Mr Speaker, I direct the next question to the Minister for the Environment. Minister at the next meeting of this house would you table all scientific reports that you referred to in developing the quarantine protocols that will allow the importation of plant material into Norfolk Island

MRS JACK

Mr Speaker as much as they pertain to the relevancy of any concerns that Mr Christian refers to but the reports could be a huge amount, it might be in some cases better to email but I shall certainly go to the service for that

MR CHRISTIAN

Thank you Mr Speaker, my next question is also to the Minister for the Environment. Minister what is the quantum of the insurance fund that you are able to call upon to compensate for any loss that might occur if your quarantine protocols are deficient and allows into Norfolk Island any disease that must be treated by the wholesale removal and burning of any affected plant material

MRS JACK

Mr Speaker could I just have that repeated please

MR CHRISTIAN

Thank you Mr Speaker, what I'm asking the Minister is what is the quantum of the insurance fund that you are able to call upon to compensate for any loss that might occur if your quarantine protocols are deficient and allows into Norfolk Island any disease that must be treated by the wholesale removal and burning of any affected plant material

MRS JACK Mr Speaker I couldn't say that off the top of my head but may I also say that one would have to prove that it came from any plants and right now the importation of potatoes with all the soil attached there gives as much cause for concern as does to some people of the community my proposed project so let's look at where you are going to put all the blame and why and be very scientific in how you apportion that

MR CHRISTIAN Thank you Mr Speaker, I have another question for the Minister for the Environment. Minister is it a fact that an officer of the Administration has been dispatched to the far reaches of the Kingston and Arthur's Vale Historic Area to observe and count the geese, find their nesting sights and destroy any eggs that are found

MRS JACK Mr Speaker I'm aware that some culling was undertaken in the last year to bring that population under more of control

MR CHRISTIAN Thank you Mr Speaker a supplementary. Minister before embarking on this act of animal genocide did you contact the relevant Australian authorities before attempting to destroy the only living link with the first fleeters

MRS JACK No

MR T BROWN Thank you Mr Speaker. This is a question to the Minister with responsibility for the Minister for the Environment. Minister you stated in the newspaper on the weekend there was now enough high grade rock to ensure supplies of rock for crushing well into the future. How much rock is there and how long based on

MRS JACK Point of Order Mr Speaker. I am not going to answer any questions from three people in this room regarding any rock, planning approvals for rock, anything to do with 44a or b whichever it may be due to what I perceive as conflict of interest in relationship with Island Industries possible court cases

SPEAKER Thank you Mrs Jack. Might I say that I don't take that as a Point of Order but I do take as a response to the question that you have been asked Mrs Jack and you are entitled to respond in whatever manner that you would think appropriate to the question that has been raised

MR BROWN Mr Speaker I direct this question to the Minister for the Environment. The question relates to truth in press releases. Did the Minister recently issue a press release stating in part, the Minister said that the majority of the work had been carried out at no cost to the community or Administration in terms of certain works which had been carried out in the region of the school. Is it a fact that all of that work was carried out at no cost to the Administration and if it is not a fact that the work was carried out at no cost can the Minister advise why she chose to attempt to mislead the community

MRS JACK Mr Speaker again, I have read that notice. I approved of it, I believed what I said and that's as far as I'm going to go

MR BROWN Mr Speaker can I ask a supplementary question. Is it a fact that the Administration hired a screening plant, various earth moving equipment and various trucks at the Administration's cost in order to carry out that work and if that is so can the Minister advise why she has chosen to attempt to mislead the parliament

MRS JACK I have answered the question to my satisfaction and I feel that we are bordering on these hazy questions that lead to possible court cases that the Administration has been threatened with

SPEAKER Mrs Jack I wonder if you could give me some guidance about this. Are you saying that there is a court case afoot at this moment

MRS JACK Mr Speaker, there has been indications of possible court cases arising

SPEAKER There isn't a court case afoot

MRS JACK No

SPEAKER Not at this moment

MRS JACK No, not at this moment

SPEAKER Thank you for that clarification. Further Questions Without Notice Honourable Members,

MR CHRISTIAN Thank you Mr Speaker, I direct my next question to the Minister for Finance who has responsibility for the Administration. Minister if you become aware of any Public Servants who has received overtime payments to which they were not entitled will you recover the overpayment

MR NOBBS I won't do anything actually in relation to that because the Chief Executive Officer is responsible for the Administration but I would be very concerned if something like that happened and we would have obviously lengthy discussions in relation to that. What action he takes is out of actually my ball court even though people think that I run the show I really don't. If you know what I mean. Under the conventions of the parliament and the like as you are well aware Mr Speaker so that's the only answer I could give at this point in time but if there is an issue and Mr Christian feels, and I don't want it now, because it's obvious that you would be identifying people but if he has some issues in relation to payment of overtime that was not warranted then I will most certainly look at the matter and pass it to the CEO for attention

MR CHRISTIAN Thank you Mr Speaker, I have one final question again directed to the Minister for Finance once again with his responsibility for the Administration. Minister will you introduce a policy requiring any Public Servant who has private business interests capable of supporting them to resign from the Public Service and those with private business interests that cannot support them to dispose of their private business interests if they wish to retain their position in the Public Service

MR NOBBS Mr Speaker there is a requirement for a public servant who does additional work outside the public service to declare that activity and I understand that has been policed well in my time, to the satisfaction of the Chief Executive Officer and we had in that period some problems of course but they have been clarified. I feel that is really not my role but if there was a requirement for that sort of thing I would first seek the advise of the Legislative Assembly and if the Legislative Assembly wishes to put that process in place and they give me the mandate to do it well then I will do it but at this point in time I don't believe that I have the mandate from the Legislative Assembly, from what I understand Mr Christian asked me to do but if the Legislative Assembly wishes that sort of policy to be put in place, well, it will be done

MR GARDNER Mr Speaker a supplementary question to the Minister for Finance. If that was a view that was endorsed or adopted by the Legislative Assembly would it be the Minister 's intention to go to the people of Norfolk Island to seek the same policy direction and application to Members of the Legislative Assembly

MR NOBBS Mr Speaker I think the consideration of that would be, and that's a very good point Chief Minister, even though as you know I'm not really keen on Ministers asking questions of each other but it's a very good point Mr Speaker and I think that in the consideration of the proposed policy change that Mr Christian proposes I think that the Legislative Assembly would really have to look at itself as well and see what is going on so it's not only the Administration it's the whole of Government approach and that whole of Government includes the Tourist Bureau, the hospital and the school and everywhere and including the Legislative Assembly

MR T BROWN Thank you Mr Speaker a question to the Minister with responsibility for the Environment. Minister why is it that the money from the National Heritage Trust which is being used for the purchase of the tub grinder could not have been used for the introduction of greener power alternatives such as wind power, something which would be environmentally friendly and could have reduced the cost of power to the island community

MRS JACK Mr Speaker. That is not what it was given for. The National Heritage Trust limits or description of what the funds were available for, the tub green waste process was what was sought and that was the path that was followed. The actual energy shift could be another view if you want to go down that track. It's up to Mr Brown to start a movement towards that and to looking at that but those funds were earmarked for this particular process

MR T BROWN A further question for the Minister for the Environment. Minister why is it that none of the empty Boral barges thus far have been utilised by the waste management centre for the transport of material such as asbestos or aluminum cans back to Australia

MRS JACK Mr Speaker I thought that the first one did take back a lot of the asbestos that had been correctly containerized and subsequently passed through the correct Australian quarantine standards to be taken by truck to deep landfill I think in New South Wales. I could be mistaken but I thought the first barge did get used. I'm willing to check for Mr Tim Brown

MR BROWN I ask this question of the Minister for the Environment. Would the Minister advise what investigations she has made in relation to renewable energy resources in Norfolk Island

MRS JACK Mr Speaker, none myself save for the presence of Mr David Barton on the island who fortunately has contacted through my office and is about to put forward a survey to the island with my blessing on looking at renewable energy as part of his post grad studies. Mr David Barton worked in conjunction with the hydro study that was done here in about the middle of the last Legislative Assembly and stayed and did some private investigations. He also had done similar work on Lord Howe and alternate energy and he is going to use those, combine both studies into a report that will be made available to the island and hopefully we can get some good use from it. As with any report we need to read it, discuss it and move ahead with it and not just shelve it so I look forward to with this added interest from both Mr Tim and John Brown that we can start to get some movement forward into adopting alternate energies and decreasing our need on the fuel importation to the island and of course fuel

importation means money going out. I would like to be able to look at a far greener island, more ecologically and environmentally friendly, thank you

SPEAKER  
this morning. We move on

Honourable Members, any further Questions

## PRESENTATION OF PAPERS

Any Papers for presentation this morning

MR NOBBS I table the monthly financial indicators for January 2006 and these are for the revenue fund and as at 1<sup>st</sup> January 2006 the Revenue Fund overall income 95.9% of the approved revised budget, that is some \$273,000 short. Customs duty is \$242,000 short of budget and the sum total of other tax categories is \$10,000 under budget. The revised departure fees is from 997 to 937 is \$55,000 short but land titles fees are \$58,000 ahead of budget. The revenue funds revised budget income from the liquor bond is currently \$32,000 under budget. As far as expenditure, overall expenditure at the end of January on a pro rata basis is 6.5% under budget. Medical expenses for social service recipients are \$29,000 under the revised budget at the end of January and at the end of the month the overall revenue fund budget is in deficit of \$552,000 which on a pro rata basis is \$209,000 less than budget. At the moment now as members will recall we started of with a deficit budget of \$2.3m, this blew out to \$2.6m. there was a sharpening of pencils and the like and we got it down to \$1.64m deficit. At the present time the deficit is \$1.3m which need further attention. Thank you Mr Speaker

MR BROWN I move that the paper be noted

MR BROWN Mr Speaker that all sounds fairly good. One polls as to why all this concern about sustainability because obviously the Minister has it all under pretty good control. Mind you it would not have been under such good control if he hadn't nicked that extra million dollars or so out of telecom because when we look at the source of the income the earnings from GBE's which at this time last year were \$1.4m are \$2.3m for the current year and the fact of the matter does appear to be that we are maintaining our position by continuing to drain the undertakings and continuing to ignore our responsibilities to maintain our assets and infrastructure. Thank you

MR NOBBS I would like to answer that if I may. Certainly there is a larger take this year out of Telecom but last year, the last financial year, we got absolutely nothing, was taken from Telecom apart from the \$90,000 or whatever it was, management fee which pays for some of the support that the GBE receives. We received absolutely nothing, because from the year before the excess money had been taken from Telecom and it was really in a cash strapped situation so a decision was taken not to take any funds from Telecom to bring it back up to a place where it was in reasonable trading and we certainly did take a million bucks just a while ago out of Telecom or part of that, so that's the sort of situation. No. we are not traveling really well, I can tell you that. We are not going well with that size deficit. It is very interesting and I pulled some figures out which were done some time ago and I updated them. I think it's really interesting Mr Speaker that from 1989-90 financial year to 2004-2005 which is the last one there, the total revenue as against expenditure, if you totaled all the revenue in that period and all the expenditure for that particular period and take one from the other we end up with \$50,000 which means we've been up \$13.6m in total revenue so over the years what has happened, the balance has been fairly even. We've never had a huge balance in the revenue fund. The revenue fund I think it was when I left in 2001 had about \$3m in it and that has gone subsequently because of the deficit budgeting

which we had in the past. We've still got money in the revenue fund as you know and so the situation is that it's really interesting that over that period, and that's been a decision of all the Legislative Assembly's in that period that they would expend the money that they earned and that's it, so I mean we are not traveling well, but it's just a continuation and that's what I'm saying to Mr Brown with all due respect John that we still have a problem but we can get over it. We can definitely get over it and we can do it ourselves. Thank you

MR BROWN Mr Speaker the Minister does appear to have a good grip on this issue so perhaps he could help me with one more thing. Could the Minister advise the amount of accumulated depreciation presently sitting in the bank

MR NOBBS the depreciation in the revenue fund has never really been, and that's an ongoing issue Mr Brown as you know, and it's part of this particular problem that we have at this point in time but we still seem to have the generators going, the roads are – I mean some people say they are terrible but others say well, they're reasonable and you should have been here before and had a look at them, but those are the issues that we have and depreciation is one of those things and we have not got a fund set up for depreciation. It's been raided and that's one of the problems we have in a small Government is to maintain that funding for rainy days and the like. As you know Mr Speaker I've always been in favour that we should have a set figure aside for rainy days but I didn't get much support then and I haven't brought it up in the last four or five years but I think that that's an area that we should look at whether you call it depreciation or what you would like to call it we need to look at that particular area and I agree with Mr Brown that we haven't got a depreciation but the generators are still ticking over and other things are still ongoing and it won't take much to straighten that thing out. It won't take much to run the GBE's on a commercial basis, a proper commercial basis and that's the issues that we have to attack. Thank you

SPEAKER Is there further debate? The question is that the Paper be noted.

QUESTION PUT  
AGREED

The Paper is noted

MR GARDNER Mr Speaker I table a form under the provisions of the Removal of Prisoners Act 2004. The form is in the form of a warrant of delivery and it is a requirement of that legislation that the form be tabled. Thank you

MR NOBBS Mr Speaker I table an instrument declaring the Head of a Trust Fund and the Trust Fund is the Ivens F Toon Buffett Environment Fund. It's been established but I'm required to table it of course and it's to receive funds from the revenue received from the transfer of title from crown leases to freehold. I think Members are fully au fait with what's happening there and that there is a trust that's been established and it's operating in relation to that and that now allows the receipt of those funds into that trust fund and I don't administer the trust fund

MR NOBBS Mr Speaker I've a document here which you forwarded to me, it was actually sent to you and it was a complaint from a Member of the Public Service against a Member of the Legislative Assembly and in your letter you referred it to me as I was the Minister responsible for the Public Service. The request to table this, I intend to table it because the complainant has asked that it be tabled for Members and I would ask that at this instance that you take this document back and I

hold it and that Members may peruse it and then at the next meeting whatever action that Members wish to take on it can be done

SPEAKER Thank you. Are there further Papers Honourable Members, then we've concluded Papers

### STATEMENTS OF AN OFFICIAL NATURE

Honourable Members any Statements this morning

MRS JACK Mr Speaker I wish to make a statement concerning Development Control Plans under the *Planning Act 2002*, especially Development Control Plan No. 2 – Water Resources. Members may recall that DCP 2, as presented by my late colleague the Hon Toon Buffett, had a clear statement of purpose as follows:

- (a) to ensure that the use and management of water resources will sustain the physical, economic and social well being of then People of Norfolk Island while protecting the ecosystems that depend on those resources;
- (b) to protect waterways and aquifers from damage and, where practicable, to reverse damage that occurs or has already occurred: and
- (c) to ensure that water resources are able to meet the reasonably foreseeable needs of future generations.

The Plan went on to set out mechanisms to achieve that purpose within three years of its implementation on 27 February 2004. The intent was to ensure that all residences including tourist accommodation were fitted with rainwater tanks complying with specified formulas based on roof area. New developments were required to comply immediately, while existing residences and accommodation were to comply by February 2007. I have sought advice on DCP 2, and believe that the wording of the Plan and the definitions of roof area are either ambiguous or inadequate. To rectify this, I have asked that DCP 2 be rewritten to ensure that it is clear and unambiguous. The new DCP will be implemented through a gazettal as provided in the Planning Act. At that time, I will issue a public announcement setting out the requirements of the Plan and the timeframes involved for existing developments to comply with water storage requirements. Members may recall that in July 2005 the Assembly agreed to an amendment to the Planning Act, providing the ability for regulations to be made under that Act to ensure compliance with a Development Control Plan. I have now asked that relevant regulations be drafted, with an intent that they be put in place so that the provisions of the DCP on Water Resources, and other DCP's, can be enforced. Mr Speaker, I strongly support the aims set out in the original Development Control Plan for Water Resources. I am confident that the steps I have outlined today will enable us to better manage water usage in our community and to provide for the future water needs of Norfolk Island as a whole. Thank you, Mr Speaker

MR GARDNER Thank you Mr Speaker. Mr Speaker I've a prepared statement I wish to make in relation to matters of wide interest in the community as a result of the Hon Jim Lloyd's visit to Norfolk Island this week. Mr Speaker on Monday of this week the Commonwealth Minister for Local Government, Territories and Roads, the Hon Jim Lloyd MP delivered a statement to Members of the Legislative Assembly on Australian Government plans for the future of Norfolk Island. I've already issued a media statement giving the initial reaction of the Government of Norfolk Island to Minister Lloyd's package. I now table a copy of that media release which sets out my extreme disappointment at the failure of the Commonwealth to adhere to the agreed process of consultation concerning the sustainability of the Norfolk Island community and economy as we know it. I do not intend to repeat my earlier comments however I place on record the strongest possible protest of the Norfolk Island Government that the Commonwealth has failed to consult and instead has acted covertly

to make a series of unilateral and non negotiable decisions about the future of all Norfolk Islanders, their community, families, businesses and way of life. The Commonwealth now proposes only to consult on the detail of the implementation, much of which has apparently already been decided. Today I wish to strip away the political rhetoric and bureaucratic jargon from the statement made by Minister Lloyd and advise the community what the Norfolk Island Government understands to be the substance of the Commonwealth position. Firstly the Commonwealth proposes to effectively remove or at very least greatly water down the ability of Norfolk Island to be self governing. It proposes to do this through a process which it describes as consultation but the manner and duration of that consultation will be entirely in the hands of the Minister's department. The Commonwealth has not proposed that citizens of Norfolk Island should have any direct say in what it proposes to do through a democratic vote or referendum since it appears to know best from Canberra what is in the best interests of Norfolk Island. The Commonwealth is offering only two options, both of which greatly reduce the ability of Norfolk Islanders to have a say in how they are governed. Regardless of which model is finally adopted the Commonwealth intends to remove Norfolk Island's powers over immigration, customs and quarantine and to impose some or all of the taxes which apply in Australia. This could include at least income tax, company tax, goods and services tax, fringe benefits tax and capital gains tax. The Commonwealth also proposes to extend a vast array of Australian law into Norfolk Island. The two governance options said to be under consideration are a form of limited self government with greatly reduced powers or a municipal council based on the Australian local government model. Norfolk Island would be absorbed into a Commonwealth electorate with all residents required to enroll and vote in whatever seat is nominated by the Commonwealth. You may recall that a similar proposal was overwhelmingly defeated when put to a referendum here in Norfolk Island some years ago. We do not believe that the Commonwealth proposals if implemented as so far described, and Mr Speaker it's important to point that out, as so far described, would be in the best interests of Norfolk Island and its people. For a start they would remove one of the major sources of Norfolk Island revenue in customs duty, but in turn impose Commonwealth taxes which are likely to flow on directly to the cost structure of our major industry tourism. Minister Lloyd has rightly identified that Norfolk Island is already facing a highly competitive tourism market and it is my fear that as a result of these new taxes the higher costs for accommodation houses, restaurants, clubs, tour operators and others, dependent on tourism, will price us out of the market. Much of the Commonwealth decision making seems to have been based on an assumption that there will be no policy changes in Norfolk Island to deal with the financial and economic challenges we now face. That assumption is misplaced. The Norfolk Island Government has been and is continuing to develop a comprehensive package of micro economic reforms which address the issues of economic and social sustainability and provide for the continuance of the successful community model we have had in place for many years. This package includes measures to limit expenditure and to improve revenue flows in the short and medium term. It would require positive assistance from the Commonwealth through the provision of expertise and developing and administering revenue measures and advice on maximizing income from existing assets and businesses. The package includes the long term asset management plan which will inform decision making much more accurately than the flawed and incomplete projections of the Acumen Report. The package has been provided to all Members for discussion purposes initially and forms the basis of a strategic plan which will be implemented through Administrative action and legislation to be presented to the Legislative Assembly in the near future. We believe that the Commonwealth has totally failed to recognise that we do many things differently in Norfolk Island and that we have developed a remarkably sustainable model which stands up favorably against comparable Pacific and Australian communities. We are not asking for Commonwealth handouts but for a constructive partnership which will enable Norfolk Island to stand on its own feet without compromising the values and services that we hold dear. On the

other hand we certainly do not aspire to be like the Commonwealth external territories graphically described in the most recent report of the Joint Standing Committee. A liberal Member of the House of Representatives Miss Sophie Panopolous. In relation to the Indian Ocean Territories Mr Speaker she said "that it is a regrettable fact of history that once prosperous island states on Australia's doorstep have become economic and social basket cases due to the removal of self governance and total incorporation into Australia from too much interference from the Commonwealth at the expense of the Australian taxpayer. We do not intend to allow Norfolk Island to become a basket case. We will work as closely as we can with the Commonwealth Government to seek to have it modify its harsh position on self Government, removal of powers from the Norfolk Island community and the imposition of Australian taxes. We hope that the Commonwealth will now agree to work in partnership with us to achieve true economic social and cultural sustainability for Norfolk Island. To recap, the proposal put to us earlier this week intends to strip us of self Government powers and responsibilities. This proposal will overlay the full gambit of Commonwealth taxation into Norfolk Island. This proposal extends all Commonwealth law to Norfolk Island other than in exceptional circumstances. Importantly this proposal, this package of assistance as its being proposed by the Commonwealth provides no assistance for the immediate to medium term in support of our efforts, the Norfolk Island efforts to return to a vibrant economy based on our major industry, tourism. The view of the Legislative Assembly at our meeting on Tuesday, yesterday, which I believe was unanimously supported around this table that the proposal as it stands at the moment, and its important to point out Mr Speaker that we have not been provided with all of there detail in relation to this and our initial assessment indicates that there is no advantage to the people of Norfolk Island over the retention of the status quo

MR BROWN

Mr Speaker I move that the statement be noted

SPEAKER  
Brown

the question is that the statement be noted. Mr

MR BROWN

Mr Speaker the Chief Minister has referred to the Government having developed a package of micro economic reform measures. I may not have been here at the time that package was distributed but I wonder if the Chief Minister could advise us just what makes up that package of micro economic reform. The Chief Minister's media release yesterday referred to the Government having prepared an overall strategic plan and specific measures to deal with short term recurrent revenue and expenditure. I'm not sure what that strategic plan is again, I may not have been here on the day it was circulated and discussed but I wonder if the Chief Minister could tell us about that

MR GARDNER

Thank you Mr Speaker as I made quite clear in my earlier statement that's been circulated to Members. Believe it or not Mr Speaker I myself was not with Members at the time that document was circulated but it certainly has been circulated to all Members. It canvasses Mr Speaker various options that the Legislative Assembly needs to consider for implementation and decision about reinvigorating the economy through energies directed at our tourism industry, measures to look at diversifying our industry base, measures looking at broadening our revenue base including further consideration of our tax raising measures including NSL, further measures directed at looking at other forms of taxation that will provide the necessary revenue streams for Norfolk Island, not greatly dissimilar to the Commonwealth's proposals and application to Norfolk Island. In relation to the detail because I don't have that document to hand I'm happy to defer to the Minister for Finance who has circulated the document to Members for any additional and subsequent comment

MR BROWN Mr Speaker that's helpful. I wonder if the Chief Minister could advise whether the overall strategic plan and the specific measures and the package of micro economic reform measures are proposals which have been put up by the Minister for Finance solely or whether there is a package which has been embraced by the Government

MR GARDNER Thank you Mr Speaker in relation to the package which has been put up it is matters that have been considered by the Government, yes, there is a fair degree of weight in that document based on the Minister for Finance's views. They are options that are placed on the table for Members of the Legislative Assembly to consider and it's a sad day indeed Mr Speaker that there hasn't been a great deal of input from the general Membership of the Legislative Assembly into looking at ways to assist in overcoming our current financial difficulties. The economic and financial policy or the vision statement and objectives and key strengths are something that are fully endorsed by the Government in that document. The economic and financial action plan basically sets out a number of proposals that will need further input by Members of the Legislative Assembly as a whole, not simply just by one Minister of the Government or by three Members of the Legislative Assembly but the Legislative Assembly as a whole Mr Speaker

MR BROWN Mr Speaker I notice that the Chief Minister has had a document in his hand. It's a document that was quite recently circulated to Members. It has a crest on it and it says the Government of Norfolk Island Economic and Financial Policy. But it really seems with the greatest of respect Mr Speaker, that it is a document filled with the personal pipe dreams of the Minister for Finance. It's a document which suggests that Norfolk Island should become a ship maintenance and repair facility, I'm not quite sure where that's going to take place. It talks of discreet incorrectly spelt but that might be part of its charm, a discreet luxury hotel which it seems is to be constructed in the old convict buildings at Kingston, and then it gets on to an old hobby horse of a central booking agency without recognizing that there are numerous internet sites already providing that service in an efficient fashion, but with the greatest of respect we are stretching credibility a little by suggesting that, that document comprises a package of micro economic reform measures to stimulate development and stabilize Government revenues. We are stretching it to suggest that that document includes an overall strategic plan and specific measures to deal with short term recurrent revenue and expenditure. The sad fact of the matter is that for whatever reason a plan called an asset management plan being prepared by an external consultant and funded by the Commonwealth has been in the course of preparation for quite a long time. The authors of the Acumen Report apparently had access to drafts of that plan and one cannot criticize them for feeling that was not a bad place to start but unfortunately the plan hasn't been finished. We have no idea what its final form will take and it seems that we have no idea as to when and if it will ever be completed and some of the Members around the table may remember in much earlier years an economic report was being prepared and it simply didn't see the light of day. Whatever may have been its conclusions apparently didn't please some of those who were paying the bill and the report was just never completed. I think that the announcements this week are unfortunate. They are unfortunate because the Government and the Legislative Assembly has done very little to put its point of view forward in the corridors of power in Canberra and we have allowed the bureaucrats to run their race with out any of us even being at the starting line. There's lots of things that we were gunna do but we didn't get around to doing it. I'm not sure what the view of the community is about all of that. It might be that it's time to get a different Legislative Assembly so that a different Assembly can negotiate the best possible result from the mess in which we find ourselves. On the other hand the community view might be that we need a new Legislative Assembly so that a new Legislative Assembly can sit down with the Commonwealth sensibly go

through the issues, not abuse them, but sensibly go through the issues and convince them that the bureaucrats actually have them presently going down the wrong track. I greatly doubt that the community has a lot of faith in this Legislative Assembly solving the problem but that will be a matter for later in the meeting, thank you

MR GARDNER Thank you Mr Deputy Speaker I think it's worthwhile just making a point and at least commending the Minister for Finance for bringing through three novel approaches to ways that the Legislative Assembly can give consideration if they are so willing to assenting to underwrite our base line as far as revenue raising measures and programmes are concerned other than I think a few throw away lines from Mr Brown at times about how the answer is to slash the Public Service and to remove those persons that he doesn't seem to think are performing or attempt in any form that he possibly can to destabilize the Norfolk Island Government I haven't seen a document at all, any proposal at all, coming from other Members at this stage other than through the leadership of the Minister for Finance in trying to propose measures to address the problem. Now we are all at fault for that, we are all at fault for that. We all have to accept our responsibility as far as that is concerned equally as Mr Brown fully knows. He was a Member of Government up until the last sitting of this House and has been involved in lengthy discussions about ways in which these matters and I guess the difficulties that we are facing in this economy can be approached. This is an ongoing process. This process has been ongoing for 26 years as we struggle to deal with the issues that are continually put before us of the various requirements and burdens that are placed upon us as far as wither its security issues at ports and elsewhere and whether its governance issues and the costs that are associated with doing that and we try to work through those and in fairness we have tried to work through those with the Commonwealth and I think we've made a lot of headway in those issues and gone well above and beyond similar measures that are provided for within the Commonwealth parliamentary environment itself. I commend the Minister for Finance for having the guts, I guess to put on the table matters for consideration by Members of the Legislative Assembly. It's all well and good to sit here and criticize Members of the Legislative Assembly for inaction but unless they've got something positive to say something positive to say in the best interests of Norfolk Island, not their own personal interests, and to push that barrow in this place, is regrettable

MR BROWN Point of Order Mr Deputy Speaker. To such extent as the Chief Minister is casting imputations in relation to any Member of this House, doing so is inappropriate and the words should be withdrawn

MR GARDNER Mr Deputy Speaker I'm happy to withdraw those words. I do apologise to any Members who may have taken offence at those comments but Mr Deputy speaker the point that I'm trying to make is that we are here for the best interests of Norfolk Island first and foremost. Thank you

DEPUTY SPEAKER Thank you Chief Minister. Mr Brown I accept the Chief Minister's explanation. We will continue

MR BROWN I accept the withdrawal Mr Deputy Speaker. Thank you

MR NOBBS Thank you Mr Deputy Speaker. I would just like to say how concerned I am in relation to the proposals put by the Commonwealth and how difficult it may seem to some to actually put our point of view across considering that we've had virtually what appears to be a fait accompli but I would suggest that the community should look at it in a little different light. These are proposals put up to us. We have got problems here at the present time. I believe we can get out of it and I put up

various proposals in the last year or so but I've also sought some assistance from the Commonwealth Government. I understand that the Commonwealth Grants Commission will be arriving here on something like the 8<sup>th</sup> March. On the 24<sup>th</sup> march last year I wrote to the Finance Minister in the Australian Government requesting a visit by the Commonwealth Grants Commission, this was following discussions with the Commonwealth Grants Commission over the telephone, I formally requested that they visit to update the 1997 arrangements. This was refused point blank may I say. In a response which took until June to get here, but anyhow it arrived in June and it was really, a knock back. When the NSL was being developed we considered that we needed some assistance and we received assistance from the New Zealand Government in the years gone by and I'm saying this in all sincerity and I've got the backing of documentation to back whatever I'm saying now. We requested, I requested the New Zealand Government to provide some assistance because they'd done so in the past and the guys were still in that area, they put in similar sort of arrangements to the NSL in other island territories and they had actually worked here for some little time several years ago. I asked them if they were available and it was generally considered that they would be. I also asked the Australian Government for assistance for the Treasury and also for the Bureau of Statistics to be involved in providing advise. We went backwards and forwards like little boys, and eventually the New Zealand Government withdrew because they felt that it was in the Australian Government's domain and they talked to the Australian Government representatives about this and they withdrew. The Treasury people after much pressure from some people that I know, eventually arrived here. Two days. That's all the time they could spend on the island. And that was fine, and then they wiped their hands of us so if that's assistance I'll walk to Burke and it means walking on water so I'm in trouble for starters, but the second thing is, another issue that I requested after that was assistance in establishing our own Treasury office. Now there have been a number of proposals including the Commonwealth Grants Commission in 1997, that we don't have the statistical backing, we don't really know the economy and that we should do something about it and the establishment of a Treasury office on the island here was ideal. My proposal was that the Commonwealth Government second an officer here for twelve months to assist in the establishment of that office and training somebody to actually carry on that process and this was also refused. So to say that we haven't asked the Commonwealth Government for some assistance in the past is a complete and utter joke. We haven't asked for handouts. We just asked for fair assistance. The further point that I want to make in the limited time that I've been back in the financial role is this, that I asked for assistance of the Minister in upgrading roads. Now I don't believe that we need to spend \$43m in one hit on these roads. I think it's a complete and utter joke. It doesn't need that, but we do need some additional funding than we are providing at the present time which is roughly about \$1m per year when it's actually spent. So that sort of funding is needed and I put the premise to them that the title to the roads are in fact, actually held by the Commonwealth, the majority of roads except two or three. All the major roads, and I suggested to them at the time that maybe they should look at some contribution and I didn't say what, towards that assistance and when we've upgraded those sections of roads, they be transferred over to the Norfolk Island government and it becomes a full responsibility and ownership by the Norfolk Island community and this proposal was put up in 2000. this was part of the land initiative originally and that was the transfer of all Commonwealth land, not just leasehold to freehold title but all Commonwealth land on the island. And in my belief at the time I believed that we would achieve that fairly easily and that's the reserves and the like except for two areas, and that's KAVHA and the National Park and those I believe could be negotiated very easily on a lease back arrangement and there are models elsewhere which I'm very conversant with and it could be done that way and then the community has title to the whole of the island virtually, in whatever form it is. That was put up to the Minister in all sincerity. The response was well you are going to have to have seat belts, and you are going to have

to have breathalysers. I said that's part of the negotiation. Surely. I haven't heard a word since on those particular issues. To say that the Commonwealth hasn't been asked to help us in the past or hasn't been asked to assist and particularly in areas where they have some responsibility, because I believe that the Treasury function itself with all due respect, should have been set up in 1979. the Legislative Assembly arrangements took over what was the Administrator as King Billy Himself, here at the time, he could do anything that he wanted to, and an advisory Assembly and that structure and those functions and the like were developed during that period and they were based purely on Commonwealth lines and having gone through this in the Northern Territory the first thing we did, or they did I should say, although I suggest I was a part of it in a sort of a way, was to say well we are going to change this to what suits us, whatever the functions are instead of the Commonwealth Departmental arrangements, whatever suits us and they did and as I've said before, the Chief Minister's told the Public Service you either be it or if you don't, be off and he said that in broad terms because that was the way it was because at the time there were some there who wished it to remain as it was, the old Commonwealth Public Service and it just didn't work and it was not going to work but unfortunately here we sort of still maintained this Commonwealth Public Service. The proposal you've got before you from the Commonwealth is to return wholly to a Commonwealth Public Service arrangement and that's another reason I have grave difficulty with it. I'm prepared to work with the Commonwealth. I believe that we've got problems at the moment. We need to take some decisions ourselves. The paper that Mr Brown was talking about, gave a number of things, including a few things down the line which I believe that we need to look at things right now, in the immediate future and the future down the line. Further on. So that's the three steps. I think they're included in here. Those proposals of the hotel, the boat maintenance facility, have got to the stage where I have talked to various people about it, people in those particular industries and they feel that those are the way to go so instead of shooting out and saying well we are going to do this, and there's another issue in here, there's research centres and education centres and so on that are joint ventures, there's a number of issues there. instead of listening to all those and going into the shotgun approach, my belief is that we look at three. Those three move on them, the others are being addressed as we move along, I mean as far as Research Centres and such things, have been done in relation to those so it's not just homing in on those three. I knew there would be some sort of problem as far as the luxury hotel business is concerned. I know that. There'll be problems with the current providers of tourist accommodation and I'm very aware, I'm probably more aware than most of you of the suffering that some of these people are going through at the present time, I know that, but it's a different sort of a market and if it can work, the others will feed off it. As far as the boat facility and repair facility well the recommendations I have in relation to that from people in that industry are very strong. The other one with the central booking agency, it's been around for a while, and we're going for it. That's what I would suggest that we should go for and look at exactly what the benefits will be. We believe there'll be considerable benefits to the island, as far as its concerned, and for sure, there's an internet booking arrangement at the present time, but those are three proposals. The rest of them, we'll be looking out for the future, are being addressed as well but they are not to the stage of those three. The other issues for this particular point in time include the Legislative Assembly I believe that being the head of the organisation we need to look at reforms in our area, I know some Members are against it, maybe all here are against it, I don't know but there are some, and that was to reduce the number on the Legislative Assembly and to have my hobby horse as the Chief Minister will keep telling me, three Ministers. Then there's the Government financial review, because we really have to look at what we are on about and that's going ahead, and that is, well we've looked at it several times actually in the last twelve months, and we need to look at the Public Service organisation and we need to look at it fair dinkum and we need to do it without a major impact on the social fabric of the island. Then there's social and welfare services. So I mean that we are working along

that way, things take time on this island here and I just look at this glossy that the Department has put out and it certainly is a glossy and on the front page, are two kids sitting there. I just wonder because they are the ones that will be affected really affected, by any proposal if we accept the proposal that's being put by the Commonwealth at the present time, from what I know of it and I agree with Sophie Panopolous that there is a grave danger of turning my home into a basket case and that's not going to happen. Thank you

MR D BUFFETT      Mr Deputy Speaker, there really are a number of inter related items on today's programme of this sitting. The Australian Government's message which has been reflected in the Chief Minister's statement, an election motion, an executive Member motion, indeed there are two of those, and I don't want to pre-empt debate in respect of the election motion, nor the executive member motions but the reality is that all of these are to do with firstly the difficult times we are experiencing, the community's reaction to this difficulty and as from Monday, that is the day before yesterday, the Australian Government's reaction to that difficulty. Without a doubt we are in difficult times. Our principle industry of tourism has significantly declined, and a maximum of just over 40,000 in any one year which was in the year 2000-2001, down to something like 33,000 or thereabouts of more recent times. Businesses are struggling, people are out of work. Government revenue has declined, people are finding it difficult to pay their bills, even for the basics, that is food and electricity and the like. It is foreshadowed that there are to be some foreclosures within the community so there are difficult times. And these difficult times have been much reported upon and indeed one can say speculated upon in the last six months or more, two reports have been mentioned quite a number of times over the last few weeks, or few days maybe a few months. The Acumen Report is much mentioned, as is the Joint Standing Committee's report but there are others. In a nutshell some of the reports say that if we do nothing, then we might expect to be not financially solvent within say 18 months or two years. I think there are two points to make very early in the piece and the first one is, that those reports lack some accuracy and they reflect the wants and needs and expectations of an environment quite separate from that which we experience in Norfolk Island. Let me provide you with some example of how the report gives maybe an inaccurate financial situation. The Acumen Report talks about an expenditure in say the first year situation in terms of infrastructure with a figure of something like \$40m, or \$30m and whilst an infrastructure arrangement is much needed beyond that which exists, one would be foolish to think that you would spend that sort of money in the first year and then go broke by doing so. There are other ways to structure the infrastructure arrangement, but that has been based by Acumen for example, in a way that would lead to a ready demise of this place and that need not necessarily be so. Now we have as Members of this Legislative Assembly, of this Government endeavoured to have discussions with the compilers of that report and also in other areas, we have endeavoured to engender some discussion but there has been no positive outcome for that, but it's not for want of trying on our part. Now this doesn't mean of course that the financial difficulty we face is not real. Of course it's real, but the extent that it's described in those reports, the extent may well be challengeable. Secondly the report says that if we do nothing, we may become insolvent, but whilst I grant you that it may appear that we've done nothing, there has been significant effort to broaden the revenue base and to lift the tourist industry. Obviously at this time it has been insufficient but it shouldn't be thought that we have done nothing, and I'll mention about how we should do something additional in a moment, because there are four points that are essential. Four points that are essential to our economic recovery. They are pungent one line points to make and I'll endeavour to do so. Point 1, we need to reinvigorate the economy; tourism is the principle industry, our airline operation is a key to that. Cheaper fares, reliable arrangements, passenger freight capacity. The second point in the reinvigoration programme, we need to diversify our industry base and given the advance in information technology in the past ten years, there are opportunities that

we have not yet explored, so point one, reinvigoration of the economy, the second one is that we do need to broaden our revenue base, and that means with an NSL or similar. In other words a broad based arrangement in which we have a taxing regime which means that we are able to meet the cost of services and other things demanded in the Norfolk Island community. The third point very briefly is that we do need to rationalize in some sense the Public Service. The GBE's in a more business mode. Can we or do we need to perform all of the services that are presently provided by Government agencies. I've got to be very clear and say that this doesn't mean that we slash the Public Service in half as has been promoted by a number of people but there needs to be some rationalization and the key is the first point that I've mentioned. Reinvigoration of the economy so that businesses are reinvigorated, employment is restored in all sectors of the community, bills and mortgages can be met. The Government receives flow of Government revenue especially in a broadened revenue base situation to meet the range of community services that do need to be funded. The fourth point is this, because the time frame to achieve the first three points may be longer indeed than the eighteen months that's been given us in some of those reports, about financial sustainability so we obviously do need to negotiate a financial situation to ensure that we are able to bridge between now and the recovery dates. Whether that means realization of some assets or borrowing against assets remains to be seen and examined. That may seem a rather lengthy commentary on a number of related issues before I come to the real words from the Commonwealth announced on Monday which was the subject of the Chief Minister's statement to us but I think it is essential to know the context and the environment of that announcement. The Commonwealth signalled many weeks ago that the Minister for Territories wanted to come and talk to us. We heard rumors of an Australian Cabinet consideration of our situation. No details of course were available and certainly there was no consultation with the elected representatives of the Norfolk Island community and finally on Monday the Australian Minister and his officers arrived with a message. Let me be very quick to say that the Minister's visit is welcome. It is long awaited and the time between dialogue sessions has been far too long but I've also got to say that the message itself is less welcome. It said that the Australian Cabinet had decided to change the model of governance. No consultation. The message advised that this decision was based on reports of recent months which heralded financial insolvency, say within two years and I've mentioned those reports earlier in making this presentation. An outline, no detail, of the roll back of self Government includes these things; and a number of them have been already mentioned but I just mention them again in the context of describing where I'm at with this. These things, the limiting of legislative powers, all Commonwealth legislation extending to Norfolk Island except in some specific areas, introduction of taxing measures, inclusion in an Australian electorate, the Commonwealth taking immigration, quarantine and customs away from Norfolk Island. Now I really want to try and measure those items mentioned in the Commonwealth's message against our needs to survive this crisis we are in. Let me bring forward the first of the four points. Reinvigorate the economy. The Commonwealth are saying these things. Let me repeat them again. Limit our legislative powers. Please tell me how that will reinvigorate the economy. Extend Commonwealth laws. Please also explain to me how that will reinvigorate the economy. Introduction of taxing systems which may or may not mean the Australian one. How will that reinvigorate our economy. Placing us in an Australian electorate. How will that reinvigorate our economy. Taking quarantine, customs and immigration. How will that reinvigorate our economy. In fact we get income of something like \$3m-\$4m from customs into our public purse. The point I'm endeavouring to make Mr Deputy Speaker, is that the Commonwealth message is not going to reinvigorate our economy. Their claim to have brought this message to avert the projected insolvency in two years time, is difficult to see that it has substance and the community Members who think it does should not be deluded by thinking that the grass is greener in the next paddock because this exercise appears at this early stage to be not about sustainability but about the taking of powers. Now those things need to be said



happen. I just can't see how we can have full community discussions, papers made, family proposals and the way these plans are going to effect business, families, the island, I don't see how that could happen properly within the next few months because if I recall correctly at Monday's meeting they want the first draft of the proposals ready by mid August. Now I'm sorry but I think there is room here for some pushing and we have to push back but I am prepared in the meantime to work and work for the benefit of the community of Norfolk Island and see that, that prevails. Thank you

MR BROWN                      Mr Deputy Speaker it's very important that we all have clear memories. The closure of Norfolk Jet Express occurred for one reason. It occurred because of the actions of the Norfolk Island Government

MR NOBBS                      Point of Order Mr Deputy Speaker I think Mr Brown was involved in the Norfolk Jet Express exercise at that particular point in time in that the various papers were delivered to his office

DEPUTY SPEAKER              Mr Nobbs I don't believe that's a point of order but Mr Brown could you just watch your words

MR BROWN                      Mr Deputy Speaker as I said the closure of Norfolk Island occurred for one reason. It occurred because of the actions of the Norfolk Island Government. We then expected the Commonwealth to bail us out of our own folly. You can't blame them for not doing so. As a result of that ego driven action we've probably lost

MRS JACK                      Point of Order. There was no ego being driven by this Government but the benefit and the enjoyment of the lifestyle of people of Norfolk Island

DEPUTY SPEAKER              Mrs Jack I don't see that as an imputation but once again Mr Brown could you just watch your words

MR BROWN                      Thank you Mr Deputy Speaker. Mr Deputy Speaker I do hope that Mrs Jack will cease these frivolous interruptions. Time and time again

MR D BUFFETT                Mr Deputy Speaker, Point of Order. It is inappropriate to refer to a Minister as pursuing frivolous arrangements in this House

MR BROWN                      I withdraw my suggestion that Mrs Jack was pursuing a frivolous interruption

DEPUTY SPEAKER              Thank you Mr Brown

MR BROWN                      But I do hope that Mrs Jack will cease interrupting persons when they are speaking unless she does have a valid point of order. What we are seeing today and we've seen it on several occasions is a cranky person seeking to interrupt a speaker during a time when the speaker is entitled to be speaking. Now that decision of the Government to cause the closer of Norfolk Jet Express has cost us something like \$3m so far. Financial statements don't appear to be published. I've not seen them tabled in this place. One can only estimate the actual losses which have been incurred but certainly it is reasonable to estimate those losses as something in the region of or greater than \$3m. Fortunately because we borrowed more than we needed for the airport we had \$3m in the bank because the airport had something close to \$4m, we decided that we needed to borrow \$12m for the airport. We could have borrowed \$8m because the rest was in the bank but when questions were asked about that at the time, we were advised by the Public Service and if my recollection is correct by at least one of

those gathered around this table that it was necessary to keep the \$4m in the bank so that we had it to make the loan repayments. Now have you heard of anything sillier Mr Deputy Speaker. Imagine someone going to buy a house, they need to borrow \$2000, the House is costing them \$100,000 so they borrow \$100,000 and keep \$98,000 in the bank so that they've got plenty to make the repayments. Now that is no sillier than what we did but fortunately that money was there to raid in order to pay the cost of what the Government did in causing the closure of Norfolk Jet Express. What else has the Government done to help reinvigorate the economy

MR NOBBS Mr Deputy Speaker I've got a point of order because this proposal with Norfolk Jet Express we took \$3m, the figures that we had they were in debt to this community for nearly \$5m and the possibility of them trading insolvent at the point in time was very great so I'm very concerned that a person who is using this forum, a person who was attached to the company in some form or other

MR BROWN I raise a point of order that I have the floor, the Minister has not identified a point of order. It is time for the Minister to keep quiet and allow me to continue what I'm saying

DEPUTY SPEAKER Thank you Mr Brown I have to deal with Mr Nobbs first

MR NOBBS and that there was confusion in the actual role at the time with Mr Brown but all I can say is that his office through him he was listed as the person, as the company office and think this is quite out of order Mr Deputy Speaker and I would think that whatever the section is, I don't know but I believe he's out of order

MR D BUFFETT Mr Deputy Speaker, I wonder if I might raise another point of order at risk of gaining the annoyance of some Members of the Legislative Assembly, what appears to be developing now is a major debate upon a matter that really is becoming remote from the main subject that is before us which was the Minister's statement on the message from the Commonwealth of Australia. One can see that maybe some of the areas may have relevance for a part but what appears to be developing is a major debate and some element of antagonism on a matter that probably is not the substance of the debate before the house and so I raise the matter of relevance with you Mr Deputy Speaker and maybe encourage all Members present, not just one, all Members to return to the subject of the message from the Commonwealth of Australia and to the Minister's comment upon it which was the statement on the subject before the House and things that may be relevant to it

DEPUTY SPEAKER Thank you Mr Buffett. Indeed relevance is an issue. I've heard all of you and ask Members to continue with dignity

MR BROWN Mr Speaker Thank you. I have dealt with the issue of the Government's decision to force the closure of Norfolk Jet Express at a cost which has not been disclosed by the Government but it would appear that the cost was far more than the \$3m figure I stated because Mr Nobbs is now talking of \$5m in a broader sense. The Government has done nothing

MR NOBBS Point of order. That's a complete and utter misquote of what I said. I said that the company was in debt to the community for nearly \$5m

DEPUTY SPEAKER Thank you Mr Nobbs. I will allow you to speak. I'll call you after Mr Brown

MR BROWN the problems in our tourist industry

DEPUTY SPEAKER                   and please watch your words Mr Brown

MR BROWN                         Did I swear

DEPUTY SPEAKER                 Not yet

MR BROWN                         Thank you Mr Speaker. The storm clouds on the horizon for our tourist industry had been there for some time and there were many reasons for it but not the least of them was statements by successive Minister's and statements by some within the Tourist Bureau that the island didn't want group travel and that the island didn't want the over 55's and what the island wanted was a new younger market that pedaled kayaks and rode mountain bikes. Now that would not be a bad thing if it had been expressed along the lines we think there's a need to develop some additional segments in our market place. Had that been said one could not have criticized it but unfortunately as I have said there were numerous media reports of statements coming from Minister within our Government and from the Tourist Bureau and to antagonism towards the existing market place. None of those things did us any good and then once we injected additional instability into the market we really should last June have started to do something about it but frankly it's a case of too little too late. What else did we do after June. Its very hard to think of anything that we did do. There was a lot of talk but generally the talk came to an end when we'd say well we'll wait til we get that Asset Management Plan and then we'll review it or we'll wait until we get the Acumen Report and then we'll review it or we'll wait until the Acumen people can come over to talk to us and then we'll review it or we'll wait til the mi and to antagonism towards the existing market place. None of those things did us any good and then once we injected additional instability into the market we really should last June have started to do something about it but frankly it's a case of too little too late. What else did we do after June. Its very hard to think of anything that we did do. There was a lot of talk but generally the talk came to an end when we'd say well we'll wait til we get that Asset Management Plan and then we'll review it or we'll wait until we get the Acumen Report and then we'll review it or we'll wait until the Acumen people can come over to talk to us and then we'll review it or we'll wait til the Minister can come and talk to us about the Acumen report and then we'll review it. We should have been tackling all of this Mr Deputy Speaker a long time ago. I think it's unfortunate that the Federal Cabinet has chosen to make what appear to be far reaching decisions without there being consultation because we weren't even told that the Commonwealth had given up waiting for us and that they were going off to Cabinet with the old bogeys of normalization of Norfolk Island, it's in the Department's Annual Report year after year at present and normalization doesn't mean making sure the island is fine it means making sure that the proud history of the island is destroyed by dragging it into, dragging it kicking and screaming perhaps, into just being a remote part of Australia. Having said all of that I don't think much is to be achieved by the harsh words of the Chief Minister. It think we would do better to acknowledge that we've probably mucked it up a bit, that we haven't consulted enough, that perhaps we haven't had adequate expertise within our numbers and certainly within your public service and having done that we should get on with sorting out the problem. We shouldn't sit down and wait for the outcome of this. We should be sitting down now recognizing that there are ;problems to be solved, recognizing that we were in error when we sat back waiting for this and waiting for that and we should settle down and sort out the problems in a sensible fashion, thank you

MR NOBBS                         No I don't want to say anything more. It must have been something else but thanks for the opportunity

DEPUTY SPEAKER Is there further debate? There being no further debate the question is that the Statement be noted

QUESTION PUT  
AGREED

The Statement is noted

Are there further Statements. No. Mr Speaker would you care to resume the Chair

SPEAKER We have concluded Statements Honourable Members,

### **MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR – NO 30**

Honourable Members I have received the following message from the Office of the Administrator. It is Message No 30 and reads, on the 17<sup>th</sup> January 2006 pursuant to section 21 of the Norfolk Island Act 1979 I declared my assent to the following, the Gaming (Lotteries Amendment) Act 2006, Act No 1 of 2006, the Commercial Arbitration Act 2006, Act No 2 of 2006, and the Supplementary Appropriation Act 2005-2006, Act No 3 of 2006, and that message is dated the 17<sup>th</sup> January 2006 and is signed Grant Tambling, Administrator

SPEAKER Thank you. We've concluded Messages Honourable Members, and we are commencing to Notices

### **NOTICES**

#### **LEAVE TO MOVE MOTION**

We move to Notices Honourable Members. First of all. Mr Nobbs you had indicated that you have a matter. Appointment of a Norfolk Island Government Auditor and you wanted to seek leave to bring that matter forward

MR NOBBS Thank you Mr Speaker I seek leave to move the motion Mr Speaker which appears on the programme in my name

SPEAKER Thank you Mr Nobbs. Is leave granted Honourable Members? Leave is granted Mr Nobbs

### **APPOINTMENT OF NORFOLK ISLAND GOVERNMENT AUDITOR**

**MR NOBBS** Mr Speaker I move that the Legislative Assembly recommend to the Administrator that he —

(a) appoint CST/Nexia Chartered Accountants of New Zealand, a firm in which at least one of its members is a registered auditor within the meaning of section 51A of the *Norfolk Island Act 1979*, to be the Norfolk Island Government Auditor under section 51 of the Act for the financial years ending 30 June 2006; 30 June 2007; and 30 June 2008; and

(b) for the purposes of section 51 of the *Norfolk Island Act 1979* determine that the terms and conditions of appointment of the Norfolk Island Government Auditor be (i) an annual base fee of \$28, 500 for the financial year ending 30 June 2006;

(ii) an annual base fee of \$30, 000 for the financial year ending 30 June 2007;

(iii) an annual base fee of \$31, 500 for the financial year ending 30 June 2008; and

(iv) the reimbursement at their actual costs of out of pocket expenses incurred in relation to the appointment up to a maximum of \$11, 000 in any one year.

Thank you Mr Speaker. This is an appointment that's required under legislation and this is the process that we put it through and Chief Minister will be also appointing the same people. The CST is Curran Sole and Tuck and they were the auditors prior to the last lot the Queensland Government Auditors took it on for three years following Curran Sole and Tuck. There's been after that three year period there were tenders called for the provision of the service and this current company actually won the tender and it was put through the tender process and they were awarded the tender so I have nothing further to say in relation to this Mr Speaker. I think Curran Sole and Tuck did an excellent job as did the Queensland Government Auditors, it was good to have a change at that time and we are going back to a group which has some familiarity and some assistance with the island and I can tell you that these guys actually had business conferences, their company conferences on the island so they weren't just taking everything out of the place. Thank you Mr Speaker

SPEAKER Any further debate. 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

#### **LEAVE TO MOVE MOTION**

Appointment of a Norfolk Island Government Auditor again this is something that leave needs to be sought for and Chief Minister you have carriage

MR GARDNER I seek leave to move the motion Mr Speaker which appears on the programme in my name

SPEAKER Is leave granted Honourable Members? Leave is granted Chief Minister

#### **APPOINTMENT OF AUDITOR FOR NORFOLK ISLAND GOVERNMENT TOURIST BUREAU**

MR GARDNER Mr Speaker I move that for the purposes of subsection 18(1) of the Norfolk Island Government Tourist Bureau Act 1980, the Legislative Assembly resolves that CST/Nexia Chartered Accountants of New Zealand, appointed as the Norfolk Island Government Auditor under section 51A of the Norfolk Island Act 1979, be the Auditor of the Norfolk Island Government Tourist Bureau for the financial years ending 30 June 2006; 30 June 2007 and 30 June 2008. Thank you Mr Speaker I think the Minister for Finance has explained the appointment process that was followed for CST/Nexia to the Administration. It is a requirement of the Tourist Bureau Act for a similar appointment to be made for the auditor for the Norfolk Island Government Tourist Bureau. That is the purpose of bringing this motion forward this morning and it goes without saying that the reason for it, following that appointment as it was required to be an appointment made of the Norfolk Island Government Auditor before I could proceed with that one this morning. I commend the motion to the House. Thank you Mr Speaker

SPEAKER Any further debate. 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

**IMMIGRATION ACT 1980 – SETTING OF QUOTA**

MR GARDNER Mr Speaker as I'm sure you're aware and others around the table are aware this is the time of year when Mr Nobbs usually has difficulty with the setting of an immigration quota as he also has difficulty with the army worm. The only difference this year I don't think that the army worm has come out in the same types of numbers as are presented in the motion before the House today. Mr Speaker there is a need to set a quota and Members will note that the date proposed for the setting of this quota is the period 17 February 2006 to 16 February 2007. Mr speaker in accord with that it's probably appropriate that I do move that for the purposes of subsection 21(1) of the Immigration Act 1980, this Legislative Assembly resolves that it be determined by instrument in writing that 35 General Entry Permits be granted during the period 17 February 2006 to 16 February 2007 and I so move. Thank you Mr Speaker I have circulated to Members a paper dated the 16<sup>th</sup> February 2006 from the immigration officer in relation to the setting of a General Entry Permit quota for the year. It is to be noted within that paper that for a number of reasons particularly awaiting developments in relation to the revision of the immigration Policy and Guidelines Booklet and other matters to do with the Population Policies review Mr Speaker that an interim quota be set at this time of 10 according to that paper. The reason for the 35 appearing in the motion is entirely my own fault and I accept that, is that there was a requirement to have the notice appearing on the notice paper last Thursday so I had inserted that number based on the historic figures for the setting of General Entry Permit quotas in Norfolk Island and of course that figure is open to debate on the floor of the House this morning but that said I commend the motion to the House and I look forward to Members input, thank you

SPEAKER Are you saying therefore that the proposal you have is for 10 not 35

MR GARDNER 35 as it stands Mr Speaker

MR NOBBS Mr Speaker I won't be supporting the motion as per usual because we still haven't done the review of the immigration Act

MR BROWN Mr Speaker 35 will be insufficient to cover the number of people who have left the island let alone provide for the 2% growth which is allowed under the current Population Policy nevertheless, the Legislative Assembly is able to revisit the quota from time to time through the year. I'm quite happy to support establishing a quota of 35 today because as I said the Legislative Assembly is able to revise it from time to time and history has shown that that revision does regularly occur

MR GARDNER Thank you Mr Speaker Mr Brown is quite right. Legislation does allow the Legislative Assembly to consider the setting of a supplementary quota at a later date and taking on board what he's said I would hope that the appointment of the new Minister for immigration or Minister for Community Services who will have responsibility for immigration that the population policy matters and the revision of the policy guidelines and booklet will be finalised in the not too distant future so that we can address the establishment of an appropriate quota number for immigration purposes



new Minister will need to give some consideration to and I hope that Mr Christian is willing, prepared and able to pursue that matter with the Membership with the new Minister in relation to the population policy and how we go about distributing the General Entry Permit quota from here on in

MR CHRISTIAN Thank you Mr Speaker, I do intend supporting the motion but what I wanted to ascertain was whether 35 is actually sufficient because taking on board Mr Brown's comments that I think we have a document somewhere that indicates compared to the same time last year we have 100 less permanent residents on the island. If we have a waiting list out there for General Entry Permits greater than 35 well we should attempt to deal with them all now

MR GARDNER Mr Speaker I have been advised that there is a waiting list that's not anywhere near approaching 35. that's not to say that there may be generated a great deal of interest in Norfolk Island in months to come and as Mr Brown's correctly pointed out earlier, we have the ability to move on that fairly swiftly and I'm sure that, that would be the intention of the membership if it was so required

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

QUESTION PUT  
AGREED

MR NOBBS NO

Thank you. Mr Nobbs do you wish the House called. Then I will have your dissent noted in Hansard. That motion is agreed to

### **REQUEST TO CALL GENERAL ELECTION**

MR CHRISTIAN Thank you Mr Speaker, I move that this House, being of the opinion that a new election for the whole of the membership of the Legislative Assembly should be held as soon as possible, requests Mr Speaker to recommend to His Honour the Administrator that a general election of Members of the Legislative Assembly be held at the earliest convenient date

SPEAKER Thank you. The question is that the motion be agreed to

MR CHRISTIAN Thank you Mr Speaker. I bring this motion before the House today because I am personally disappointed with the performance of this Legislative Assembly. To date this Legislative Assembly has been rich in ideology, has a very good grasp of the problems facing the island and in most cases has actually developed solutions to those problems. Regrettably when it is necessary to implement the solutions the Legislative Assembly has found itself impotent and unable or unwilling to act. Mr Speaker this inability to act in a decisive manner has this week resulted in the Commonwealth announcing the final solution. With few options and definitely placing Norfolk Island on the back foot and the Legislative Assembly in a very difficult negotiating position. Mr Speaker the way forward will require Legislative Assembly Members to possess a sound understanding of Norfolk Island's situation and be superb negotiators. When I look around this Chamber very few Members are able to muster those skills. Mr Speaker like never before Norfolk Island needs Legislative Assembly Members who are cool under pressure and will not cut and run at the first setback. Now

is the time in my view to allow the community to elect a new group of leaders to face the new challenges ahead. I will now touch on some of the areas in which I feel the Legislative Assembly has come up short and it's by no means an exhaustive list but just a descriptive list. All of them impact on Public Sector financial health and economic health of this community. On the matter of the airline, it's now been eight months or so since the Norfolk Island Government sent Norfolk Jet Express to the wall. It is struggling to provide a replacement service that will deliver stability and growth to our tourist industry. The longed for recovery in numbers from the Australian market remains as distant as ever. We have taken far too long to recruit an experienced airline manager and when I sought to have a dedicated Minister appointed to run the airline the Legislative Assembly voted the proposal down. We are now having to deal with the short sightedness of that decision and than Legislative Assembly's ability to subsidise the operation using cash reserves from the airport undertaking is probably at an end. I will make some comments on our annual budgeting process. It takes a brave Legislative Assembly to pass a deficit budget and one would normally only do so if the next financial year is forecast to improve. It takes a foolish Legislative Assembly to pass a deficit budget when the next financial year is expected to be worse than the current one yet that is exactly what this Legislative Assembly has done. An Assembly's options to access bridging funds to cover budget deficits is quite limited. In the short term one can normally cut back on expenditure and while we have made some cuts, they have not been sufficient as economic conditions continue to worsen. Tougher methods should have been implemented but no action has been forthcoming. The largest single expense for the Legislative Assembly is the public services wages and options that should have been implemented but which have not been implemented include consideration being given to the permanent reduction of the public service size by eliminating all unnecessary positions and units within the public service. We should also have given consideration to across the board pay cuts until economic conditions improve. To me it is not an option to stand by and watch bankruptcy looming. The Legislative Assembly and the Administration have proven themselves to be hopeless business managers and the resultant cost increases impact dearly on the community and some examples are, clean quarry rock. Clean rock was supposed to be available from the quarry for about \$17 per tonne. Today the actually cost is closer to \$70 per tonne. And increase of fourfold. It's a damning indictment of the Legislative Assembly's ability to manage. Airport movement charges. They were in years gone by about \$38 on a return ticket and that should have been sufficient to fund the airport upgrade. We are now in a situation where if I am to believe the information that the Minister for Finance has given me, that the tax impost on a return ticket to Norfolk Island will have to rise to somewhere in the vicinity of \$90. again not a happy situation to have to report. Other problem areas that are known but which have received no fix include the waste management centre. It is not operating well and it's operating costs are not being covered by the waste levy. It continues to consume the cash reserves of the water assurance fund and will result in both the Water Assurance Scheme and the waste management centre becoming bankrupt if corrective action isn't taken. The sad fact is that from the responsible Minister down, we pay managers at a combined annual wage of about \$200,000 to steer the waste management centre into a financial brick wall. The granddaddy of all our problems remain the 2002 development plan. It has successfully curtailed all building and development activity on the island contributing to the downward spiral in economic activity and still this Legislative Assembly refuses to fix it. I believe the only honourable option open to this Legislative Assembly is to stand down and allow the community to try again. Thank you

MR GARDNER

Just briefly Mr Speaker Mr Christian's own words, to cut and run at the first setback, should ring loudly in his ears because that's exactly what he's proposing that we do, is to cut and run, and leave the problems to somebody else. As history will show I think all too often some would argue unfortunately, others

necessarily so to ensure that there is continuity but as history has shown, there has been no return of most members, or certainly a majority of members I think in most recent elections over a number of years. Some of the issues that Mr Christian raises, the clean rock at \$17 a tonne, was something that was set way, way back in the 8<sup>th</sup> Legislative Assembly. We're in the 11<sup>th</sup> Legislative Assembly. That can hardly be blamed on this Assembly and hardly be grounds to force us to an election. The air travel taxes likewise. This Assembly didn't negotiate the arrangement for the repayment of loans and then find that once you've gone and tested the market to find that the amounts of monies that you have to borrow to upgrade the airport were going to see a movement from some \$3 or 4,000,000 I'm not sure of exactly the figure, up to almost \$12,000,000 to deal with that matter. Now we have to repay that loan and there needs to be a source of funds found. At the time by negotiation with the Commonwealth it was seen that the repayment programme would require the repayment at the level of fees that Mr Christian is talking about. Again, those are things of history. They aren't things of this Assembly's making but certain a burden that this Assembly has to pick up and has to make some decision or have discussion about. There's no doubt about that and the Norfolk Island plan. Yes, that's been around for a long time and it took a long time to develop, done in close cooperation with the Commonwealth in the eventual hope for this community to be able to have a plan that was going to serve us well into the future. It was actually going to relieve us of a lot of the problems that we encountered with the earlier plan in Norfolk Island. I think the 1996 version and I think it's fair to say that it's proved that those issues have not been resolved. In fact, it's become burdensome, it has become an issue. I know the Minister has been working, and the staff have been working to try and relieve that pressure. As Members of the Legislative Assembly we have an opportunity at every single sitting of this House to bring proposals forward for this Assembly to consider. I haven't seen too many from Mr Christian. Thank you

MR CHRISTIAN Thank you Mr Speaker. It's indeed interesting to see that the Chief Minister will go on defending the indefensible and that is his Government has been largely useless. If Mr Gardner would like to refer back through Hansard since we've been elected he will see that as a backbencher the only opportunity I have to cause things to happen is to use Questions Without Notice and I have bombarded every executive Member with a number of Questions Without Notice. I have in most circumstances been fobbed off or given part answers or answers that have no substance. If Mr Gardner would like to look at the minutes of every informal MLA's meeting that has been held since this Legislative Assembly took office he will find that at nearly every one of those meetings I have raised matters of concern. As a matter of record not being a Minister I have no ability to bring anything to the house or cause an executive to do anything. The only option open to me is to bring a motion to the House requesting a Minister to do something. But if a Minister chooses not to do something the motion that I bring before the House will only produce the results that a natural motion would produce

MR GARDNER Mr Speaker if Mr Christian has Hansard and has the programmes available to him where those motions have been put on the table for discussion in this House look, I'll take all my words back, but Mr Speaker I don't recall that happening. I do recall other Members of the Legislative Assembly bringing motions to this House requesting Executive Members to do certain things. They've been openly debated and they've been passed and they've been agreed to by this House and those matters have been brought back to the attention of this House. I don't accept Mr Christian's criticism whatsoever

MR NOBBS Mr Speaker I'd say that the community, and I've spoken to quite a few people to see that we are in what may be classified as difficult times now, and this sort of issue is not really conducive to assisting in overcoming that

sort of thing. I won't be supporting the motion and I would suggest that it was time that we looked at it, if Members do not wish to tough it out and it's going to be a fairly tough period over the next six or twelve months, they say six months so that's probably three years by Canberra's standards, but it would be six to twelve months that these sort of issues will be around and we have visits from the Grants Commission in two weeks time and the Bureau of Statistics sometime following that and I'm not too sure on the exact dates, so it will be testing times, and on the basis of their being here it is our need to put forward a united front on those who want the Australian Government to come here and I know that there's a few of them in this Legislative Assembly or there's one anyhow, that wants that sort of thing and there's others who are very concerned about where the direction is taking us or the Commonwealth Government proposes and I would suggest that if Members feel that they cannot handle it, it's too hot in the kitchen, well I'll give them a bit of paper and I can deliver it to him for you if you like Mr Speaker and they can resign right now because that's where it should be. You've got to start thinking about this community for a change and it's not big time for me to be an elected Member I can assure you of that and anybody who reads the paper every week can realise that, but I'm here for the hard times or the long haul I should say. Hopefully we'll be getting out of these hard times very soon and I think every Member should just vote this down, get on with it and make some progress. Thank you

MRS JACK                      Mr Speaker, thank you very much. Mr Christian has raised a couple of areas within my portfolio and ones that I take a bit of umbrage at. I don't know if Members remember but in the last sitting, in the January sitting Mr Christian did ask me a question and I said that I was not aware of the answer and I would have to take that on notice. It wasn't put on notice Mr Speaker but I have the answers available here but in the meantime the relevant Member has gone out and kept on denigrating the waste management centre in the newspaper saying that I'm not replying to his answers. If he wants a more urgent, faster answer than waiting for the next Legislative Assembly I wish that not just Mr Christen but any Member will come to me. I like to think that I'm responsible in supplying those answers that have been asked of me. It's crazy to wait until such a build up and then spit the dummy. If Mr Christian wants that answer I'm willing to give it to him, either now or at the closing section or as an aside but to keep on denigrating the waste management centre which I think is doing a marvelous job all things considered, its helping the environmental and ecological benefit to this community, even one where it goes as far back as 1995 when Mr Christian himself was Minister for the Environment and asked a question by the then Mr Bates, what consideration has the Minister given to recycling and composting methods as a more environmentally friendly solution to this long term problem and Mr Christian said that there's an options paper being developed for waste management in Norfolk Island and composting will certainly be playing a significant part in that and in fact, part of the budget bids for this year or for the next financial year includes a chipping machine for forestry, already setting the scene which will hopefully be the first stage in more efficient methods of disposing wood and clipping waste rather than burning. We did have that offhand remark not so long ago by Mr Christian saying why don't we just use a match to fix up the green waste at the waste management centre but we cannot keep on pushing down what is really turning into a major benefit for the community. It's one that will in time grow and recycle more and more. We are seeing tremendous amounts of recycling going on and that Members around this table should continually put it down, put the Public Service down instead of getting together and forming and being united and assisting and forming ways of benefit to the community I continue to be amazed Mr Speaker. I won't be supporting the motion. I agree with Mr Nobbs. If you don't like the heat get out of the kitchen, thank you

MR CHRISTIAN                      Thank you Mr Speaker, I can bear the heat. I don't think some of my colleagues can so I'm asking them to get out. That's the purpose of

this motion. I intend seeking reelection if this occurs. I'll respond to Mrs Jack there in a minute in respect to the waste management centre. I think the aims of the waste management centre are admirable but they are not being achieved and what I'm concerned about is the financial sustainability of Norfolk Island and I see the waste management centre becoming a huge burden. Now if we go back to when the levy was originally set to run the waste management centre that obviously probably didn't cover all of the cost of operating the waste management centre but the levy was levied upon imports into the island at a certain rate, whatever that rate may be. Now blind Freddy would be able to see now that in a declining economic sphere the income to run the centre must be drying up. There has to be less available income. To keep the centre running at its current level you can only draw funds from elsewhere. That elsewhere is the Water Assurance Scheme because the waste management centre has been lumped into that GBE as one so it is consuming whether you like it or not the cash reserves of the Water Assurance Scheme. Some time ago you might recall Mr Speaker that I requested the responsibility for that GBE be transferred to the Minister for Finance so that he could protect it in the same way as he's protecting money for roads and such. That hasn't happened. The Minister for the Environment basically refused to let the responsibility go and on top of that I have never stood up in front of any organisation or any group of elected representatives and said that I will pay for the centre by selling compost or wood chip. I accept that that's what the centre will produce but don't for one minute try and fool me that it will pay or partially pay for the operation of the centre and I think that's important but what I'm also concerned about is that if we prepare a set of financial statements for the waste management centre bearing in mind that the Commonwealth gave us the money to build it in the first place, so no money came out of or a very little money came out of the Norfolk Island public purse to build a waste management centre. We run it for a number of years and we run it pretty badly because some in the community lodged objections to the waste management centre which were successful and curtailed the operation of the waste management centre so the centre has never operated in the way its original designers intended. The Government has never sought to undo that or find some way around it so we find ourselves in the ridiculous situation Mr Speaker where we ask householders to separate their rubbish and take it to the waste management centre and they put it through all the proper chutes and then we on the other side recombine it all, put it on a truck and take it to Headstone and burn it. That is a ridiculous situation to be in. Mr Speaker coming back to the financial statement part of things, the Commonwealth paid for the centre probably in totality or a large part of it, we then have a green waste processing machine and I have no difficulty with the green waste processing machine, but once again the Commonwealth paid for it so we have this go along to the centre and it's put there with all the wonderful equipment. The difficulty is Mr Speaker that the Commonwealth did not agree when it funded the waste management centre and it funded the new equipment to replace them in perpetuity therefore that cost lies with the Norfolk Island community. Now if the waste management centre is today running at a loss and being subsidized by the Water Assurance Scheme and you apply amortization and depreciation to the new equipment and the waste management centre in itself, how the heck are we going to pay that off. I've not seen the Minister come forward with a business plan. None exists as far as I'm aware and I think that is financially irresponsible and once more Mr Speaker and I state my case that I do not think that the Membership of this current Legislative Assembly has got what it takes to take us forward and that's based on past performance and the laws of probability will say the likelihood is that they won't get any better

MR BROWN

Mr Speaker the Chief Minister referred to cut and run. I don't take Mr Christian's motion as being one of cut and run. He's made it very clear that he doesn't have confidence in the present Legislative Assembly and that he does plan to stand for reelection if there is a new election. I would take that a step further

Mr Speaker. A new election would provide an opportunity for the community, if Mr Nobbs and Mrs Jack are correct, to provide a ringing vote of confidence in the present Legislative Assembly, reelect all of the Members and give them a sound mandate to do whatever they may have said in their policy statements that they propose to do. But if the community doesn't have confidence in the present Legislative Assembly who are we to deny the community the opportunity to say sorry fellows, we might reelect a few of you but the rest of you can go. Now its not realistic for Mr Nobbs to sit there and say if you can't take the heat get out of the kitchen. That has been a typical response of the Executive Members within this Legislative Assembly. Do it our way or go to hell. That's what the response has been Mr Speaker and the waste management centre is a perfect example. I'm not sure whether the Minister has been to the waste management centre in the last six months but it really is as bad as Mr Christian says. Even at its most basic can you imagine requiring the community to sort their waste, requiring them to take it to the waste management centre instead of Headstone where they used to take it, Headstone Members might recall was very well run at nominal cost by some contractors. It cost very little each year. When we went with the bigger, better, brighter waste management centre we refused to put the management of that out to tender, we insisted that the only people who could run that properly was the Public Service and so we have a situation where you take, as Mr Christian said, your nicely sorted rubbish, you put it down the individual chutes and someone on a bobcat which isn't designed to run on concrete but we'll leave that aside for the moment, but that was purchased as part of the package, someone on a bobcat scoops it all up and as Mr Christian said it gets put on a truck and with rubbish flowing in the wind the truck drives off

MRS JACK Mr Speaker, Point of Order. I think Mr Brown has gone on long enough and I believe there to be a conflict of interest, a commercial conflict of interest behind all of this because Mr Brown in his position as Minister early as last month made overtures to a company about a green waste processor and I have before me a file note from the relevant sections within the Public Service stating their view and mine is also agreed to it that a commercial interest in the waste management centre which could influence his deliberations causes a conflict of interest to arise

SPEAKER Mrs Jack I don't see a point of order in the matters you have raised

MRS JACK Mr Speaker, surely

SPEAKER I will give you an opportunity next so that you might speak and express your views about the matter but I don't see that that should discourage Mr Brown's participation at this moment

MR BROWN Thank you Mr Speaker, perhaps Mrs Jack when she's more experienced will understand that if she doesn't like something...

SPEAKER Mr Brown there is no cause for you to enter the lists in determining

MR BROWN Sorry Mr Speaker. I was attempting to assist. Mr Speaker I've been criticized about making an inquiry about a green waste processor. What stupidity. The Norfolk Island Government advertised seeking prices for a green waste processor. Several of the magazines that I subscribe to contain details of such things. Why wasn't I entitled to make inquiries. Island Industries didn't tender to provide it. It's all very well for Mrs Jack and her ethical Public Servants who attempt to crucify the reputation of people day in and day out in this place, but really it's time..

MR NOBBS Point of Order Mr Speaker

SPEAKER Order. Order. Order Mr Brown. It is inappropriate for you to say that a Member of this House should endeavour to crucify the reputation of people and I would ask you to withdraw those words

MR BROWN Mr Speaker to such extent as I've said that Mrs Jack endeavours to crucify the reputation of people in this place, I withdraw that comment

MR NOBBS Mr Speaker I thought the Point of Order was to the Public Service not to Mrs Jack and that's why I stepped in

SPEAKER We've covered that and the matter has been withdrawn Mr Nobbs

MR BROWN Mr Speaker this motion provides the opportunity for the community to provide a resounding vote of confidence in this Legislative Assembly if it so wishes. It provides the opportunity for the community to clearly state that it wishes its Legislative Assembly to negotiate the best possible deal from the package being proposed by the Minister and it provides the community with the opportunity if it so wishes to clearly state that it wishes its Legislative Assembly to oppose the attempts at taking away self Government and to preserve what has been so hardly fought for over many years. Now I don't see why any Member would be frightened of providing the community with that opportunity. I'm certainly prepared to do so Mr Speaker

MRS JACK Mr Speaker, I've said it before Mr Speaker. I interrupted. I think I made my point

MR SHERIDAN Thank you Mr Speaker just from the outset I intend to not support the motion but in saying that, as you've heard or the whole population of Norfolk Island have heard, there are many varying views within the Legislative Assembly down here and whilst differing views are always welcome, sometimes I do believe that we get sidetracked into personalities, and we can live in the past and with past Governments you might say. I don't really believe dissolving this Government at the present time, would be in the best interests of Norfolk Island in itself. I have a very great fear that if we do dissolve this parliament right now, we may never get the chance to form another one. This may be the catalyst that the Commonwealth Government might take the option into fast tracking whatever their options are for the future of Norfolk Island so I don't believe that the hole that we've dug for ourselves is that deep that we can't get out of it. It's going to be a very slippery climb and there are going to be very hard decisions to make, but I believe that we do have the capability in this Legislative Assembly to make those decisions, we will not all agree with it, but hopefully the majority will agree and we can come to some level playing field where we can move forward and we can make Norfolk Island prosperous again so in just saying that, I don't intend to support the motion and I just have the greatest fear that we may never get the chance to form another one. Thank you

MRS BOUDAN Thank you Mr Speaker. I don't intend to support this motion either. I firmly believe that the community would let us know if they wanted us to make such a move. Thank you

MR CHRISTIAN Thank you Mr Speaker. I find it kind of incredible actually that some of the Members sitting around the table here are more interested in self preservation rather than allowing themselves and their performance to be judged by the wider community.

MR BROWN                      Mr Speaker Mrs Boudan I think just told us that the community will send us a signal when it forms a view. I think I can tell Mrs Boudan that the community is quite likely to sign little pages very soon which will send us a signal to tell us that we should go elsewhere and that is the option that the community obviously has and it's one that I have little doubt that in the relatively near future they will take up if we choose to reject the motion today

MR T BROWN                      Mr Speaker I agree with what Mr Christian and Mr Brown said. Normally I would be against such a motion which leads to destabilization of the Government. However I don't see it appropriate to have a stable Government which does nothing or at least is ineffective when it attempts to do something. I'll be support the motion thank you Mr Speaker

MR GARDNER                      I move that the question be put

SPEAKER                      Do I need to put that question Honourable Members. I think I'll just move into actually putting the question if everybody has had the opportunity to say their piece. Honourable Members, the question is that this motion be agreed to

#### QUESTION PUT

Could the Clerk please call the House

MR BUFFETT	NO
MR GARDNER	NO
MR SHERIDAN	NO
MR NOBBS	NO
MR CHRISTIAN	AYE
MRS JACK	NO
MR T BROWN	AYE
MRS BOUDAN	NO
MR BROWN	AYE

SPEAKER                      The result of voting Honourable Members, the Ayes three, the Noes six, the motion is not agreed

MR BROWN                      Mr Speaker it's twenty to one. Would it be a convenient time to suspend

SPEAKER                      I would be happy to do that if that would fit in with the programme for most

MR BROWN                      Until two Mr Speaker

MRS JACK                      Mr Speaker, I would like to address the next one and have that out of the way myself

SPEAKER                      How does that sit around the table. I'm happy that we tidy the two motions which may have some relativity one to the other and then we suspend for lunch so in that context I'll call Notice No 5

**REQUEST TO TERMINATE THE APPOINTMENT OF ALL CURRENT EXECUTIVE MEMBERS**

MR CHRISTIAN Thank you Mr Speaker, I move that this House advises His Honour the Administrator to terminate the appointment of all current Executive Members at the earliest convenient date

SPEAKER The question is that this motion be agreed to

MR CHRISTIAN Thank you Mr Speaker, the purpose of this motion is to bring into effect discussions that were held at the beginning of this Legislative Assembly's life. It was broadly supported at the time that part way through the life of this Legislative Assembly there would be ministerial reshuffles and as I've not heard anything from the Chief Minister and I have asked him on a number of occasions whether he was happy with his existing Ministers and at the time he responded that yes he was happy, I have no difficulty with that, but in keeping with the original intention that part way through the life of this Legislative Assembly we should consider either new executives or the existing Executive Members with a reshuffle of portfolios and the like, I now wish to put this motion before the house so that it can be considered in that context. Thank you Mr Speaker

MR BROWN Mr Speaker I have the same recollection as Mr Christian to the effect that it was agreed at an earlier time that somewhere during the life of this Legislative Assembly hats would be thrown back into the ring and on that basis, I have no difficulty supporting the motion

MR SHERIDAN Thank you Mr Speaker I also have a good recollection of when we first formed this Government that yes, that may well have been the intention to review the portfolios after a certain time, and I think one of the ones that did come up was the Minister for Finance's position, but it's neither here nor there. there's one position up for grabs today anyway, but I don't believe it's necessary to terminate the appointments of all the Executives to allow the Chief Minister to reshuffle his cabinet if he may wish. We gave him mandate at the start of this Legislative Assembly to choose his Ministers and I still firmly that if he is of the opinion that he would like to move things around, that's his privilege that I think we reserved for him at the start of this term, Thank you

MR NOBBS Yes I agree with that. I mean, there was talk about it earlier and Minister for Finance was one of them, and Neville or Mr Christian was the offside and obviously the natural one to follow but the issue, and it was a major issue at the time, where we gave the power to the Chief Minister to select his crew, really to hire and fire. That's what it amounted to and I think it's up to him. I agree with that. I don't know who the appointments going to today really but that's because it's his choice and I think it's a great thing that we did that. In this Legislative Assembly and they say we do nothing, but that is a major step forward that we elect the Chief Minister and we allow him to select his group of people that he wants to be working with and if he changes his mind, if he says to me, I've given him 100% support, if he wants or whoever he wants to appoint or give the vote to including myself, that's him. That's his. That's something we gave him and I find it abit difficult now that we're playing around with the sides on an issue which is so, so important having been through the process myself as appointed Chief Minister and the people that I had to deal with was great but I thought at the time that wouldn't it be nice if the responsibility was actually mine and that's why I was so pleased that in his second go as Chief Minister, Mr Gardner was afforded that opportunity and I think it's one of those things, in the evolving of self Government that issues like that are really important and I stand by it and therefore I can't support the motion although I know where you are coming from Neville but I believe that, that principle is great and it should be maintained and we should take it to the next

Legislative Assembly or to those who will be in the next Legislative Assembly, and they should take that forward. I don't know whether you can put it into legislation but its something that if there's a problem with it, it won't go on in the future. We should deal with it. Thank you Mr Speaker

MR T BROWN Mr Speaker I agree with Mr Nobbs that, that practice should be maintained but my opinion was the events of the last sitting basically simply moved away from that practice and as a result of that I'll be supporting Mr Christian's motion

MR BROWN Mr Speaker I doubt that the community has confidence in the present Government. That's the first thing in my mind. The second thing in my mind is that I believe Mr Nobbs is quite right. We should be running a traditional system of Government but unfortunately we don't do that. We have got to the stage where we did invite the Chief Minister to select his own ministry but unfortunately the Chief Minister has taken a view that he is only one of nine Members and he's said that many times and that therefore his is not prepared to operate as a Chief Minister. The position of Chief Minister Mr Speaker is a lonely position and you sometimes need to make decisions and do things and implement things and that's not happening because the Chief Minister has a fear that he might not have the support of the majority of the Members of the Legislative Assembly and the Chief Minister told us himself in this place recently that he at a meeting of the Chamber of Commerce, I think, had said that if he ceased to be a Minister by the Sunday he would cease to be a Member of the Legislative Assembly. I'm not quite sure what was meant by that. I interpreted that as hopping on a plane and having a holiday but the point is that we are not yet running as a traditional Government. For that reason I'm more than happy to support the motion. I think it is the opportunity to ensure that a new Government is put together with as far as it is possible, to do so, the ability to rise to the challenges which are presently before us. Thank you

MR GARDNER Thank you Mr Speaker. I have confidence that the executive as its currently structured and whatever structure that has at the end of today is able to rise to that challenge, subject obviously to having support of the general membership of the Legislative Assembly. All well and good for Mr Brown to quote and to twist words I guess as far as me jumping on a plane and taking a holiday if I wasn't the Chief Minister I would be out of the Legislative Assembly by ...

SPEAKER Chief Minister could I just caution you in terms of maybe describing twisting of words to another Member

MR GARDNER Oh absolutely Mr Speaker. But I think that the context that those words were given Mr Speaker was if I as Chief Minister took a unilateral decision to announce to the community something without knowing that, that announcement had the support of Members of the Legislative Assembly not only would the Legislative Assembly get rid of me but I think the community would want to see the end of me as well. I'm very conscious of the ability to have to in this place Mr Speaker count to five. If you can count to five you're doing pretty well. If you can't count to five well then you rest on your laurels for another day until such time as you can bring the issue back to the House for discussion and deliberation and consideration and agreement by this Legislative Assembly. Mr Speaker as I've said, obviously I'm clearly identifying that I have confidence in the ministry and with the support of Members of the Legislative Assembly we can overcome any hurdle that's placed before us. That's my very firmly held view. If it is a view that, that choice is inappropriate then this motion would probably need to be amended to a degree to suggest that this House advises His Honour the Administrator to terminate the appointment of the Chief Minister at the

earliest convenient date and thenceforth to appoint another Chief Minister to form another Government and Mr Speaker I'm not proposing to move that motion, but happy to give consideration to it, and obviously that would be a clear indication from the elected representatives of this community if they have confidence in my abilities to continue in the position that I'm in. If I don't have that confidence I am quite happy to step aside. Thank you

MR BROWN Mr Speaker I move that debate be adjourned and made and Order of the Day for a subsequent day of sitting

SPEAKER I'm obliged to put that Honourable Members, without debate. The question is that this motion be adjourned Honourable Members and I put that question

#### QUESTION PUT

Could the Clerk please call the House

MR BUFFETT	NO
MR GARDNER	NO
MR SHERIDAN	NO
MR NOBBS	NO
MR CHRISTIAN	AYE
MRS JACK	NO
MR T BROWN	AYE
MRS BOUDAN	NO
MR BROWN	AYE

SPEAKER The result of voting Honourable Members, the Ayes three, the Noes six, the noes have it, that motion is not carried

MR BROWN Mr Speaker I move that the question be put

SPEAKER The question is that the question be put

#### QUESTION PUT AGREED

The ayes have it. I therefore put the question, the question is that the motion before us be agreed to

#### QUESTION PUT

Could the Clerk please call the House

MR BUFFETT	NO
MR GARDNER	NO
MR SHERIDAN	NO
MR NOBBS	NO
MR CHRISTIAN	AYE
MRS JACK	NO
MR T BROWN	AYE
MRS BOUDAN	NO
MR BROWN	AYE

SPEAKER The result of voting Honourable Members, the Ayes three the Noes six, the noes have it, the motion is not carried

### SUSPENSION

MR BROWN Mr Speaker could I suggest that we suspend until 2.15

MR GARDNER 2.30 Mr Speaker

SPEAKER Honourable Members does that fit the programme for most. Honourable Members, we will do that. We will suspend and return to the Chamber at 2.30 this afternoon

### RESUMPTION

Honourable Members we reconvene after our suspension for lunch. We are now in terms of our programme to Orders of the Day No 1. Appointment to Executive Office. We are to resume on this motion that it be agreed to and Mr Brown was to have resumption of this debate. How would you like to handle that? Would you like to move on to the next matter and then come back to it when Mr Brown is in the chamber? That might be the best method to adopt in respect of that. Okay. Thank you. Therefore we move on at this stage to Notice No 6

### **PUBLIC SECTOR MANAGEMENT ACT 2000 DETERMINATION TO AMEND THE HUMAN RESOURCES POLICY**

MR NOBBS Mr Speaker, I move that this House, having considered the written comments of the Norfolk Island Public Service Association and the Norfolk Island Public Service Board in respect of the draft Chapter 8 of the Human Resources Policy, DOES HEREBY in accordance with and pursuant to sections 26 and 28 of the Public Sector Management Act 2000 make the draft determination in respect of Chapter 8 of the Human Resources Policy, dated 22 February 2006, and produced by the Acting Chief Executive Officer which draft determination amends the Human Resources Policy dated 20 February 2001 by replacing Chapter 8 by substituting for it the draft determination, and declares that a copy of this motion, signed by the Speaker shall be the instrument in writing of the Legislative Assembly for the purposes of paragraph 26(1)(d) of the said Act

SPEAKER Thank you Mr Nobbs. The question is that motion be agreed to

MR NOBBS Thank you Mr Speaker as stated in the motion the Human Resources Policy and Procedure Manuel was determination by the Legislative Assembly on the 21<sup>st</sup> February 2001 which is five years and one days ago. At the time I actually had carriage of bringing in this document. It wasn't a complete document by any means and there was a belief that there would be major amendment in certain areas including, chapter 8, the working arrangements. Some of the issues that were brought in and some of the contents of the original chapter 8 which is this document that has been circulated to Members will be replacing had in fact somewhat airy fairy type things in there where it's more of a document which wasn't as specific as it should have been in certain areas and in some cases it spoke of equal opportunities and part time work and it went on to different things, like in 1966 the women labour force participation rate was 36%. It was an overview, or a lot of it was and overview of what needed to be tidied up.

Subsequent to that a draft chapter 8 was produced and this was never really progressed by the last Legislative Assembly and when I came along we decided that we needed to fix up chapter 8 and get it in an order which was a little bit more productive than the current procedure that's in place. Included in that was to put in a definite schedule of conditions which is at the end of the chapter which specifies such things as the normal working days per fortnight and the like. This document in fact deals with working conditions per se, although it's been thought that it deals more specifically with the overtime procedures. More as introducing a concept of spread of hours and the concept that's proposed in this document is one where an employee is required maybe required to work on a roster system. Some rosters will be purely from the current arrangements which relate to 4.30 from memory or they could include periods of weekend work and the like. The process in this arrangement is that the rosters actually work within a band width which is from 6am to 8 at night. Work on the weekends which may be specified in this are paid as an additional payment of \$3 per hour additional on Saturday and \$10 per hour additional on Sunday as a penalty rate arrangement so that a person working a set roster will be required to work 75 hours per fortnight but that time may be spread over those 14 days, the 14 day fortnightly period. The normal minimum shift is four hours and the maximum shift is ten hours. I can recall that this type of activity was operating in the 1960's here but we didn't receive any \$3 or \$10 per hour additional, we just worked the special shift and if it was a Saturday or Sunday well that was part of the arrangements. Somehow or other things changes a bit but be that as it may, it is quite interesting just as an aside, over the past month or so a document has come to light which in fact provides the written conditions in the period 3 to the Human Resources Policy and Procedures Manual being brought into force. That was something that I had not seen prior to my dealing with this document previously and it was quite interesting to look at it because it provides in annexure to it, the hours that an employee is supposed to be working, the commencement and terminating time but it provides for certain areas such as emergency service, as variable rosters and I bring that out now because some of the areas that are effected by this and with the loss of overtime and I'll say it again here now, that overtime I've always considered to be a fair and equitable way of reimbursing people, but it should never ever become a fixture in your pay packet because sooner or later it gets cut and that's when the problem starts with people having a reduced income and they've already set themselves up to the operating at this higher level and then it goes so I mean salaries are fine, but the overtime and penalty rates and those sort of things should never ever be accepted as being a fixture for ever and a day. The other one that is a special circumstances arrangements relate to customs so in actual fact, as far as I can see it, that there is a complaint that there is a loss of conditions within the service. Well in those two positions, they were actually seen to be working or required to be working these different shifts and the like well before 2001 or in fact, 2001 they were supposed to have been working those on a different situation to a straight overtime arrangement. The document doesn't cut out overtime completely, what it does is cut overtime out from those circumstances when you are rostered on say at the weekend and that becomes a penalty payment or at any time between the hours of six am and 8 pm. It allows for a huge amount of flexibility this sort of arrangement and I know that when I was running an outfit in the early 70's, I couldn't understand why those guys kept doing it, but they kept bolting at every second Friday afternoon and it was to go and do their jobs, so what we did, we just changed them flexible hours and brought them in and made every second Friday afternoon off. That was long before all this sort of rubbish was going on and so what I believe is that it must suit the conditions in each specific area and that's what we must do here, but as a basis for the overall organisation, that's why the Human Resources Policy chapter 8 has been brought in. I've had discussions with the PSA and of course for the guys it's only natural, the ones who are affected by it, there is opposition but I believe that this document has been around for that long, that we should bring it in and go with the other negotiation, having the schedule in this here as part of their conditions will allow for discussions and negotiations in relation to an

improvement in this area for instance, PSA had problems with it and I had some problems too because I thought that the band width should be from 6am to 12 pm just as one. I thought that some of the hours, I can't see why a person down here couldn't work seven days straight or six days straight and accumulate all that if it suits the organisation but there are some restrictions on this in here that you can only work so many days straight so I mean I've got difficulties myself in some of these things. The PSA has difficulties with it in some areas, and we tried to come to some understanding on it but this is what I believe is the basis of what I'm putting to you as Members of the Legislative Assembly to agree with. The savings in this, somebody said that there are considerable savings. We'll still be paying overtime and I think the estimate was that overtime was about \$250,000 or \$300,000 in a year and this will cut it by at least \$150,000. those are the rough estimates that we came up with. I don't think I need to say any more and Members have discussed it in the past and I gave you a copy of the final proposal on the 9<sup>th</sup> February and I will leave it and hear any discussion on it

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. I just wonder if you could clarify for the benefit of Members at the moment whether you will in fact be requiring us to vote on the draft chapter 8 document or the document which was lost but now is found

MR NOBBS Sorry. No. we are voting on the draft one which was sent out to you, Thank you very much Mr Acting Deputy Speaker. It's headed the 22<sup>nd</sup> February 2006 and its chapter 8 Working Arrangements, and it was sent out to Members on the 9<sup>th</sup> February, the final draft

MRS BOUDAN Thank you Mr Acting Deputy Speaker. The President of the Public Service Association has asked that we at least defer this to allow for further consultation. He is concerned that the document has not been circulated to the various departments which means that the Public Servants have not had opportunity to read the document

ACTING DEPUTY SPEAKER Thank you Mrs Boudan, I take it that at some stage later you will be moving a motion that the matter be adjourned

MRS BOUDAN Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Okay. Well we will continue the debate

MR D BUFFETT Mr Acting Deputy Speaker, my contribution really is adding to what Mrs Boudan has just said. This document that we have now has been a long time coming. It has been something that has taken a significant period of time to be developed to the stage that it is at and it is to be applauded that it has reached the stage of coming to the Legislative Assembly. One of the things that has been pointed out to me because the Public Service Association whose Members are significantly obviously the ones affected by this chapter 8 in terms of their work employment, have had some difficulties, in disseminating the information in terms of the most recent amendments and one of the difficulties that have added to this, is that there is what is known as a consultative committee which is more of a management oriented arrangement provided I think by the legislation. That committee has not been operative for reasonably good reasons I understand unavoidable reasons, so I'm not trying to be critical of that, but one of the results is, that it has not been able to facilitate to the same extent the getting out of this information to all of those who may be concerned and that in turn has meant that some people within the service environment have not had an opportunity a) to know what those things are and indeed draw to attention some factors arising from them. I would encourage and so I have received a letter and I understand that each Member has received a letter which has asked for the opportunity for some further discussion

upon it. Now one can't go on forever discussing the matter but given the reasons that I've just mentioned about the staff consultative committee and where we are at, I would be willing to pause this matter until our next sitting to give opportunity to that to happen. I've got to say that whilst that letter of request came only in this week, if in fact it had come much earlier I doubt whether I would have had an opportunity to meet with those people given all of the activities that we as Members have had to be involved with, with the Minister and the like and I therefore am of a mind to, if that is moved, to pause on the matter so that we might have that opportunity to hear other views if there are further views, and settle the matter at our next sitting. Thank you

ACTING DEPUTY SPEAKER Thank you Mr Buffett. I'll allow debate to continue until we've exhausted debate and then if an appropriate Member would move the adjournment we'll put that to the vote

MR BROWN Mr Acting Deputy Speaker, thank you. A large part of our current economic problem is the cost of our Public Service and until now we have not been prepared to attempt to contain that cost. We've heard suggestions today and each of us has it in writing, in addition to that that some public servants have been receiving overtime for quite some time to which they were not entitled. That's a dreadful situation if it turns out to be the case. I've been assured that the chapter 8 that we are looking at makes minimal change but that the change to such extent as it eventually occurs will occur within a schedule. Now if that's the case, I wonder if the Minister can confirm that we are not voting about the schedule we are voting only about the remainder of chapter 8. Thank you

MR NOBBS No, the schedule is the attachment to it, where it quantifies all those sections, or all those conditions in there. it quantifies them in one hit, if you know what I mean

MR BROWN Mr Acting Deputy Speaker I'm asking whether we are being asked to vote on the schedule of the attachment or whether we are only voting on the remainder of chapter 8 because what's being said to us is that the remainder of chapter 8 doesn't cause great difficulties. Any arguments would relate only to the schedule and for me to make up my mind as to whether it's appropriate to support a suggestion of an adjournment, I would like to know whether we are voting about the schedule or not voting about the schedule, because if we are not voting about the schedule, it's time to get on with it. If we are voting about the schedule then I would like to hear something about the degree of consultation which has taken place

MR NOBBS the schedule, we are voting on the lot. The whole thing. That 's the schedule included. We provide in a brief outline the accepted normal working hours per fortnight as 75 hours, the normal working day per fortnight is ten days, the normal working hours per day is 7 ½, the days notice of roster you have to give fourteen days notice and that's in 132 which says I think in that, you need to give a specified time. If there is a negotiated arrangement, the idea of having those in the schedule, is if there is a negotiated arrangement later on, after this has passed and it comes back to the Legislative Assembly we really only have to change the schedule if you know what I mean. Does that clarify things to you or not

MR BROWN Mr Acting Deputy Speaker I thought that I had sat at this place in an informal meeting and been assured that we would not be voting about the schedule and that the schedule is something that would come along later on. If we are being asked to vote about the schedule I would like to know just what consultation has occurred because it is a reasonable request on the part of the Public Service Association to either be given the opportunity to consult or perhaps if it's the case to be

told of the extent to which consultation has already occurred. I accept that it wouldn't matter what amount of consultation occurred, there are some within the public service that would take a view that they don't agree and if all that we are up against is that kind of situation then maybe we should proceed, but if there hasn't been adequate consultation then we could be validly criticized for not ensuring that, that takes place, even if we have a special meeting in two weeks time to deal with it

MR NOBBS Well adequate consultation. I'm not too sure how I'm going to deal with this except to say that I think the ceo said the other day that he and I had met with the Public Service Board on three occasions and I haven't actually got it written down here. I know that I met with them once as I told you the other day and they came into the room about 7.10 in the morning down here and I met them on my own in a purely informal arrangement as far as I was concerned, but those issues were discussed at that time, we've had a meeting I think it was only one with the Public Service Board in relation to this issue but I'd say there would be at least three times we've met and then plus at other times informal sort of discussions elsewhere but with the ceo there I guess there's been three, I think he said three the other day and I'd say it would be about that number, so I think that we've covered it and the next negotiation the proposal is that those issues could become a part of the negotiations before the Remuneration Tribunal and that's why it would only be then necessary to change the schedule and that's why those issues were brought out into the schedule. Thank you

MR BROWN Mr Acting Deputy Speaker frankly I don't think the schedule goes anywhere near far enough. I think the community is entitled to be protected against uncommercial conditions for Members of the Public Service. For example, there is no doubt whatsoever in my mind, that it would be far more efficient for the fortnightly pays to be made directly to bank accounts. Far more efficient. Now if that means that members of the service have to pay FIL the same as other people, it's very hard to be critical of that and there are no doubt many other issues where the Public Service feels they should be protected from commonsense because they've been protected against commonsense for a long time in the past. The Minister said a moment ago that he had consulted with the Public Service Board. I think he then said that he consulted with the Public Service Association so I'm not sure which one he consulted with and perhaps he consulted with both but what I would like to be assured by the Minister is that adequate consultation with the Public Service Association has occurred. If adequate consultation has not occurred, then I would certainly support an adjournment with view to a special meeting in two weeks time but if adequate consultation has occurred and all that we are facing is an unwillingness to accept the result of that consultation, whatever it might be, now I could probably be convinced to vote on the matter today so I'll be interested to see whether the Minister is of a view that adequate consultation has occurred

MR NOBBS Well I believe it is, otherwise I wouldn't have brought it here Mr Brown and I think the ceo although I really can't speak for him, but he didn't recommend that I not bring it along, and so I thus feel that you must remember that this document was commenced in the time of the last Legislative Assembly. At that time there it was drawn up by the Chief Executive Officer of that time, Mr Johnson, and also it was developed I understand by the consultative committee of that time and its been laying in abeyance since and we reactivated it last year, and brought it forward as such and in that time since I think there's been adequate consultation if it allows the Public Service if they've got concerns with this, to bring it before the Remuneration Tribunal and there's an independent you know, so if we can't agree on something well we get an umpire there which we hope, he'll agree with somebody. He might not agree with anybody



wording is somewhere along the lines of following consultation with Members of the Association where the Public Service Association have determined the following points and would like the Minister to consider them. Look, clearly from the Public Service Association's point of view there has been consultation. Now I'm not sure which draft that was on, but I think it was the draft that the Minister has provided to all Members. Now in any appropriate negotiation and consultation process there's the argy bargy, there's the arguments one way or another and in settling on a position and seeing where you go to from there, and whether there's any movement at the station following the first bite of the cherry. The first ambit claim I guess. I don't know whether that is what the Public Service Association are referring to in that the document that is now before us, is one that's been settled and that document in its final form is a document that hasn't been considered or discussed amongst Members of the Public Service Association. If that's the case, I have some sympathy for giving consideration to adjourning the matter to allow exactly that to happen but there is one major consultative process that's probably missing from this whole exercise. Other than ourselves sitting around the table and the Public Service Association I would probably wager that there is a significant proportion of the community who are wondering exactly what it is that we are talking about today. We talk about chapter 8. unless people have made that document available to them, the policies, Human Resources Policy, they wouldn't have a clue what we are talking about. What we are talking about is the employment conditions of the Members of the Public Service and how those things are managed and how they operate and the benefits that Members of the Public Service are eligible for and many in the community I know over the years that I've been down here have always questioned why it is that we operate two different employment standards in Norfolk Island. Some would argue that the Public Service leads the way and I know that a good friend and colleague from previous Assembly's, Mr Bates, used to believe that the Public Service should hold itself up as being the leading light as far as the setting and establishment of employment conditions I the island and that, that sets the bar high enough and hopefully that the rest of the community follows suit. Others in the community have argued over time that some in the public sector set the bar higher than that in the Public Service and I would think it fair to suggest that many of the arguments before the Public Sector Remuneration Tribunal have been put to the Remuneration Tribunal that in fact the terms and conditions of employment in some sectors of the private sector are well above and beyond those of the public sector and that's been used as arguments as I said in the past, before the Remuneration Tribunal looking at adjustments and terms and conditions of employment and the salary levels that are attached. That's a long winded way of saying that there's probably one part, a significant part of the community, that haven't been allowed an opportunity to give consideration to what are fairly significant amendments and things and also to give consideration to talk with their local Members about whether the time is now right to have a look to see whether there is a single equitable employment standard across the whole of Norfolk Island. I haven't got a position one way or the other at the moment, because I don't know the views of the general community in relation to that, however, I think that, that is something that I'm prepared to give consideration to, to seeking some advice from the community. The query is do we lift the private sector standards if they are seen to be failing, do we reduce the Public Service standards to those in the private sector or vice versa depending on which way the argument runs, but I haven't had that original query that I had, about whether the consultation and the document before us is something that's been considered by the Public Service Association. If it hasn't been I think it's fair enough that that happen because that's the way of appropriate negotiating goes. If that could be clarified for me that that document that is before us today is one that has been seen and considered by the service I have no issue on voting on it today. If that can't be made clear I think it's only fair to go with Mr Brown's suggestion that we deal with it at a special meeting in a couple of weeks time when that opportunity has been given. I've no issue with that at all

MR BROWN Mr Speaker the Chief Minister has raised a very important issue which is the comparison of the requirements of the Employment Act with the benefits enjoyed by the Public Service. I accept that that's important. The Chief Minister has also raised in perhaps a different way, the question of whether there has been adequate consultation at this stage. I suspect that the way the debate is flowing the Public Service Association might be very sorry that it didn't just say for heaven's sake, pass the thing and let us get on with our application to the Public Service Remuneration Tribunal but I can't avoid some of the things that the Chief Minister has said. I would like to move that debate be adjourned and the resumption of debate be made an order of the day for a subsequent day of sitting to take place two weeks from today

MR SPEAKER Honourable Members, that's the question that's before us at this moment and I put that question

QUESTION PUT  
AGREED

Thank you. That motion is agreed to

#### **APPOINTMENT TO EXECUTIVE OFFICE**

SPEAKER Honourable Members Order of the Day No 1. Mr Brown is the appointment to executive office and we left that for a moment until you had joined us and we went on with other matters, and I will return to that now. We resume debate on the question that the motion be agreed to and Mr Brown you have the call to resume

MR BROWN Mr Speaker. Thank you. I apologise for being a little late. The traffic was quite thick on its way back. I thought it must have been due to the throng of people wanting to sit at the meeting but that may not have been the case. Mr Speaker I have nothing to add to what I said on a previous occasion on which I nominated Mrs Boudan to be chosen as Minister for Community Services

MRS BOUDAN Thank you Mr Speaker. I appreciate the confidence shown in me by Mr Brown here however, I respectfully ask that this matter be made a decision for our Chief Minister. Thank you Mr Speaker

MR GARDNER Thank you Mr Speaker and thank you Mrs Boudan for I guess your demonstration of the confidence in my abilities to nominate...

MR BROWN Point of Order Mr Speaker. Mrs Boudan has neither accepted nor declined the nomination. I wonder if that could be done at this stage

MRS BOUDAN Thank you Mr Speaker. At this point in time I decline

MR BROWN Mr Speaker in that event, I would seek to nominate David Ernest Buffett for the position

SPEAKER Thank you Mr Brown. I did give the first call to the Chief Minister Mr Brown and...

MR BROWN I'm happy to make that motion at a later time Mr Speaker

SPEAKER Thank you Mr Brown. Chief Minister

MR GARDNER Thank you Mr Speaker in light of Mrs Boudan's declining of the nomination I support Mr Brown's nomination that David Ernest Buffett be appointed or chosen as Minister for Community Services and that the Administrator be advised accordingly and I look to amending the motion as it is on the paper before us

SPEAKER Yes. Thank you Chief Minister. We have a motion of amendment. Given the proposal I would wish to vacate the chair whilst this matter... and I'm looking for the Acting Deputy Speaker and I will ask him if he would be kind enough to take the chair whilst this matter is deliberated upon. Mr Christian please

MR GARDNER Thank you Mr Acting Deputy Speaker just in the last couple of minutes, I am seeking to amend the motion as it sits on the table following Mrs Boudan's declining of the nomination and would seek to amend that motion so that in its final form it reads, if I might read that to the House that this House resolves that David Ernest Buffett be chosen as Minister for Community Services and that the Administrator be advised accordingly

MR BROWN Mr Speaker I believe that amendments needs to be submitted more than 24 hours before a meeting. Of course that can be overcome by leave and I'm more than happy to support that leave be granted

MR GARDNER I seek leave Mr Acting Deputy Speaker if that's going to assist. I apologise for that oversight

ACTING DEPUTY SPEAKER Honourable Members, is leave granted. Leave is granted

MR GARDNER I therefore so move the motion as I indicated Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you. The question is that the motion as amended be agreed

MR BROWN Mr Acting Deputy Speaker there's only one qualification that I would seek agreement on and that is, it is essential that we not confuse the Westminster system. We can't have someone sitting both as speaker and a Minister. I assume that the present speaker would stand down as Speaker if he was appointed to a Ministry and I would be grateful if that could be confirmed

MR D BUFFETT Mr Acting Deputy Speaker, there hasn't been a lot of discussion about that at this moment, but I would think that the course that has been outlined by Mr Brown is a logical course to follow and we should have discussions about achieving those. I'm not trying to be pre-emptive of how this motion will travel

MR GARDNER If I might just make a brief comment on that Mr Acting Deputy Speaker if I could. As has been agreed the previous matter was adjourned to a special sitting in two weeks time. I think that, that will give us ample opportunity to discuss the situation that Mr Brown has raised and if necessary an appointment be made at that time

MR SHERIDAN Thank you Mr Acting Deputy Speaker I would just like to make a comment with regard to the nomination. Whilst I appreciate that we've given the Chief Minister the mandate to choose his Ministers you might say, and I fully support

that, I believe that's the right way to go, it doesn't necessarily mean that we have to agree with his choice and so in saying that I will be abstaining from debate

ACTING DEPUTY SPEAKER Thank you Mr Sheridan for your contribution there. Is there any further debate?

MR BROWN Mr Acting Deputy Speaker Members will have heard that I sought to nominate the present nominee. I sought to do so because I believe we are at a critical time. I believe we are at a time when vast experience is needed within our executive and although Mr Buffett and I could not be said to have agreed on even a majority of issues over the years, we have done so over a large number of years and I believe that his input will be valuable in difficult times

MEMBERS Hear, Hear

MR GARDNER I fully endorse those words of Mr Brown's

ACTING DEPUTY SPEAKER Thank you Honourable Members. I take it then that debate has been concluded and that Mr Buffett has accepted nomination so the question before the House is that the motion as amended be agreed and I put that question to you

QUESTION PUT  
AGREED

MR SHERIDAN ABSTAINED

Clerk, would you please record his abstention. I don't think there's any necessity to call the House. The motion as amended is agreed

### **SUSPENSION OF SITTING**

MR BROWN Mr Acting Deputy Speaker I wonder if I could make a suggestion at this time. We have concluded a number of difficult issues. We've dealt in some length with the result of the Minister's visit. We have dealt at some length with motions in relation to the question of whether there should be a new election for the Legislative Assembly, whether all of the Ministerial positions should be thrown into the ring and the selection of a new Executive Member. It's now nearly twenty past three. We are proposing to hold a further meeting in two weeks time. I wonder if it's an appropriate time for us to suspend this meeting with a view to dealing with all of the remaining matters two weeks from today and I so move

ACTING DEPUTY SPEAKER Thank you Mr Brown. Before we deal with your motion what I might do is allow Mr Buffett to resume the chair seeing this will be his final meeting as Speaker and he can wind up the events of the day

SPEAKER Honourable Members we have before a proposal that we might suspend today and come together in two weeks time. It may not be that we always debate a suspension matter but I would be interested if Members would just let me have their views as to how we might or might not progress this afternoon

MR GARDNER I am happy to proceed with all the matters on the programme as printed

MR NOBBS It's quite a lengthy programme. I think the notices shouldn't take a lot of time and there are Orders of the Day that have been around for some considerable time actually and I think that we should at least deal with them

MRS JACK Mr Speaker, I agree. My Land Titles Amendment Bill, the last Order of the Day has been there since November and I think it's important that we bring in some of the Healthcare Medical Evacuation Fund Bills in order to be able to bring some money in to that fund so I would like to continue on

SPEAKER Mr Brown do you still want to proceed in terms of that suspension. Yes.

MR BROWN Mr Speaker I move formally that having dealt with matters of such significance we should not proceed with the remainder of our normal notice paper and in addition to that although Mrs Jack is correct that there are some matters that have been here for a few months, many of them are matters which require amendment and that amendment does not appear to have been drafted. For example the Healthcare situation, has not been fully dealt with. We've not dealt with the proposed cigarette tax legislation, we've not dealt with the question of whether visitors are to be covered. We've not dealt with the question of how we will deal with people who have exemption from the requirement to be a Member of the fund. We've not dealt with the question of how people will be dealt with who have suspensions and the requirement for them to be Members of the fund and I think that now we have a full contingent of Minister's it's an appropriate time to allow those things to be dealt with in the next two weeks and suspend until that time

SPEAKER Thank you Mr Brown. Honourable Members, let's settle this matter now. There's been an opportunity for some views to be put in respect of it. The question is that we should suspend and come together in two weeks time and I put that question

#### QUESTION PUT

Could the Clerk please call the House

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

SPEAKER The result of voting Honourable Members, the Ayes two, the Noes five, that motion is not passed. We are continuing with our notice paper

#### **LEGISLATIVE ASSEMBLY (REGISTER OF MEMBERS' INTERESTS) AMENDMENT BILL 2006**

MR GARDNER Mr Speaker I present the Legislative Assembly (Register of Members' Interests) Amendment Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker in the course of discussions of the Legislative Assembly's Committee of Privileges a couple of issues were raised as far as the provisions of the Legislative Assembly (Register of Members' Interests) Act 2005 I think it was, were concerned, more so procedural matters and the explanatory memorandum in tabling that Mr Speaker I will read from that. The purpose of this Bill is to take account of an issue that arose recently when a complaint was made under the Act by the Crown Counsel. In the course of its deliberations the Committee determined that the advice of the Crown Counsel should be sought. However as the Crown Counsel had made the complaint it was not proper to refer it to him and the Committee thereupon sought assistance from the Deputy Crown Counsel. In recognition of this difficulty and of other possible circumstances when the Crown Counsel might be unable to advise, this Bill expands the definition of Crown Counsel to include the Deputy Crown Counsel and any other public sector employee providing legal advice to the Administration. When the Legal Services Unit is at full strength there should be at least 3 additional persons available to provide the advice sought. The Bill clarifies the action to be taken by the Committee if it forms the view that it is not satisfied a matter referred to it ought to proceed in which case it returns the complaint to the Speaker to inform the complainant of the decision. Mr Speaker the explanatory memorandum makes it quite clear there are two issues there. Obviously one dealing with the difficulty of referring matters to the Crown Counsel if the Crown Counsel were to be the complainant and the second matter just a procedural matter to provide guidelines to the committee as far as where the committee meets a position how they can go back to the complainant to advise the complainant of the decision if it was not to proceed and further than the matter. I'm happy to leave this bill sitting on the table for Members consideration and at a subsequent day of sitting to give it further consideration, I'll move that motion at the appropriate time if I could

SPEAKER Thank you. Further debate Honourable Members, on the introduction of this Bill. No further debate at this time. Chief Minister

MR GARDNER Mr Speaker, I therefore move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that matter is so adjourned

### **JURIES (AMENDMENT) BILL 2006**

MR GARDNER Mr Speaker I present the Juries Amendment Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker it certainly was brought to my attention in the recent exercise of the bringing together of a jury for a case for the Supreme Court that there were a couple of issues that were raised that caused difficulty and obviously trying to empanel a jury and the amendments that are before the House today have been sought by the director of the Norfolk Island Hospital in relation to a couple of the

more significant employees of the Hospital who for different reasons may be called on at very short notice to undertake or to provide expert and emergency assistance with matters at the hospital, including the radiographer and the medial scientist. Mr Speaker this Bill primarily looks to amending the legislation to provide for both of those persons to be exempt from attendance or the call for attendance for the empanelling of a jury and also makes some further minor amendments in relation to references to the position of Crown Solicitor, changing that to what is more appropriately in this day and age referred to as the Crown Counsel position and makes a couple of further minor amendments dealing with people with impairment and their role and their ability to be able to provide jury service and I commend the Bill to the House

SPEAKER Thank you. Is there further debate at this time. There appears to be no further debate. Chief Minister

MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question to you Honourable Members,

QUESTION PUT  
AGREED

The ayes have it thank you. It is agreed

#### **BAIL AMENDMENT BILL 2006**

MR GARDNER Mr Speaker I present the Bail Amendment Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker this again is another relatively minor amendment to legislation really housekeeping matters but it is appropriate that the necessary amendments be sought. In tabling the explanatory memorandum of this bill I again read excerpts from that. The purpose of this Bill is to correct references to certain sections of the Crimes Act 1900 of New South Wales in its application to Norfolk Island that were changed but had not been shown in the last consolidation. The references inserted are to various sexual offences that were put into a new part of the Crimes Act, and include other sections (that are unchanged) relating to serious offences to which the court is to have heed in respect of certain prior offences that may have been committed in Norfolk Island or elsewhere when determining if Bail may be granted. Mr Speaker I have nothing further to add in relation to that. They are simple reference amendments to the legislation and again I commend the Bill to the House

SPEAKER Thank you. Is there any debate on the introduction of this Bill. Chief Minister I return to you

MR GARDNER Mr Speaker, that being the case I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you

**HEALTHCARE LEVY AMENDMENT BILL 2006**

MR GARDNER Mr Speaker I present the Healthcare Levy Amendment Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker this bill is the first of a two part package of legislation and in an earlier debate Mr Brown had referred to the Healthcare Levy and Healthcare Medical Evacuation Fund amendment bills. Mr Speaker it is only my proposal at this stage in relation to both of those matters to table those as exposure drafts if I might. I am conscious of the couple of matters that do need finalising. They are possible to be dealt with by detail stage amendment but I believe in this instance that if I get them on the table as exposure drafts they can be considered at a preliminary level at this stage for formal introduction at the next sitting which will be in two weeks time

SPEAKER Thank you. Is there further debate on the introduction at this time. No debate. Chief Minister

MR GARDNER Mr Speaker, I table those as exposure drafts under this legislation if I may, I'm sorry

SPEAKER I'm sorry. I misunderstood you Chief Minister

MR GARDNER I hadn't sought to formally introduce these, that's both item No 10 the Healthcare Levy Amendment Bill 2006 on the Programme and No 11, the Healthcare (Medical Evacuation Fund) Bill 2006

SPEAKER Thank you

**HEALTHCARE (MEDICAL EVACUATION FUND) BILL 2006**

(see above)

**MAGISTRATES COURT BILL 2006**

MR GARDNER Mr Speaker I present the Magistrates Court Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker this is a significant part of the proposed Justice Package for Norfolk Island and we are nearing the end of that package but there are four bills on the paper today, the Magistrates Court Bill, the Criminal Procedure Bill, the Criminal Code Bill and the Sentencing Bill all of 2006 Mr Speaker which I look to formally introduce today. The Magistrates Court Bill deals with what is better known today as the Court of Petty Sessions and will look to be changing the name of that. I understand that the Court of Petty Sessions has existed in Norfolk Island for many many

years and there are changes that are highlighted in this Bill that will require I believe a deal of consultation as will some of the matter in those other three bills that I've mentioned and at an appropriate time after the formal introduction of these four bills I would be seeking to refer them to the Impact of Bills and Subordinate Legislation Committee so that proper consultation can be had and opportunity for the community, for the magistrates, for the legal practitioners on the island to make representations to give full and frank consideration to these changes before I look to the matters being finalised in the House at a subsequent day of sitting but Mr Speaker if I might just take a few minutes to explain to the listening public the provisions of the Magistrate's Court Bill of 2006 as introduced today. Mr Speaker in tabling the explanatory memorandum I read from the background and the general overview of that document. This Bill has been prepared as an integral part of the "Justice Package" of law reform of Norfolk Island. It will be seen that provision is made in this draft for its integration with the foreshadowed Criminal Code Bill 2006 and the Criminal Procedure Bill 2006 and has taken account of the Bail Act 2005. At present the establishment of the court its jurisdiction and practice and procedure are found in the Court of Petty Sessions Act 1960 and the 16 legislative changes affecting it since then. The current situation is that the legislation has not kept pace with changes elsewhere, the jurisdiction is limited and rules and procedures are legislatively entrenched reducing flexibility in the operation of the court and consequently procedures and practices are significantly dissimilar to other places such as to be confusing or irritating to those responsible for working within the system. The Magistrates Court Bill 2006 (the Bill) is intended to up-date the practices and procedures of the Court of Petty Sessions (the court) in both civil and criminal matters and to provide it with a new name to give some effect to its increased jurisdiction and importance within the Norfolk Island community. The courts of Petty Sessions were originally established in the 18<sup>th</sup> century to hear minor cases of vagrancy, drunkenness, and poaching and were established to take less serious cases away from the Quarter Sessions Courts that only met 4 times a year. The jurisdiction of petty sessions courts increased in most places over a number of years with the gradual termination of the use of lay magistrates and justices of the peace and the more formal establishment of the court. With the abandonment of justices or lay magistrates hearing cases, the courts have been re-named, usually as "Magistrates Court", to emphasise the change. It is proposed that this change take place in Norfolk Island but with a "twist". The "twist" is that in addition to the qualified magistrates, there be a number of "special magistrates". The special magistrates will be able to perform some of the duties of other magistrates such as sign some warrants or admit persons to bail but the most important change is that persons on trial may elect to request that a magistrate sit with one or 2 special magistrates who will act as assessors and be able to give their opinion to the magistrate but not to have a say in the decision. These magistrates will still be able as a bench of 3 to hear matters where a person can only be sentenced to a maximum of 6 months imprisonment. By this means it is proposed to retain the value of the lay magistrates while providing a wider range of work for the qualified magistrates and avoid sending relatively trivial matters to the Supreme Court. The change in the manner of exercise of the jurisdiction for civil matters is significant and follows the move in the Australian Capital Territory and elsewhere to move matters of court procedure away from legislation towards rules of court in much the same manner as has been the practice for very many years in the Supreme Court. It is intended that over time there will be a reduction in the differences between the practice and procedure in the courts and to that intent the Bill creates a rule-making power for the Chief Magistrate and, as an interim measure, adopts the rules at present in place in the ACT in civil matters which are close in many places to the Rules of the Supreme Court of the ACT which are and have for some time been adopted by the Supreme Court of Norfolk Island. The civil jurisdiction of the Court is raised from \$10,000 to \$25,000, and the criminal jurisdiction has been raised to 2 years from 6 months (with a retained maximum of 6 months if the court is comprised of 3 special magistrates). The Bill deals in the main with matters relating to criminal law with the civil

area covered briefly leaving it to the Rules of Court, to establish the practice and procedure. Mr Speaker that as I said was an excerpt from the explanatory memorandum. It will raise a number of issues I am sure, with our current magistrates in Norfolk Island. It will raise a number of issues about how the magistrates will be appointed and who is a qualified magistrate and whether we will be able to source those but Mr Speaker, I believe it is timely that those discussions be had and that's the main purpose for bring this bill into the house today

MR BROWN Mr Speaker I have no difficulty with the concept of discussions. I have quite a few difficulties with the draft legislation. I see no reason for the name Court of Petty Sessions to be changed. It's not called a Magistrate's court everywhere. In some parts of the world it's called a Court of Petty Sessions. In some parts of Australia even it's called a Local Court, in other parts its called a Magistrate's court. There is no need to change the name. We need to be very careful that we are not accused of seeking to pass legislation in order to remove people who are presently appointed and bear in mind Mr Speaker that we've attempted to do that before without legislation but even the suggestion that we will adopt the rules of the ACT overlooks the fact that the ACT has two sets of legislation in relation to its Magistrates Court. I'm not sure which rules we are proposing to adopt, but there are two sets. Certainly it is the case that the Supreme Court of Norfolk Island in the absence of local rules shall use the rules of the Supreme Court of the ACT in excess of 50% of which is simply inapplicable. And if we look at the rules of the ACT Magistrate's Court, I suspect we'll find a similar situation. Nevertheless, that doesn't need to be dealt with today. It has been introduced, it will be adjourned, we can deal with it when it next comes before the House. Thank you

MR GARDNER Mr Speaker I just would like to indicate that as I said earlier, this piece of legislation and the three following I fully intend to refer, subject obviously to Members agreement, those matters to the Impact of Bills and Subordinate Legislation Committee and I look to you for guidance as to whether you want me to deal with each of them individually as far as that reference is concerned, or the four of them together as a package following introduction

SPEAKER Thank you. I think we might well do it in a package but if Members are of another view, by all means express it

MR BROWN Mr Speaker your view is one of the most wonderful views I've heard today

SPEAKER Okay then

MR GARDNER Mr Speaker if there's no further debate I would move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that matter is adjourned

MR BROWN Mr Speaker as a matter of procedure is it necessary for the House to refer the Bills to the Committee or is that something that is able to be done administratively

SPEAKER I think that the Chief Minister foreshadowed that he would like to do that as a package and the three or four bills, and when we've concluded those he might make an all embracing motion. Would that answer your question Mr Brown

MR BROWN Mr Speaker I believe it would

MR GARDNER Mr Speaker I would seek at the appropriate time, leave to move such a motion

### **CRIMINAL PROCEDURE BILL 2006**

MR GARDNER Mr Speaker I present the Criminal Procedure Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker I'll be brief with my comments in relation to this Bill as I've clearly indicated I would like to refer that to the Impact of Bills and Subordinate Legislation Committee but Mr Speaker this Bill is presented with the Criminal Code Bill to both complement the various provisions of that Bill and provide a comprehensive coverage of a number of procedural aspects of the Criminal Law. Certain other aspects of procedure as found in other laws such as the Evidence Act 2004, the Bail Act 2005 and the proposed Sentencing Bill 2006, thus the Bill removes and places into the procedure the provisions of the Criminal Law Amendment Act 2004 that provided for persons who plead mental impairment in criminal matters. Additionally the Bill deals with the apprehension of offenders, the general procedures before the Courts, and sentencing including pardon. It has been and still is in some current states the practice to include criminal procedure matters along with the criminal code but the position taken here is that it is preferable for the substantive and more serious criminal law to be found in one place lesser matter to be found in another, the Summary Offences Act 2005 for example and procedures in another. Mr Speaker the bill largely relies upon provision of existing law that is found in various places including the Criminal Code of the Northern Territory

SPEAKER Thank you. Is there debate at this time on the introduction of this Bill. Chief Minister

MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question to you

QUESTION PUT  
AGREED

The ayes have it thank you

MR BROWN Mr Speaker can I just ask. I thought we were dealing with the four bills as one package. If so it appears there's not a need to deal with each one individually

SPEAKER I may have misunderstood your earlier question Mr Brown. I thought that the Chief Minister had said to me that in terms of the package, he would be moving a package arrangement in terms of referral to the Impact of Bills and Subordinate Legislation Committee

MR GARDNER That's right. To formally introduce each of them today

SPEAKER Does that give clarification

MR BROWN Thank you

### **CRIMINAL CODE BILL 2006**

MR GARDNER Mr Speaker I present the Criminal Code Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker again I table the explanatory memorandum to the bill. The introduction of this bill is principally that which was written for the exposure draft of the proposed Crimes Bill 1996 and Crimes Offences Against the Government Bill 1996 circulated to the Members of the Legislative Assembly in December 1996 by the then Minister for Health and Education. Much of what was written then is as applicable now as it was then. The report Quis Custodiat Ipsos Custodie said that the need for wholesale reform of Norfolk Island's criminal evidence and sentencing laws has long been acknowledged as indeed it has. Defects in the law have become apparent in recent times, some of which have been dealt with on an ad hoc basis. Much remains undone. The draft code now submitted is intended to address issues that have been raised over many years both within and outside of Norfolk Island. The legislative model here is not that of the previous draft simply because there have been many changes in the past 9 years since the previous attempted change was proposed and there has been considerable work done to simplify areas of the criminal law. The draft is based around the Criminal Code of the Commonwealth, and the Criminal Code 1983 of the Northern Territory but contains parts of the existing law of Norfolk Island originally imported from the Crimes Act 1900 of New South Wales by the Criminal Law Act 1960, and the area of mental illness and related issues that were taken into the Criminal Law Act 1960 from the Crimes Act 1900 of the A.C.T. but which are consistent with other laws in the Commonwealth. The existence of an effective criminal law system is one of the defining characteristics of a civilised society and indeed the protection by a state of its citizens through the outlawing of acts agreed by the community to be unacceptable is one of the essential foundation stones of the state. In recent years it has become increasingly clear that the criminal law in Norfolk Island is, in a number of areas, inadequate and outdated. Not only are its terms generally archaic and obscure the legislation is not readily available and is based on very old N.S.W. legislation. While some of the sentencing options such as whipping (of adults and children) and sentencing to irons were abolished by the Interpretation (Amendment) Act 2004 other provisions of the general law that have remained unchanged are inappropriate and unable to cope with the changes in society in the past 30 years. Furthermore it has appeared from time to time that activities may have taken place that were offences elsewhere but did not fit within the criminal law framework of Norfolk Island. This draft of proposed reforms of Norfolk Island criminal law represents, a significant change to our criminal law and its development. As pointed out, it is the case that the review of the criminal law has been an agenda item for many years and a concerted attempt at reform was commenced in earnest in late September 1996 through the cooperative efforts of external consultants who worked with Administration



MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. I put that question to you Honourable Members,

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned

### SENTENCING BILL 2006

MR GARDNER Mr Speaker I present the Sentencing Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker in tabling the explanatory memorandum as is usual I will quote from that. The purpose of this bill is to generally codify the rules for sentencing offenders in the Norfolk Island Courts. It preserves existing provisions of the law concerning Periodic Detention and Community Service Orders and introduces other alternatives including Home Detention Orders and restitution orders and compensation orders. At present the principal powers for sentencing are found in the *Crimes Act 1900* (NSW) which is applied by the *Criminal Law Act 1960*. Recent experience has highlighted defects in the law as it is and in particular in the restricted choices available to the Supreme Court whereas the Court of Petty Sessions has a far wider discretion. As the criminal law becomes more complex and avenues for punishment expand, it is desirable that the courts of Norfolk Island have the widest possible areas of choice consistent with their ability to do justice. Previous legislation has taken from the courts the ability to impose the death penalty or imprisonment with hard labour and to order whippings or the fixing of leg irons. The Bill is intended to provide a comprehensive set of punishment choices available to the courts and also expand the system by the introduction of a formalised system whereby information regarding the effect of crime on victims can be presented. Mr Speaker there has been quite a bit of discussion on my behalf with the Justice of the Supreme Court in relation to sentencing, the criminal code, the criminal procedures and like Mr Speaker and that discussion has been ongoing for quite some time with various Justices of the Supreme Court in relation to this matter but particularly to the Sentencing Bill of 2006 where I believe in a recent case the court found itself in a very difficult position as far as sentencing was concerned and was somewhat bewildered at the flexibility that exists in the Court of Petty Sessions for sentencing type provisions, did not extend in the same form or fashion to the Supreme Court of Norfolk Island. In saying that, that is the fourth part of that package of Justice package legislation. I look forward to any comment that Members might make before seeking to adjourn the matter and then seeking to move my motion in relation to the referral of those matters to the Committee

SPEAKER Thank you. Is there further debate

MR GARDNER Mr Speaker, I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you

**MOTION BY LEAVE - REFERRAL OF THE JUSTICE PACKAGE OF BILLS TO THE  
IMPACT OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE**

MR GARDNER Mr Speaker if it's appropriate at this time I would seek leave to move a motion in relation to those matters that I referred to earlier

SPEAKER Leave is granted

MR GARDNER Thank you Mr Speaker I move that debate on that package of legislation and for clarity Mr Speaker the Magistrates Court Bill 2006, the Criminal Procedure Bill 2006, the Criminal Code Bill 2006 and the Sentencing Bill 2006 stand adjourned and those Bills stand referred to the Impact of Bills and Subordinate Legislation Committee for its consideration, the Committee to report to the Legislative Assembly on its deliberations and recommendations at a subsequent sitting of this House

SPEAKER Thank you Chief Minister. Then I put that question to you Honourable Members

QUESTION PUT  
AGREED

The ayes have it thank you. Those four bills are so referred

**HEALTH AMENDMENT BILL 2006**

MR GARDNER Mr Speaker I present the Health Amendment Bill 2006 and move that the Bill be agreed to in principle

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

MR GARDNER Mr Speaker in presenting this bill to the House I just want to acknowledge the work that Mr Brown as the previous Minister for Health had put into it as far as requesting amendments to be made in relation to both skin piercing and the various infectious and infections diseases and transmittable diseases that attach as schedules to the Health Act in Norfolk Island. Mr Speaker the purpose of this bill has two principle objectives to improve and update provisions concerning infectious diseases, and provide a regulatory system for the provision of tattooing and skin piercing procedures. The Bill also makes some changes to bring the Act into line with the other legislation. The Health Act 1913 concerns itself with but a very few diseases that in a small community like Norfolk Island could be quite devastating. The present list consists of plagues, scarlet fever, smallpox, typhoid fever, typhus fever, diphtheria, cerebra spinal meningitis and leprosy. The proposed amendment shifts the list to a schedule and breaks up the list of infectious diseases into broad classifications such as diseases caused by viral infections, retro virus infection, bacterial infection, fungal infection, etc. the extremely limited and ineffective provisions in section 20 of the Act which requires a person owing a house where there is an infectious disease to report, is replaced by a more comprehensive provision that requires a medical practitioner to inform the medical superintendent of a notifiable disease of a patient or of a patient having systems of a notifiable disease by way of a notifiable disease notice. Provision is made for a notice to

not contain personal information of the patient but for the provider of the notice to use a code so that if the details of the person are required they can be readily provided. The new provision requires a person suspected of having an infectious disease to comply with directions of the medical superintendent including entering and remaining in hospital, or a temporary isolation place. If a person refuses to comply with the direction a detention order can be issued empowering the police to take a person to the hospital or isolation place. Provision is made for regulations to be made to assist in dealing with an infectious disease outbreak and with persons who have or may have an infectious disease. The other major change is to provide for the regulation of persons who carry out skin penetration procedures. A source of infection in many places that has had fatal consequences is that of tattooing and forms of skin penetration for such things as rings and studs. The use of inadequately cleaned instruments has involved the passing on of diseases ranging from relatively minor infection through to HIV Aids. As various forms of skin penetration become more popular and are carried on by persons who do so on a regular basis for multiple clients, the risks of infection breaking out will increase. As the professionalism and cleanliness of those who do these procedures is not always known it is considered that procedures and controlled and safe systems should be imposed. Skin penetration procedures includes a number of things including specifically, acupuncture, tattooing, ear piercing, hair removal, any other procedure involving skin penetration and anything prescribed by regulation. If the processes are done by medical practitioners or dentists they are not included as such person are otherwise regulated. The legislation is based upon Regulations providing for registration and control of skin penetration procedures and a health inspector having power to enter premises to ensure that the Regulations are being followed. The Bill therefore provides substantial powers to the health inspector to enforce the Regulations and to do so by having a power of entry, of inspection, to take samples, to take photographs, and inspect records. The health inspector can order that premises be closed if procedures are being carried out without the premises being registered. Protection is given to persons to appeal to the Court of Petty Sessions to remove or vary an order, and provision is made to ensure that persons who suffer loss and damage can be compensated as long as the loss or damage was not caused as a result of their obstructing the health inspector. Other amendments proposed include making section 3 of the Act conform to the changes to the infectious disease changes, to increase penalties from those in place in 1913 to those proposed by the main changes to the Act, to update section 6 to provide for notices to be published in the Gazette and not merely posted near the Court House and to define the Government Medical officer (who is nowhere defined in our law), to mean the Medical Superintendent of the hospital. Mr Speaker that was the explanatory memorandum. This Bill in its preparation was copied to the Norfolk Island Hospital Board and the Director of the Norfolk Island Hospital. The Director has responded to that canvassing of it to want to have added to the regulations another schedule as far as protocols being followed I the event of sharps or needle stick injury and the need to display those types of signs in tattooing establishments. Also his advise was to satisfy me prior to the introduction of this that the schedule of diseases and infections that are referred to in the legislation as a schedule were in fact comprehensive and all encompassing as to those that could reasonably be expected at some time to impact on Norfolk Island without outbreaks in other parts of this part of the world. Mr Speaker I commend the Bill to the House

MRS JACK

Mr Speaker, I'm pleased to see the inclusion here of tattooing. There have been informal meetings of MLA's where various Members have raised the issue and their concerns. Members of the community have also done that. That's not to say that the tattooing that's been going on has been done in an irresponsible way, but it's done with a lot of understanding and acquiescence by the various parties. I'm just glad to see that it's going to be formalized and given some substance, thank you

SPEAKER Thank you. Is there further debate on this matter.  
No further debate. Chief Minister

MR GARDNER Mr Speaker, I move that the debate be adjourned  
and resumption of debate be made an order of the day for a subsequent day of sitting

SPEAKER Thank you Chief Minister. Then I put the question  
for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

We now move to Orders of the Day Honourable Members

### **LEGISLATIVE ASSEMBLY AMENDMENT BILL 2006**

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 on this matter

MR BROWN Mr Speaker Thank you. This Bill arises from the recommendations of the Select Committee into Electoral and Governance Issues which reported late in 2004. It relates to the voting system. It seeks to change the number of votes that can be allocated to any one candidate from at a full election, as many as four, to one. And that is my interpretation of a first past the post system. The same recommendations was made by an earlier Joint Standing Committee Report. Some Members may have a view oh well, why change anything, but some within the community would have a view that the present system guarantees unworkable Legislative Assemblies. The present system is actually designed as those of us who were around at the time will recall, it is actually designed to ensure that minority groups can have representation. The Australian system is not so designed. The Australian system is designed so that you've got one party or another party or a group of parties that say this is how we are going ahead for the duration of this parliament so many people are of a view that we need to make this change in order to make our Legislative Assembly more workable. Whether we do make a change is a matter for the Legislative Assembly. There's nine of us and unless five want to make a change, it won't happen. Whether that exchange is to one vote or to two votes, again is a matter for the Legislative Assembly. I've had a number of people say to me, why have you got to use all nine votes if you want to only vote for two why shouldn't you be only able to give one to one person, and one to another. Well there is an answer to that Mr Speaker which is, that if the majority of people chose to exercise only two votes then the minority by exercising all of their votes would again control the composition of the Legislative Assembly. My preference is one vote per candidate having as many votes as there are positions to be filled so the full election, nine votes you allocate one to any individual candidate but you must use all nine. I'm not going to go and cry into my milk if Members form a view that it should be two. Because two will be a massive change from the present system so I leave it to Members

MR NOBBS I was on the Committee with Mr Brown and I agree with one vote. That's it. It's been in before and I always thought it worked alright, but the next thing I knew we had four votes. I still believe in one vote and that's it and to vote for any less than nine I feel is a bit frivolous. If you have nine positions here, I mean you should be able to vote for nine or should be required to vote for nine and that's it. I mean it's a bit difficult to work out how things are going to flow. Those who may wish to stand again because we don't know where the other three votes would go but that's beside the point really and therefore I'm fully in favour of this motion



expressed his view of what the first past the post system means and as I said at the last sitting, I think it was towards the end of the last Legislative Assembly there had been a number of representations made to me at the time as the Minister responsible for carriage of legislation at that time but we unfortunately ran out of time for it to progress but a number of representations that very clearly demonstrated that people didn't quite grasp exactly what was meant by the first past the post system. I've had a view for some time which isn't too dissimilar to Mr Christian's that five is probably an easier number for people to come to grips with and the reason for saying that is that even though people have the ability now to cast nine votes, I believe that seldom does that happen and in fact people break it up to vote for three four or five people which clearly indicates to me that they have the confidence in a certain number of people rather than nine people individually to form the Membership of the Legislative Assembly. In saying that I think that it's a significant decision that we have to make in relation to that and I don't mean in any way to want to delay the process at all. We could be faced with a general election at any time as is the nature of this job but I know that there are a number of people out there who have serious concerns about the nine votes and making each person on the electoral role have to cast a vote for nine different people. Some have discussed breaking down the current arrangement where you can get a maximum of four votes for three people, 4,4,1 or 3,3,3 or any mixture outside of that as long as you use up nine votes. Some have suggested that you must reduce the number from four as a maximum amount to two which effectively makes you have to vote for at least five people or more but there are so many different possible mixes available and I really do think that we need to seriously go out and consult with the community about this. Put the options out, let them know what the ramifications of each particular thing is and certainly if there was a view by Members I would be happy to refer again this matter to the Impact of Bills and Subordinate Legislation Committee so that those things can be properly canvassed in the community and that from the community consultation which goes further than our own Select Committee did, it actually deals with the detail of the first past the post system that, that go ahead so that it can be reported back to the Legislative Assembly as a whole. I really do believe that it is something that the community need a greater say in

MRS JACK

Mr Speaker, the Chief Minister has mentioned a few options and if we are going to go down that path by the view of this Legislative Assembly please don't forget one vote one person either because that is an extremely valid and all telling vote. One vote per person is definitely one that I would go to. I know it's at the opposite end of nine single votes but it is even more telling Thank you

MR BROWN

Mr Speaker the last reference to the Impact of Bills and Subordinate Legislation Committee was a detailed reference which took seven or eight months to be dealt with. Today we have referred four bills to the Impact of Bills and Subordinate Legislation Committee already. I fear that if this matter is referred to the Impact of Bills and Subordinate Legislation Committee we won't see the end of it within the life of this Legislative Assembly. I nevertheless accept that the community may wish to comment. Certainly the community has already had that opportunity and a number of Members of this community have taken advantage of the opportunity. The detailed letter was published in the paper from Mr and Mrs Sanders for example who have taken quite an interest in this particular subject matter. I think that I would prefer to simply adjourn the matter. I'm quite happy for the Chief Minister to then seek public comment and in the even that we receive minimal comment I'm quite happy for us to then consider whether the appropriate course is to decide if the community is happy with whatever we do or whether the appropriate course is to risk the delays that would be involved and to send the matter to the Impact of Bills and Subordinate Legislation Committee but before killing it for anything from seven to fifteen months I would like to suggest that we simply adjourn it until our next meeting

MRS JACK Mr Speaker, could it be that the next meeting be the one that we are due to have in two weeks and not the four weekly one otherwise this is going to go on like Ben Hur

MR BROWN Mr Speaker, on that basis I move that the debate be adjourned and resumption of debate be made an order of the day for a subsequent day of sitting

DEPUTY SPEAKER Thank you. Then I put the question for debate to be adjourned for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you, that motion is adjourned

### **DE FACTO RELATIONSHIPS BILL 2005**

Honourable Members, we resume on the question that the Bill be agreed to in principle and Mr Gardner has the call to resume

MR GARDNER Thank you Mr Speaker. There's been a lot said about this bill and I know that Mr Brown had indicated that he was wishing to move some amendments to it so I defer to Mr Brown so that he can move those amendments so that we can give consideration to them

SPEAKER Are you foreshadowing amendments Mr Brown

MR BROWN No Mr Speaker. One of the difficulties in this Legislative Assembly is that there is no provision for backbench Members to have legislation or amendments drafted. It's difficult enough for a Minister to achieve and so I do not propose to move an amendment to this bill. I have great difficulties with the following bill because it reaches into the grave and seeks to change the law that applied prior to the death of a person but if Members are happy with the De Facto Relationships Bill, so be it

SPEAKER Debate. This is still on the question that the Bill be agreed to in principle

MR NOBBS I have some concerns about it. At the last meeting I talked to the Minister responsible, I talked to the people who drafted the bill and I'm satisfied and I have no concerns with the bill now

MR BROWN Mr Speaker could I just check that my recollection is correct that this bill does not seek to have retrospective effect. I'm pretty sure that, that's the case

MR GARDNER That was the advice I think that Mr Nobbs had sought and he was satisfied that it didn't have retrospective effect

SPEAKER If there's no further debate the question is that the Bill be agreed 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 Chief Minister

MR GARDNER

Mr Speaker, I move that the bill be agreed to

SPEAKER

that the Bill be agreed to

Thank you Chief Minister. Then I put the question

QUESTION PUT  
AGREED

The ayes have it thank you, that Bill is agreed to

### **ADMINISTRATION AND PROBATE BILL 2005**

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

MR GARDNER

Thank you Mr Speaker. Again there's been discussion over the last few months in relation to this bill since its introduction last year. There was some earlier concerns that colleagues had about same sex arrangements or references to same sex arrangements and references to illegitimate children but I think the primary concern in relation to this bill is the perception of the retrospective application as Mr Brown said a few minutes ago, reaching back into the grave to have an impact. Mr Speaker again I don't know, Mr Brown seems to have some difficulty in seeking to get amendments done, and I can assure him if he wants amendments drafted I'm only too happy to assist at any time in relation to that matter but from his comments he hasn't sought to have those amendments drafted and if it's necessary I'm quite happy to as I said, assist in that process with the difficulties that he's encountered so that Members of the Legislative Assembly can give consideration to them. I think that's only appropriate that that happen

MR BROWN

Mr Speaker on that basis I would be grateful if the Minister will arrange for an amendment to be drafted which would have the impact of simply not having retrospective effect and if the Minister would be happy to have that drafted and to adjourn today, we can deal with it in two weeks time

MR GARDNER

Thank you Mr Speaker. Look I'm happy to do that obviously. I think Mr Brown had made references to particular sections that needed to be referred to as far as the non retrospectivity that he was seeking at the last sitting and I can work with him or the draftsman to ensure that those amendments are brought forward for consideration by Members

MR CHRISTIAN

Thank you Mr Speaker, if I may seek the Chief Minister's clarification on one part about the Administration and Probate Bill. If my recollection serves me correctly I thought part of the reason for bringing this Bill forward was to assist a young local in particular who was in a difficult situation and needed a degree of retrospectivity in his particular instance. Am I correct in my thinking or have events moved on

MR GARDNER

Mr Speaker I think I can answer that one. Mr Tim Brown asked me a question in relation to that in questions without notice some four or

five months ago at least asking what it was that myself as the Minister responsible for this matter was proposing to do in relation to exactly that matter that Mr Christian is talking about. The proposal to draft this legislation had been around for quite some time with that retrospective application contained in it, basically it had been a pickup of the arrangements that were applied in the ACT with similar sorts of legislation which had retrospectivity or retrospective type application when it passed through that parliament and became law and that parliament, it was viewed at the time that, that was an appropriate form for it to flow through into Norfolk Island but I do appreciate Mr Brown's concerns. There are some people that obviously believe that these things shouldn't I guess breach the sanctity of the grave so to speak and that is a question that each one of us have to give consideration to but Mr Brown has sought those amendments and has sought that debate in the House and it's only appropriate that it come forward. Whether those amendments are adopted by the Legislative Assembly is a matter of discussion and decision at the appropriate time when those matters are brought forward

SPEAKER  
Yes. Thank you

Mr Christian has that responded to your situation.

MR BROWN  
Mr Speaker with respect we should never pass general legislation in order to look after the affairs of one person. If we want to look after the affairs of one person, we should be transparent. We should pass a specific legislation for that one person and be totally transparent and if Members are of a view that they want to do that then I can understand that but in terms of general legislation that applies to everyone I have a very strong view that it should not be backdated so as to have effect in relation to the estate of someone who is long dead before we pass the legislation. Thank you

MR NOBBS  
My views a little bit different. I'm not look at it from a legal side of things but if something hasn't been finalised I would have thought, why not? That was mine. Because you are not really changing the law. If the issue has not been finalised by the time this comes into law I can't see why it's there and I appreciate that we can play some silly games with legislation that might fix it but I don't think there's anything new that's a concern in that area

MR BROWN  
Mr Speaker the difficulty is that one cannot travel just up the road, exhume a body and have the deceased person sign a new will. If that was possible I would have no difficulty with Mr Nobbs suggestion but a person is entitled to handle his affairs in accordance with the law of the day and it is generally regarded as most inappropriate to seek to then retrospectively legislate so as to change the law and change the affairs of a person, particularly a deceased person after they had acted in accordance with the law

MR GARDNER  
Mr Speaker as I said I'm happy to assist Mr Brown in bringing those amendments for those concerns back to the House in two weeks time. The debate on whether Members conscience is going to determine at the end of the day whether they support those amendments or they don't support those amendments and support the body of the bill and that's the appropriate way that this matter needs to be dispensed with and so I would be looking to adjourn the matter Mr Speaker to enable those matters to be given a proper airing

SPEAKER  
Thank you. Then I put the question that this matter be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT  
AGREED

The ayes have it thank you

### **BUSINESS TRANSACTIONS (ADMINISTRATION) BILL 2005**

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

**MR NOBBS** Mr Speaker I circulated last month some amendments that are proposed, they were in relation to issues that were brought up by the Chief Minister and also Mr Brown and I will seek to have those as a detail stage amendment when it suits you Mr Speaker

**SPEAKER** Is there any further debate on the question that the Bill be agreed to in principle

**MR BROWN** Mr Speaker the value of every business on the island probably went down by 40 to 50% at the beginning of this week. I have difficulty in accepting that it's the right time to charge them even more. In my view the legislation itself is not well thought out but the timing is even worse

**MR NOBBS** That's up to the Legislative Assembly Mr Speaker it's been around for some considerable time and I think that there's probably no good time for any new levy but I guess land also would have taken a nose dive with the Commonwealth's activities as well but that's still going to be retained as a levy process on the sale so

**SPEAKER** Is there any further debate on the question that the Bill be agreed to in principle. I put the question

### **QUESTION PUT**

**SPEAKER** Could the Clerk please call the House

<b>MR BUFFETT</b>	<b>AYE</b>
<b>MR GARDNER</b>	<b>AYE</b>
<b>MR SHERIDAN</b>	<b>AYE</b>
<b>MR NOBBS</b>	<b>AYE</b>
<b>MR CHRISTIAN</b>	<b>AYE</b>
<b>MRS JACK</b>	<b>AYE</b>
<b>MRS BOUDAN</b>	<b>AYE</b>
<b>MR BROWN</b>	<b>NO</b>

The result of voting Honourable Members, the Ayes seven the Noes one, the Bill is agreed to in principle

We move to the detail stage. Mr Nobbs you foreshadowed amendments at this stage and I give you the call

**MR NOBBS** Mr Speaker the following were circulated to Members and also on the notice paper and I move that they be taken as read and agreed to as a whole

SPEAKER Thank you Mr Nobbs. I put the question that the detail stage amendments be agreed to

QUESTION PUT  
AGREED

MR BROWN NO

Clerk please call the House

MR BROWN Mr Speaker I think I'm the only one with a negative  
Mr Speaker

SPEAKER Then I shall record your vote as no Mr Brown and the amendments are agreed Honourable Members

Thank you Honourable Members. I now put the question that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

MR BROWN NO

Thank you. Mr Brown is against that but the balance of the bill is agreed. We now have a bill in its amended form and I seek a final motion please Mr Nobbs

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

SPEAKER Is there debate? Then I put the question that the Bill as amended be agreed to

QUESTION PUT  
AGREED

MR BROWN NO

The Bill as amended is agreed to. Thank you Honourable Members, and Mr Brown your No vote is recorded

### **BUSINESS TRANSACTIONS (LEVY IMPOSITION) BILL 2005**

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

MR NOBBS Mr Speaker as you said this goes in tandem with the previous bill that was passed and it sets the effective rate of the levy at 3% which is the same as for land transactions under the Land Administration Fees Act 1996

MRS JACK Mr Speaker, I seem to be missing some amendments. There was discussion on the transitional clause put forward by Mr Brown. Has that been done. I'm sorry I don't have...

MR NOBBS There was a transitional clause in relation to the previous bill

MRS JACK Mr Speaker, I'm sorry I've written it on the Business Transactions Levy Imposition Bill that two meetings ago that the transitional clause was asked for this bill as well

MR NOBBS I don't recall that. I knew there was a transitional arrangement with the principle bill but I thought that this levy bill was purely for the establishment of the fee for the impost

MRS JACK Okay

MR BROWN Mr Speaker to assist Mr Nobbs I would have thought that any transitional arrangement would apply to the bill which says you are either liable or you're not liable. In terms of the fee itself you are only liable to pay the fee if you are liable

MR NOBBS I sort of said that didn't I

MR BROWN You talk double Dutch

MR NOBBS I must have been a lawyer

SPEAKER Any further debate. I put the question that the bill be agreed to in principle

QUESTION PUT

AGREED

MR BROWN NO

Would you like the House called Mr Brown. The Bill is agreed to in principle with Mr Brown dissenting

Thank you Honourable Members. We move to the detail stage. Is it the wish of the House to dispense with the detail stage. We so dispense

Thank you. Is there further debate at this time Honourable Members. Could I therefore have a final motion please Mr Nobbs

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

SPEAKER Is there debate? Then I put the question that the Bill be agreed to

QUESTION PUT

AGREED

MR BROWN NO

The Bill is agreed to. Thank you Honourable Members, and Mr Brown your No vote is recorded

### **LAND TITLES (AMENDMENT) BILL 2005**

SPEAKER Honourable Members we resume debate on the question that the Bill be agreed to in principle and Mrs Jack you have the call to resume

MRS JACK Mr Speaker Thank you . just for the community's recall this bill goes to say that if a company not registered on Norfolk Island owns land or has shares in land on Norfolk Island then it must be registered on Norfolk Island. This will give ease on the servicing of notices or God forbid, any unpaid absentee landowners levy. There is a second part to the bill that looks at the way a company may be formulated that owns the land, or the shares of the land, if you liken it to a chain that the various links represent layers to the company, that there is notification given to the Administration on any change of ownership or transfer of any land or any shareholding, any of those changes will be notifiable to the Administration and there is a percentage fee to be set based on the value of the assets sold and that fee would be the greater of either 33 fee units or 3% of the value of the property or share transferred. In the debate I think in December the then Minister Mr John Brown asked for a change. He disagreed with parts of my proposed bill. I organised that for him and provided him with the detail stage amendment. I noticed that Mr Brown has left the Assembly and as he's no longer here I have a detail stage amendment. There are two proposed detail stage amendments before Members. One is a purely housekeeping matter that incorporation be changed to company but there was the second one sought by Mr Brown. Mr Brown is no longer in the House, is that just put aside?

SPEAKER Well I understood that it was something that you would move Mrs Jack though I may have misinterpreted that

MRS JACK Mr Speaker, it is down as that. I organised it on behalf of Mr Brown and it came under my name instead of Mr Brown's so I will put it forward but vote against it

SPEAKER Well we will proceed in that way. Let's try and settle the matter of agreement of this bill in principle. That's the first question. Any further debate. I put the question that the bill be agreed to in principle

QUESTION PUT  
AGREED

The ayes have it. The bill is agreed to in principle

We move to the detail stage. Mrs Jack there are two of them as you have foreshadowed. Could we have the first please

MRS JACK Mr Speaker, I move that clause 4(a) of the Bill be amended by substituting for the word "corporation" the word "company"

SPEAKER Any debate. Then I ask you Honourable Members, is this amendment agreed

QUESTION PUT  
AGREED

I've interpreted Honourable Members, that Members are agreeable to that first amendment. In terms of the second amendment I turn to you also Mrs Jack

MRS JACK Thank you Mr Speaker. As mentioned before I did this at the request of Mr Brown and it came to Members as a detail stage amendment to be moved by me. It was supposed to be under Mr Brown. Subsequently while I put it forward I will vote against it. Mr Speaker I move that the Bill be amended by 1) Deleting clause 4; and 2) Deleting clause 5(a)

MR CHRISTIAN Thank you Mr Speaker, would Mrs Jack be able to explain for the benefit of Members what deleting clause 5a, what impact would that have on the bill that's before us

MRS JACK Mr Speaker, that would take away the ability for the requirement for a company to have to notify beyond the first link in the chain of ownership. That would mean that a company could have several layers and that they would only need to notify and pay the fee should any transfer of the entire holding or any share holding in that first layer occur. Any other subsequent or further down the chain layering or ownership would not need to be required

MR SPEAKER The question is that this amendment be agreed to and I put that question

QUESTION PUT  
NOT AGREED

Thank you. That amendment is not agreed Honourable Members

We've tidied the amendments that have been proposed. I now ask you to consider the clauses as amended and I put the question that the clauses as amended be agreed

QUESTION PUT  
AGREED

Thank you Honourable Members. I now put the question that the remainder of the Bill be agreed to

QUESTION PUT  
AGREED

Thank you. Is there further debate at this time Honourable Members. Could I therefore have a final motion please Mrs Jack

MRS JACK Mr Speaker, I move that the Bill as amended be agreed to

SPEAKER Is there any final debate? Then I put the question that the Bill as amended be agreed to

QUESTION PUT  
AGREED

The Bill as amended is agreed to. Thank you Honourable Members

So we've concluded Orders of the Day Honourable Members, and we are now at the Fixing of the next Sitting Day

#### **FIXING OF NEXT SITTING DAY**

SPEAKER Honourable Members, I'm just in some discussion here about the date. Members have foreshadowed that we might meet in two weeks time. That would be the 8<sup>th</sup> of March. Now the 6<sup>th</sup> of March is a public holiday and there may be some minor hiccups about that. The 15<sup>th</sup> which is actually three weeks away and

that is our normal sitting day because remember this sitting that we have today is not in the normal cycle, it's a week on. The 15<sup>th</sup> of March which is on our schedule at this moment, is three weeks away and is our normal sitting day. I just wanted to explain that so there is no confusion as to how it sits

MRS BOUDAN Thank you Mr Speaker. I move that the House at its rising adjourn until Wednesday 15 March 2006 at 10 am

SPEAKER Thank you Mrs Boudan. Any debate Honourable Members

QUESTION PUT  
AGREED

I think the Ayes have it. Our next sitting day is the 15<sup>th</sup> March 2006. We are agreed on that matter and so we move to adjournment

### ADJOURNMENT

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

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

MR GARDNER Thank you Mr Speaker as has been normal practice over my years as Minister responsible for various areas of the Administration and various other matters I've always taken the opportunity when people are departing our shores to acknowledge the contribution that they've made in their here on Norfolk Island. It's appropriate today to thank Mr Graham Rheade the Crown Counsel of Norfolk Island and his wife Sue, not only for Graham's contribution to the Administration in what has been very difficult times I think over the last three years or so, four years even, and his wife Sue for their contribution to the community and also to recognise the invaluable contribution of Mr Peter MacSporran as our Legislative Counsel for the tremendous amount of work that he's been able to work through in his time on island. I think it goes without saying that requests to Peter normally with some shock and alarm I think sometimes Mr Speaker, are dealt with within a day or two of the request being made. It is incredible his ability to churn out legislation and its been greatly appreciated in what has been a particularly heavy programme for this Legislative Assembly in dealing with matters before it and the necessary need to address in many instances very out of date legislation and he has had ability to be able to address that very quickly in the timely fashion in virtually all instances that I'm aware of but just to recognise both of those persons contribution to the Administration and their wives Sue and Carol who is Peter MacSporran's partner for their contribution to this community and I wish them both couples well in their future as they depart Norfolk Island and I hope they are departing with fond memories of a very special place in I think most people's hearts Mr Speaker

SPEAKER Thank you for your compliments Chief Minister

MRS JACK Mr Speaker, earlier today I was asked whether the waste management centre or any recycling had taken advantage of the various barges that are bringing goods to the island for the airport reseal. Mr Speaker I would like to announce that on the barge that is due in the next few days when it departs it will be carrying 21 pallets of aluminum cans at approximately 1 tonne each, 21 pallets of steel

