



We move to Questions Without Notice

MR NOBBS Thank you Mr Speaker. I have a series of questions for Mr Robertson in relation to At Random. I think you are dealing with it Gary are you still? Yes. Has the six month period in which the Admin could withdraw from the lease expired and if so, what is actually proposed for the facility and what positions will be transferred from Kingston up to At Random

MR ROBERTSON Thank you Mr Speaker. If there's going to be a series of questions coming on this, I would assume that Mr Nobbs would like to put these on Notice and we'll deal with them at the appropriate time

MR NOBBS Thank you Mr Speaker. He might have to take this on notice too. Internet selling. Has there been any studies done as to the impact both positive and negative on internet selling by local commercial outlets since the inception of the internet on Norfolk Island

MR ROBERTSON Thank you Mr Speaker. There has been some exploratory done on this by those who have got their own internet website up but we haven't collectively managed to get any information and I guess that's one that I will take on Notice and report back to the Assembly once we can get that compiled. Just one further bit to that Mr Speaker, from the information I've received to date, some of that has been quite good response and is gradually picking up as more and more become on line

MR BUFFETT Thank you Mr Speaker I address a question to Mr Robertson. Mr Robertson will have received a letter of 7th October from a full time tour operator in the fishing industry pointing out the selective way in which they and other full time operators have been denied access to the Cascade landing. This letter was circulated to all Members for information. I ask the Minister can he advise the House of any response he might have, especially in respect of the duration of blasting, access between blasting and weekend access and the like

MR ROBERTSON Thank you Mr Speaker. That letter which was written to all Members has been forwarded to the Management Board of the Cascade Safety project and they will be meeting later this month and that letter is on the agenda and will be discussed. As far as the blasting requirements is concerned, the blasting basically has started, there's been three blasts to date and as they get more into the more compact rock they will be blasting on a regular basis but those blasts I cannot say exactly which days but they will obviously have to blast and then clear and then blast again once that clearance has taken place. But it will be ongoing from now until the end of the project which will be a year. At the moment they are around about the 22 January. There's been twenty odd days claimed for wet weather which slows things down a wee bit but at the same time the contractors are up to estimate as far as shifting of the overburden is concerned

MR BUFFETT Supplementary question. Does that mean blasting every day

MR ROBERTSON Thank you Mr Speaker, not necessarily. If the blast is of the nature that requires a reasonable amount of clean up it may take two or three days to actually clean, but it would also mean that during that time there would be lots of loose rock which has to be cleaned up and taken into the quarry site to be stored. It also means that at that point the cliff would be at its most dangerous time because there's lots of loose and dislodged rock lying around

MR BUFFETT Thank you Mr Speaker a question to Mr Robinson if I may Mr Speaker. It's concerning parking for elderlies in Burnt Pine. We have had an upgrade of the Burnt Pine area as we all know and that is very advantageous both to us and to visitors. Two of the main reasons for elderlies to drive to Burnt Pine is for their food needs and to go to the Bank. There are parking facilities at the food stores and they do provide some spots for elderlies, in this particular instance quite close to the side entrance of one of the shops. I ask the Minister in that context, can some similar provision be made mid Burnt Pine, particularly close to banking services, so that elderlies might not find it difficult to park a long way from the services and have to walk to them

MR ION ROBINSON Thank you Mr Speaker I think this is more in the purview of Mr Robertson but I think we should be looking at this

MR BUFFETT It may well cross two Ministers areas of responsibility. I would like to raise the matter and hopefully the matter would then be advanced by whoever might need to address it and if that means Mr Robertson also Mr Speaker I would equally address that to him and seek his participation in that process

MR ION ROBINSON It's a good idea

MR ROBERTSON Thank you Mr Speaker. There is one side of the road which would be ruled out in that case and that's any parking near the Westpac Bank. It's not best suited for elderly people. It's on a reasonable sort of a slope there but we can no doubt look at it when they start the next stage of the Burnt Pine upgrade and we come to that

MR BUFFETT I would hope we wouldn't have to wait that long

MR ROBERTSON It depends on how quickly you want to vote for the upgrading, however, the Committee would meet, it wouldn't be a decision on my own, the Burnt Pine Committee would meet and discuss that and that can be done in a reasonable time

MR BUFFETT I do have one other. If I may direct this to you Chief Minister, but no doubt I should wait for a moment before I do that

MR SPEAKER Maybe I could ask Brian to come and take the Chair whilst you ask me that question and whilst Brian is coming up, further questions

MR NOBBS Just another one for Mr Robertson. It relates to the Cascade project. Have you received complaints of dust, particularly at the entrance to the stockpile area on the former Champion land and if so, what's being done about it

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I received a complaint approximately four weeks ago now, and this of course has happened since the dryness. The day I received the complaint I went down and saw the Project Manager and we made an inspection and following that inspection the water truck which has been depositing water both on the road and just inside the gate of block 44 where the actual storage is being done, is watered. They've now stepped it up, apart from the road being watered twice a day they've now stepped that other area up to basically continual watering. They are competing against the amount of dust that's been raised because of the huge dryness that is occurring but they do have it on top and they are keeping a pretty close eye on it. There is going to be dust Ron

MR BUFFETT Thank you Mr Acting Deputy Speaker. I direct a question to the Chief Minister. It's about Bucks Point land. Mr Speaker a letter dated 17th October from John Anderson and others was directed to the Chief Minister about the Bucks Point land. Could the Chief Minister please advise the House of the response to that letter after consideration by him and by others and any writings that he may have had in response to that letter

MR SMITH Thank you Mr Acting Deputy Speaker. Yes I need to go through the processes that we've gone through with it to come to an answer for Mr Buffett in relation to the Bucks Point land. It started with a motion in the House that the Assembly does a survey on whether the Assembly purchase a piece of land at Bucks Point which is on the cliff's edge and that was duly done. We've had two surveys, one was a postal and the other was by telephone. The results of the surveys were that the majority of people favoured the Government looking at purchasing the land, however in the survey the price of the land was not mentioned. Now there were reasons for that which I'll touch on later. However it said in the survey, subject to the appropriate valuation of the land. The Assembly had a valuation done on the land which was less than the \$200,000 that the price tag was for the land. If I recall correctly, the valuation was about \$145,000 at current valuation for that piece of land. Members will recall that we sat around the table here and discussed the issue and if the owner of the land would accept the price for the land value that was given that we would be interested in it, but if the owner of the land still wanted \$200,000 we wouldn't be interested and I notified the owner of the land of that situation. Since that time there has been one or two discussions with the owner of the land and other people. The owner still wants the land to be sold at the price of \$200,000. As late as last week Members will recall that we sat around the table once again, the issue. that was in relation to a letter I had received that Mr Buffett just quoted, from a group of people who have made different proposals to the Government, one being that if we were to come up with the money for the land at the land valuation price of \$145,000 they may be able to raise the rest of the money and so retain the land. At that meeting Members will recall that I proposed to Members who were supporting the purchase of the land that if they could come up with some options for finding the funding, we could look at it again in two weeks, and that is the situation at this time.

ACTING DEPUTY SPEAKER Thank you Chief Minister. Any further questions

MR NOBBS Thank you Mr Acting Deputy Speaker. Another one for Mr Robertson. Gary was there requirement for Island Industries to prepare an environmental report prior to, as reported in last weeks Paper, approval being given to relocate it's crusher

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. There are five appeals lodged before the Administrative Review Tribunal on this issue

MR NOBBS Could I have a Point of Order.

ACTING DEPUTY SPEAKER What is the Point of Order Mr Nobbs

MR NOBBS I addressed my question to Mr Robertson. My understanding Mr Acting Deputy Speaker is that Mr Robertson was nominated by this Assembly as the Minister responsible for crushing and quarrying. If that's changed can somebody please tell me how it was changed and when

ACTING DEPUTY SPEAKER Mr Nobbs, Mr Ion Robinson is the Minister responsible for Planning and if it's a planning issue it's appropriate that he answer, if it's a crushing issue then Mr Robertson would answer

MR ROBERTSON Through you Mr Acting Deputy Speaker that's exactly right. The environmental impact studies or anything like that comes through the Planning Board or the Planning requirements. It's not a requirement about the crusher. Once that's all through and there is a crusher on site, then that would come under my jurisdiction and that's exactly what's happened at this stage, so it's the environmental side and is being done through the normal planning which I don't have any say in

ACTING DEPUTY SPEAKER Mr Ion Robinson, do you wish to continue on the planning aspect of that question

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. As there are five appeals before the Administrative Review Tribunal it is in a subjudice situation and I would not like to discuss it

ACTING DEPUTY SPEAKER Further Questions Without Notice

MR NOBBS Another one for Mr Robertson. What is happening to the Review of the Liquor Bond you tabled at the last meeting Gary and will it be debated by the Assembly

MR ROBERTSON Thank you Mr Acting Deputy Speaker. The report was tabled and Members of this Assembly were asked to get to me with any of their recommendations or any thoughts they felt needed to be done. The one thing that has happened is that the actual Liquor Act itself is under review and currently the draft bill is being set up so that we can discuss that which naturally will come before all Members but the actual Liquor Bond itself, I've had rather an extensive paper received yesterday from the Liquor Bond Manager. We've had discussion with them and I'm still awaiting for Members to give me the information that I asked for about Committee Meetings to give us any impact, anything at all that we can look at. Once all that's in then we can go ahead with it but in the meantime the draft legislation is started. That document then will enable us to discuss it

ACTING DEPUTY SPEAKER Mr Buffett do you have any further questions. I'm wondering if you could take the Chair for a while

MR McCOY Thank you Mr Acting Deputy Speaker. I've a questions that I would like to direct to the Chief Minister. The question is, are you aware, or is it a fact that Flight West off loaded the mail yesterday in preference for TNT standby freight

MR SMITH Thank you Mr Deputy Speaker. I'm not aware of that

MR McCOY Thank you Mr Deputy Speaker. Supplementary to that, would you look into that to see if it is true

MR SMITH Thank you Mr Deputy Speaker I can assure Mr McCoy that I will do that

MR McCOY Thank you Mr Deputy Speaker, I have a question I would like to direct to Mr Robertson. Based on the acceptance in the near future of either betting or gaming and further down the track the offshore finance centre coming into play,

how many persons would need to be residing on the Island from off shore, from any other country that would make either of the projects feasible and to add to that, how long is the viable long term financial benefit to the community, how is that assessed

MR ROBERTSON Thank you Mr Deputy Speaker. I can speak for the offshore, I can't speak for the gambling side of it. The offshore, you may recall that we had a consultant by the name of Bill Gloyne up here recently who addressed the Members of the Assembly during which time it was established that there needs to be a model of exactly the type of offshore centre that we would anticipate would be of benefit to the Island. That model would be available I think around about December, early January in which case at that point we could then take a look at what would be the outcome of us accepting that. We are looking at a niche market type of operation rather than a full scale offshore finance centre and ticking off the various things, but this will be in the model when it's sorted out. The other side of that would be, there would be at least three or four banks no doubt required. There are two banks already here and both the banks that are here have expressed interest. Once again this depends a little bit on the acceptance of the model that is being given to us and it is up to this Assembly to make the decision at that time and I would suggest that we are looking at between 60/70 people because with the advent of the computerisation and new techniques which are coming into the communications side of it the need for massive buildings and structures are no longer as it was many years ago so we will know more about that but as far as offshore finance goes, once that's in and established it's there for the long term, it's there for as many years as you can possible make it\

MR BATES Thank you Mr Deputy Speaker. A question for Mr Robertson, Minister responsible for crushing. Can the Minister advise what is the present situation regarding the supply of crushed rock products and is there any operator in the position of being able to produce these products and if not when is it expected that there will be

MR ROBERTSON Thank you Mr Deputy Speaker, at the moment the crusher that has been operating has been closed and they have made an application to the Planning Board to operate on a block adjacent to the one where they existed before and you've just heard that Mr Robinson has mentioned that ART is getting involved in that so I do not know how long that would be before it would be up and running if it ever gets up and running. We have a second person who has made an application to crush rock down at the road site which is Young's Road down in the Cascade area, that is proceeding and I understand that he is proceeding with an NOI, which is a Notice of Intent which is the first stage of him doing an environmental statement. The access to that area would not be available until the completion of the cliff which is theoretically around the end of January so if that one is successful that one would come up then. Further to that on the 7th September we completed our first preliminary assessment of a site at the airport and I understand that early next month Harrison and Grierson are coming up from New Zealand to do an independent survey of that area and of that preliminary requirement to see at what stage that would go. That would then come up as a site, not necessarily a crusher, but it has come up as a crushing site so at the best we can look at the end of January depending on how long the ART takes on the current crushing site

MR NOBBS Supplementary. In relation to the airport site, are you handling that application Gary

MR ROBERTSON That's basically coming through Ric at this stage although I'm sort of involved in as much as the afterwards, and I'm looking at what will happen after it's been approved. At the moment it's gone through Ric

MR NOBBS How can you say you're involved in that one but you're not involved down the road

MR ROBERTSON I'm not involved in it. I said there's an assessment being done and that when that's clear then that will be a site at which stage crushing can then take place

MR BATES Thank you Mr Deputy Speaker. A further question for Mr Robertson in relation to the crushing. Is there any rock currently available from the cliff project and if so, has a price been set by the government for this material

MR ROBERTSON Thank you Mr Deputy Speaker. There has been some rock from the project which is soft rock and is being utilised by the Administration to repair the road at Ball Bay. It's not crushable rock, or I guess it's crushable but it's powdery rock and that is being used by the Administration. There has been other rock won and that is now being stored in the quarry. There's around about two thousand tonnes so far which is down there, so yes, there is rock available to crush once we get to that stage

MR BATES Thank you Mr Deputy Speaker. Part of that question was, has a price been set

MR ROBERTSON We won't know that until the blasting gets done onto the hard section of the rock which I think is section 6 which is where the main rock area is. Once the first blast is taken they are going to be doing a density test which will then enable the engineer to make a pretty accurate assessment of exactly what sort of rock quantity will come out of it. That means that at that point we can say, yes, what the estimates were in the first place are correct or we can do better than that. It won't be less to my knowledge. The rock that we are currently getting off from the blasts that have taken place today is basically bonus rock so I would suggest that the figure we gave originally was \$17.30 I think, if that tonnage was there, you would be looking somewhere around that or up to \$20 but you are into that vicinity. You can't make a determination just yet but it's not far away

MR BATES Thank you Mr Deputy Speaker. Further question on the same subject Mr Robertson. Given that the rock is available at around about \$20 per tonne give or take and crushing costs vary between \$18 and \$25 per tonne in other places, what is the price expected to be to the public and in the event it is over \$45 per tonne what can be done to ensure customers are not being ripped off

MR ROBERTSON Thank you Mr Deputy Speaker. Currently we have two applicants wishing to crush and I would presume that if the two applicants are able to crush then the forces of competition would prevail. The actual costs of crushing is relative to the price of the equipment that comes in and relative to the amount of crushing it does over a years work so you've got to build those sort of costs in. There has been talk from one of those who are interested in establishing a crusher that \$45 is around the figure that he would be selling it to the customers. I guess if there is an exorbitant price structure established then we could look at that through the Fair Trade Practices Act or some other form of control and if the worst comes to the worst the Government has the ability to put in price control mechanisms

MR NOBBS Just a supplementary to that on the rock. You are talking about the soft rock that went to the Administration, is the Administration being charged for that or is that classified as fill

MR ROBERTSON Thank you Mr Deputy Speaker, that's fill. That's carted up from the contractor just as fill. The only thing we have got them to do is to actually dump that aside rather than spread it out through the top of the fill at 44 and we are using private contractors to actually load that. The Administration have their own vehicle they will use there and we've had to use a private company to assist with the carting. We've had three vehicles carting down there because one of the things that needs to be done, is we have to move that fairly quickly because if it starts interfering with the actual cliff project then we run into all sorts of on costs, and that's where we're at, at the moment. That rock is FOC to us

MR NOBBS One for Mr Robinson that relates to the Cooks Memorial Road. Is it correct that at a meeting of MLA's on 30th August last, MLA's directed that a preference for reconstruction of the Cook Memorial Road in the National Park was to a width not exceeding the existing road and what has happened subsequent to this

MR ION ROBINSON There has been a meeting subsequent to that one you mentioned Ron at which it was decided that the revised plan would be supported which of course means narrower than the original one, subject to the supply of rock and I sent a letter off to this effect

MR NOBBS Supplementary to that, was there a vote taken of Members and what was the count for and against

MR ION ROBINSON There was a vote taken Ron, but I can't tell you the numbers at this stage. I haven't got that in my head. I would have to look up the minutes and even then I'm not sure if it's disclosed

MR NOBBS Just a similar question. Has a tender been let to construct the road and if so, to whom was it let

MR ION ROBINSON As far as I'm aware it has not been let

MR NOBBS Is there a preferred tenderor

MR ION ROBINSON I don't think so. I have not spoken of tenders or about tenders to anybody in authority in Parks

MR NOBBS Just to follow up on that I would like to swing over to Mr Robertson if I may

DEPUTY SPEAKER Is it on the same subject

MR NOBBS It's on the same subject, and it's did the Administration register an expression of interest called for the construction of roads within the National Park

MR ROBERTSON Thank you Mr Deputy Speaker. My understanding is that the Administration put in an expression of interest for the actual sealing of the road

MR NOBBS It wasn't for the total

MR ROBERTSON My understanding is that it was for the sealing of the road

MR NOBBS Can you explain to me why the Works Depot didn't put in for the total construction of the road given that they are supposedly the experts on road building on the Island

MR ROBERTSON Thank you Mr Deputy Speaker. My understanding from the discussions that took place, and I think you yourself Ron led some of that discussion with the Road Supervisor, and the result of that was that they made the decision and advised me that they would be putting in for sealing of the road

DEPUTY SPEAKER Mr McCoy you were seeking the call. Was it in relationship to this question

MR McCOY Yes, thank you Mr Deputy Speaker. I have a question I would like to direct to the Minister for Lands, Mr Ric Robinson. Will you be asking the Minister for the Environment, Senator Hill, to conduct an EIS on the two roads being proposed, the one in Mt Pitt and the one at Duncombe Bay, before the project starts

MR ION ROBINSON Thank you. At this stage no. I know there is an EER being undertaken for the top part of the road but no I won't be asking for Senator Hill to be doing an EIS on it

MR McCOY Supplementary. Is it normal that an EIS be carried out on a job like that even though it's within the National Park

MR ION ROBINSON Not as far as I'm aware. I understand that the Parks Department themselves looked at the question and they decided against it so if we can't accept the authority of the people in charge up there I don't know whose opinion we have to take

MR NOBBS Thank you Mr Deputy Speaker. I understand that significant expenditure of commonwealth funds on road construction requires an automatic, at least, preliminary environmental report and I ask why this hasn't occurred and if you can find out from the Minister why this hasn't occurred and why we are leaving it 'til the last minute to actually go through the PER process

MR ION ROBINSON Ron if you'd like to write down your question I'll certainly present it to the Minister in Canberra

MR NOBBS I will do

DEPUTY SPEAKER Further Questions Without Notice

MR NOBBS Thank you Mr Deputy Speaker. I've got another one for Mr Robinson. In relation to Immigration can you tell me what mechanisms are in place to evaluate a proposal such as that at the last meeting to increase the quota of GEP's issued

MR ION ROBINSON Thank you Mr Deputy Speaker. We have all the records over in the Immigration Department. We are guided by the Policy Guideline that was set up quite some time ago and that's how we arrive at the quota figure. I agree with you Ron that it does need looking at. I copied all Members with the revised Immigration Act. So far I've

had comments from three Members and not from others. Once we get the new Act sorted out I would certainly hope that we review that policy and see if it is working, if it needs upping or downing and when that's done, hopefully we'll get it right

MR NOBBS I understand that the Immigration Committee – it's Mr Robinson again – plays a role in the establishment of the GEP's. Did they comment and were they favourable to the increase that was carried at the last meeting for the establishment of a new quota

MR ION ROBINSON I'm not sure that it was run by them Ron. I will check for you

MR NOBBS Thank you Mr Deputy Speaker. Another one for Mr Robinson on the Museum Curator's position which is being advertised. Why is it being advertised with a requirement that the person appointed must be an archeologist

MR ION ROBINSON Thank you Mr Deputy Speaker. That's a good question Ron, I've been asking that myself. I didn't know of the advertisement coming up until it was actually in the paper. That's one of the things I've got to run down. I feel that we don't really need an archeologist for that position in that we've already got so many pieces over there that have been dug up and not been categorised yet, so yes, I'm looking at that one

MR NOBBS Thank you Mr Deputy Speaker. Can I just add a supplementary to that. Is it not correct that an archeologist has been hired on contract of recent times to do precisely what you are talking about

MR ION ROBINSON To catalogue the findings. As I understand it, yes there has been and there's been a lot done, but it's not finished yet. Before we start digging up any more of course I would like to see that everything that's there is catalogued

DEPUTY SPEAKER Mr Nobbs if you've concluded on that Question I'll give Mr McCoy a turn

MR McCOY Thank you Mr Deputy Speaker, the question I wish to address to the Chief Minister is - based on the approval that's already set in concrete for both tourism and the erection of dwellings over the next twelve months to five years, what moneys have been set aside in the budget for the upgrading of utilities.

MR SMITH Thank you Mr Deputy Speaker, I assume Mr McCoy you are referring to the electricity supply and things like that. In answer to the question Mr Deputy Speaker we are currently reviewing the budgets of the entities like electricity and lighterage which require significant funding for further equipment. In the area of telecommunications there was money provided to upgrade the telephone exchange, which is in the process of being finalised. That will be paid for during this financial year and the next financial year. That upgrading will be finished in the middle of November. I can't think of any other utilities that might require extra funding, maybe in the Water Assurance Scheme but if there is the Water Assurance Scheme certainly does have funds to upgrade and further facilities for tourist accommodation at this point in time

DEPUTY SPEAKER Further Questions Without Notice

MR NOBBS Thank you Mr Deputy Speaker another one for Mr Robinson, and it relates to Cultural Officer position also being developed. Who developed the Position Statement for the position of Cultural Officer which was recently advertised

MR ION ROBINSON Senior Public Servants in conjunction with Policies and Projects

MR NOBBS Was a Policy Paper developed which when made available to the applicants for the position was found to have a page missing and the paper jumped from 12 to 14, I think it was, and the missing paper dealt with recommendations re the establishment of a Board, is that correct, and is it not correct that these recommendations which have never come before the Assembly as far as I'm aware were not to have a position as such but to have a Board in place

MR ION ROBINSON Thank you, yes, there was a debate between the Public Servants and myself over the advisability of having a board or not. The point is that the Cultural Officer will be liaising with the Tourist Board, the Hospital Board and every other Board that we have on the Island because that's what it is all about. Liaising with all the various other Boards so we didn't want another Board as well to get involved

MR NOBBS Doesn't the Immigration Board do any liaising with other Boards and things like that when they are coming to their decisions

MR ION ROBINSON Not that I'm aware of. The essential Board will be also is the Planning Board Ron for the Heritage side of things

DEPUTY SPEAKER You have concluded Mr Robinson

MR NOBBS Can I just have a supplementary to that. The position requirements were numerous and included experience in international forums etc etc but in all these highfalutin requirements there is no requirement to possess nor weighted advantage placed on formal qualifications. Why

MR ION ROBINSON There is a desire to have an anthropological bent to their education for sure but we don't necessarily have to have fully certificated people but it would of course be desirable

MR NOBBS Just a final one on that I hope it is. Is it correct that the Cultural Officer's position is intended to be part time for six months and then created as a full time position

MR ION ROBINSON It's a matter of waiting and seeing Ron. I believe it's a full time position right from the start. It may be able to be done within the hours specified but there is so much that has not been done in the past. There's been nothing looked at in the cultural line so it's a matter of put it in place and see what happens

MR NOBBS I'll have to continue on this. Is this reflected in the current budget that we just passed. Where's it hidden in there

MR ION ROBINSON It's not hidden in there Ron, it is budgeted for and if we need for funds for it later on we'll have to find them or remain as a part time job. It's for this House to decide, not me

DEPUTY SPEAKER

Further Questions Without Notice

MR NOBBS I direct this to the Minister who is responsible for postage. Is it correct that Australia Post is working towards Norfolk Island being part of zone 1, international postal zone 1 and charging accordingly then it seems that it is entirely appropriate for us not having a New South Wales postcode, that's part 1, is that correct and the second part is, as we are members of the Universal Postal Union why can't we apply to have our own postcode and if so, would 6723 not be appropriate

MR SMITH Yes, it is my responsibility. I think to get an accurate answer to your question, maybe you could put that one on Notice Ron in relation to the first part of the question. In relation to the postcode of 6723, that would probably be a good idea. I don't know whether that would get confused with one of the other states but it's something we could look at anyway

DEPUTY SPEAKER  
the call Mr McCoy

Further Questions Without Notice. Were you seeking

MR McCOY Thank you Mr Deputy Speaker, I have a question to direct to Mr Ric Robinson in his capacity as Minister for Land. How many crown lease transfers are processed by the Registrar of Lands each year

MR ION ROBINSON  
John

That's a good question. I'll have to find out for you

MR McCOY Thank you Mr Deputy Speaker, a further question for Mr Robinson. How many category 1 building applications have been approved by yourself since taking office

MR ION ROBINSON Once again, I don't keep these figures in the top of my head. I'll have to find out for you John

MR McCOY Thank you Mr Deputy Speaker, a final question for Mr Robinson. In a case where a project has started before the application has been approved, does the Minister intend to exercise the legislation as set out in the Norfolk Island Planning Act

MR ION ROBINSON Thank you Mr Deputy Speaker. Not as far as I'm aware. I understand that the Parks Department themselves looked at the question and they decided against it so if we can't accept the authority of the people in charge up there I don't know whose opinion we have to take

MR NOBBS Thank you Mr Deputy Speaker. I understand that significant expenditure of commonwealth funds on road construction requires an automatic, at least, preliminary environmental report and I ask why this hasn't occurred and if you can find out from the Minister why this hasn't occurred and why we are leaving it 'til the last minute to actually go through the PER process

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MR McCOY Thank you Mr Deputy Speaker, the question I wish to address to the Chief Minister is - based on the approval that's already set in concrete for both tourism and the erection of dwellings over the next twelve months to five years, what moneys have been set aside in the budget for the upgrading of utilities.

MR SMITH Thank you Mr Deputy Speaker, I assume Mr McCoy you are referring to the electricity supply and things like that. In answer to the question Mr Deputy Speaker we are currently reviewing the budgets of the entities like electricity and lighterage which require significant funding for further equipment. In the area of telecommunications there was money provided to upgrade the telephone exchange, which is

in the process of being finalised. That will be paid for during this financial year and the next financial year. That upgrading will be finished in the middle of November. I can't think of any other utilities that might require extra funding, maybe in the Water Assurance Scheme but if there is the Water Assurance Scheme certainly does have funds to upgrade and further facilities for tourist accommodation at this point in time

DEPUTY SPEAKER Further Questions Without Notice

MR NOBBS Thank you Mr Deputy Speaker another one for Mr Robinson, and it relates to Cultural Officer position also being developed. Who developed the Position Statement for the position of Cultural Officer which was recently advertised

MR ION ROBINSON Senior Public Servants in conjunction with Policies and Projects

MR NOBBS Was a Policy Paper developed which when made available to the applicants for the position was found to have a page missing and the paper jumped from 12 to 14, I think it was, and the missing paper dealt with recommendations re the establishment of a Board, is that correct, and is it not correct that these recommendations which have never come before the Assembly as far as I'm aware were not to have a position as such but to have a Board in place

MR ION ROBINSON Thank you, yes, there was a debate between the Public Servants and myself over the advisability of having a board or not. The point is that the Cultural Officer will be liaising with the Tourist Board, the Hospital Board and every other Board that we have on the Island because that's what it is all about. Liaising with all the various other Boards so we didn't want another Board as well to get involved

MR NOBBS Doesn't the Immigration Board do any liaising with other Boards and things like that when they are coming to their decisions

MR ION ROBINSON Not that I'm aware of. The essential Board will be also is the Planning Board Ron for the Heritage side of things

DEPUTY SPEAKER You have concluded Mr Robinson

MR NOBBS Can I just have a supplementary to that. The position requirements were numerous and included experience in international forums etc etc but in all these highfalutin requirements there is no requirement to possess nor weighted advantage placed on formal qualifications. Why

MR ION ROBINSON There is a desire to have an anthropological bent to their education for sure but we don't necessarily have to have fully certificated people but it would of course be desirable

MR NOBBS Just a final one on that I hope it is. Is it correct that the Cultural Officer's position is intended to be part time for six months and then created as a full time position

MR ION ROBINSON It's a matter of waiting and seeing Ron. I believe it's a full time position right from the start. It may be able to be done within the hours specified but there is so much that has not been done in the past. There's been nothing looked at in the cultural line so it's a matter of put it in place and see what happens

MR NOBBS I'll have to continue on this. Is this reflected in the current budget that we just passed. Where's it hidden in there

MR ION ROBINSON It's not hidden in there Ron, it is budgeted for and if we need for funds for it later on we'll have to find them or remain as a part time job. It's for this House to decide, not me

DEPUTY SPEAKER Further Questions Without Notice

MR NOBBS I direct this to the Minister who is responsible for postage. Is it correct that Australia Post is working towards Norfolk Island being part of zone 1, international postal zone 1 and charging accordingly then it seems that it is entirely appropriate for us not having a New South Wales postcode, that's part 1, is that correct and the second part is, as we are members of the Universal Postal Union why can't we apply to have our own postcode and if so, would 6723 not be appropriate

MR SMITH Yes, it is my responsibility. I think to get an accurate answer to your question, maybe you could put that one on Notice Ron in relation to the first part of the question. In relation to the postcode of 6723, that would probably be a good idea. I don't know whether that would get confused with one of the other states but it's something we could look at anyway

DEPUTY SPEAKER Further Questions Without Notice. Were you seeking the call Mr McCoy

MR McCOY Thank you Mr Deputy Speaker, I have a question to direct to Mr Ric Robinson in his capacity as Minister for Land. How many crown lease transfers are processed by the Registrar of Lands each year

MR ION ROBINSON That's a good question. I'll have to find out for you John

MR McCOY Thank you Mr Deputy Speaker, a further question for Mr Robinson. How many category 1 building applications have been approved by yourself since taking office

MR ION ROBINSON Once again, I don't keep these figures in the top of my head. I'll have to find out for you John

MR McCOY Thank you Mr Deputy Speaker, a final question for Mr Robinson. In a case where a project has started before the application has been approved, does the Minister intend to exercise the legislation as set out in the Norfolk Island Planning Act

MR ION ROBINSON Thank you John. You asked a similar question some time ago on that. I'm fairly sure I've got it piled in this stuff here. Can I get back to you with that one.

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR NOBBS Thank you Mr Deputy Speaker. Mr Gardner, are you responsible for the Companies Act. thank you. Is it correct that Companies are required to lodge their returns annually

MR GARDNER Thank you Mr Deputy Speaker, that is correct

MR NOBBS What penalties are provided for non compliance with these requirements

MR GARDNER I can't give you that information right at the moment Ron but certainly I'll dig it out for you

MR NOBBS Has there been any action taken in the life of this Assembly against company's who have not lodged annual returns

MR GARDNER Again, I don't have that information with me Ron but certainly I'll discuss it with the Acting Programme Manager for Community Services who oversees Companies and have a reply for you

MR NOBBS Could you also in that response advise what Company's have not lodged returns and if so, why no action was taken

MR GARDNER I'll certainly endeavour to do that within legal parameters to allow that information to be divulged publicly, certainly Ron

MR NOBBS Another one for Mr Gardner if I may. What has been done in relation to the concerns expressed as to Assembly Members being part of an application for Gaming Licences

MR GARDNER I'm sorry Ron, could you just ask that question again please

MR NOBBS What is being done in relation to the concerns expressed two or three meetings ago, I was here at the time I think, as to Assembly Members holding an interest that relates to applications for Gaming Licences

MR GARDNER Thank you Ron. The brain was just getting a little bit cold because I thought I'd been left out in the cold with Questions Without Notice. It's just taken a little while to pick up on that one. Certainly moves are afoot and it is my intention, as I outlined to you when you asked that question on a previous occasion, to introduce the necessary legislation into the House to prevent Members of the Assembly from being involved in Gaming activities being a close associate or a licensee. It is still my intention as you, and I think all Members around the table are fully aware, our Legislative Draftsman has been somewhat burdened with the massive amount of work that's gone into the development of the Public Sector Management Bill and we are still also waiting on advise from Queensland and other jurisdictions in relation to the drafting of those necessary provisions but it is certainly my intention Ron, before a Licence is issued, to have that legislation developed

MR BATES Thank you Mr Deputy Speaker a question for Mr Gardner now that he has put his mouth into gear, recently I raised with the that matter of



from the Administration and one of the hire car operators on how we can best address the parking in the airport parking area altogether. There have been some good suggestions put to us and the latest to that is that I have written again to those people and I haven't had a reply at this point

**MR NOBBS** Is it not correct that the main complaint has been that the hire cars are parked right in front of the terminal building and there are cars being left there without them necessarily being hired to that plane load of people and that locals have to cart their gear right up to the other end of the carpark and wouldn't it be appropriate to have a designated area, probably at the power house end of the carpark where hire cars can be left

**MR SMITH** Thank you Mr Deputy Speaker yes Ron, we've talked about those sort of things. I suppose the decision that has to be made is where our visitors, who are the ones we are wanting to be welcoming here as much as making our own people comfortable when they are going to the airport. I think the rental cars are the major users of the airport area. However, having said that we have looked at doing just what you are suggesting, for example, where the buses park, if you can picture where the buses park under that shelter, there is a row of parking spaces along there that we could dedicate to local parking, however, one of the interesting things if you do that is if you have a visitor who drops their hire car back to the airport we can't really control if they turn up there and there's nobody else there they leave it where they can park it

**MR NOBBS** Minister, have you not hired a hire car in Australia or New Zealand. You don't leave it sitting out the front of the terminal, I can assure you of that

**MR McCOY** Thank you Mr Deputy Speaker I just have a question I wish to direct to the Minister for Tourism, Mr Gary Robertson. In view of the two incidents in relation to the F100 operated by Flight West to Norfolk Island, one where the wheel came a bit loose have you called for Flight West to have stringent safety checks done on their aircraft

**MR ROBERTSON** Thank you Mr Deputy Speaker, that has absolutely nothing to do with us whatsoever. There's a crowd called BASI which is the Bureau of Air Safety Investigation and on each occasion when any aircraft no matter what happens to it, which is contrary to the CASA requirements which is the Civil Aviation Safety Authority requirements, if there is anything outside that a report is immediately lodged, the minute that happens, with BASI and BASI then do the investigation. Those are the people who are more qualified and able to do that investigation and that is currently being done

**MR McCOY** Just a supplementary. If we have a mishap on the Island you think it has nothing to do with Norfolk

**MR ROBERTSON** Thank you Mr Deputy Speaker. A mishap can happen at any stage and it doesn't necessarily have to be with an aircraft and we are all pretty aware of that and that's why there's an emergency safety Committee in place for that very instance and I think I'll leave it at thank you Mr Deputy Speaker

**DEPUTY SPEAKER** Thank you. Further Questions Without Notice

**MR NOBBS** One for Mr Smith. Is there a policy relating to the management of houses owned by the Administration

MR SMITH Thank you Mr Deputy Speaker, I don't think there has been one Mr Nobbs, but in recent times I have seen a. No. Let's go back a step. Earlier this year I wrote to the Programme Manager responsible for the houses in relation to a question that was asked by an ex member, Mr Robert Adams, about housing and to date I have not had a response to that letter however, I did receive in the last couple of weeks some advise about how those houses are being dealt with

MR NOBBS Just following on from that, when the houses are leased - you may be able to answer this - is there some requirement to sign a rental agreement and is there a bond required to be lodged

MR SMITH Thank you Mr Deputy Speaker, I don't believe there has been that situation, but in this paper that I've received, that has been remedied

MR NOBBS Can you tell me how the actual rental charge is calculated for each house, bearing in mind that you said at the last meeting that I think \$70 a week was the rent

MR SMITH Thank you Mr Deputy Speaker, the paper that I've received does spell out that there are different rentals. I can't remember on what basis they were set but I will happily share that information with Ron

MR NOBBS Another one for Mr Smith. Has there been any formal approach to the Australian Government to further the desires expressed by this Assembly of this Island having a say in selecting an appointment of Administrators

MR SMITH Thank you Mr Deputy Speaker, the last time we were dealing with that was with the Norfolk Island Amendment Bill and that was in relation to the Deputy Administrator in which our view was expressed which related to the Administrator too, but the short answer to your question, in recent times, no

MR NOBBS Can you tell me when the term of the current Administrator expires

MR SMITH Thank you Mr Deputy Speaker, I'm unable to answer that question. I'm assuming it would be a three year term and I think the current Administrator has been in that position for just over two years

MR NOBBS A question for Mr Robertson. Have you made a decision on what was a somewhat embarrassing saga from the last meeting in which an application by Resorts Investments to increase its market share further above the trigger market share. Has a decision been made. I think you took an undertaking to make a decision

MR ROBERTSON Thank you Mr Deputy Speaker, the decision has been made and it is within the trigger market share

MR NOBBS Is it correct that tourist accommodation conditional approvals by the Minister of Tourism are made so that construction is spread over time and not all constructed at the one time and how is this achieved

MR ROBERTSON Thank you Mr Deputy Speaker, the conditional registrations are now, with the changes to the legislation, expire at the end of each year and



MR ION ROBINSON Thank you Mr Deputy Speaker, I should have done so earlier but may I seek leave for Mr Brown please

DEPUTY SPEAKER Thank you. Leave is sought for Mr Brown. Is leave granted? Leave is granted

### **WELCOME**

Honourable Members before we move to the next matter, could I on your behalf welcome Members of the Norfolk Island Youth Assembly to the Chamber. They have joined us just in the last few minutes or so. They are accompanied by Mrs Magri and by Mr Langley and for the information of Members and for people who may be listening this afternoon, the Norfolk Island Youth Assembly is a newly formed body made up of representatives from Years 7 to Year 10 at the Norfolk Island School who have a particularly keen interest in Norfolk Island's environmental issues, and they will be holding their second monthly meeting tomorrow, here in this Chamber. A warm welcome to them all from all of we Members this afternoon

### **QUESTION ON NOTICE**

The next matter Honourable Members are Questions that may be on Notice. There are none listed that I see on the Notice Paper so we will go on

### **PRESENTATION OF PAPERS**

Are there any Papers to be presented this afternoon

MR ROBERTSON Thank you Mr Deputy Speaker, I present the tourist figures for the month of September and move that the Paper be MR BROWN Thank you Mr Deputy Speaker. I move that the Paper be noted

DEPUTY SPEAKER The question is that the Paper be noted

MR ROBERTSON Thank you Mr Deputy Speaker, a few months ago I was attacked by some Members of this House in regard to the reduction in tourist numbers that were happening at that time. I said then that we had a number of initiatives in place that would over time prove themselves that we had everything under control. Mr Deputy Speaker the Paper that has been circulated to Members regarding visitor numbers shows an increase of some 350 odd for that month as opposed to previous years and it also indicates to us that the initiatives that we said we had in place are now working, but alot of this has also to do with the RPT service which is now on a regular basis flying into all of the areas that we get our tourists from, particularly Brisbane, Sydney and Auckland. The result of that has now meant that we have a steadying in our numbers. We have more wholesalers in place which are now working for the Island and all of the problems which were associated and affected the tourism industry over the months of January, February, March and April I guess, have now been firmly put behind us and we are now able to progress on a more regulatory basis. I must also say Mr Deputy Speaker that the trip that was done by the Bureau Manager along with some representatives from the Island down to New Zealand to help promote and assist Air New Zealand in making sure the numbers from that area increased, was a success. So much so that we now have complaints coming in from people not being able to get on the aircraft, but it is steady. The South Island is one that is being looked at, but one thing that has happened and since we've got all these junior members behind us, we had as an assistance to that particular travel to New Zealand, we had Archie Biggs son as one of the

members of that group and Archie wrote a poem which was sent specifically with this group and when they met with the agents and met with the wholesalers the poem was recited as a means of grabbing attention, and seeing as we have all these junior members here I'll read that poem. It is -

First Choice, Norfolk Island

We have come here to tell of a place we know well  
And to spread the good words cross the nation  
Just in case you don't know there's a neat place to go  
That's a great holiday destination  
And if you're selling travel and you try to unravel  
Where a holiday seeker should go  
Just sell Norfolk Island, and tell 'em while smilen  
I live there - so I ought to know  
You could send them to Dilhi but that would be silly  
For the news on TV isn't good  
You could book them Djakarta but that's not much smarter  
The truth is, I don't think you should  
Hey, you movers and shakers, it's holiday makers  
They're the ones that will fill up your coffer  
And you'll never go broke if you sell em Norfolk  
There are so many features to offer  
They'll think they're in heaven when that 737  
Touches down and then rolls to a stop  
And they clutch real hard that small plastic card  
That will help them to shop til they drop  
They'll buy cameras and shoes and they'll take back the news  
That shopping would make your eyes flicker  
And there's perfume and stuff and if that's not enough  
They'll go wild over duty free liquor  
There are places to stay that would blow you away  
Pick a new place to dine every night  
There are tours you can do, it's all over to you  
Let me tell you, this Island's alright  
There's a history so tragic, but holiday magic  
Keeps them coming back time after time  
Pardon me if I boast of that wild rugged coast  
And the land of the great Norfolk pine  
For the young or the old a new world will unfold  
As the diving and fishing they'll take  
And the less active pax can just sit and relax  
What a wonderful place for a break  
For more information on a great destination  
Just pick up your phone and start dialing  
Don't say you don't know, when they ask where to go  
'Cos your first choice should be - Norfolk Island

Now I would like to congratulate the efforts, particularly of our - I've actually forgotten his name already - who presented that poem down at New Zealand, and Archie of course, the writer of it. Anyway the result of that was great. The intention was well and truly achieved and the figures that are coming up from Auckland and indeed from the South Island, show it all. So we are once again back on line and I understand of course that we have some special features happening, we've got the Year 2000 Millenium, we've got the Oceania Veterans

Games in January and a host of other things that will be happening and will be accumulated later this year for next year with the big RSL activity which will be closely followed by the Country and Western so all in all, as far as an events situation is concerned Norfolk's pretty well catered for, thank you

DEPUTY SPEAKER Thank you Mr Robertson. Further debate. The question is that the Tourist Statistics Paper be noted

QUESTION PUT  
AGREED

That Paper is noted. Are there any further Papers for Presentation this morning. No.

**STATEMENTS**

Are there any Statements to be made this morning

MR ROBERTSON Thank you Mr Deputy Speaker. During last week Members may have noted that there was a lot of activity at the airport and this was due to the commissioning of the SLS 2000 system which is the navigational aid which we had installed at the airport to help us get over the problems of diversions which were causing some problem. I make a Statement on that. One year ago on the 14th October 1998 we entered into an agreement with Honeywell Inc to provide, install and certify a satellite landing system, the SLS 2000 ground station at the Norfolk Island airport. I'm pleased to announce that exactly one year later, that's on the 14th October 1999 a significant step has been reached in the process of gaining the regulatory approval for the satellite landing system, the SLS 2000 ground station. Last week representatives from Honeywell and Pelorus Navigation Systems, Air Services Australia and Pacific Aviation Safety Authority arrived on the Island to commence the process of commissioning the ground station. Airport and electricity staff were also involved. the commissioning process involved a number of steps including -

- 1 using independent test equipment to verify that the SLS 2000 met the installed equipment performance requirements defined in the relevant industry and regulatory standards and tolerances
- 2 formulating a maintenance programme and ensuring maintenance staff were qualified to work on the facility
- 3 an initial ground inspection of the facility by the certification authority which is Air Services Australia
- 4 a flight inspection by Air Services Australia

The flight inspection itself has three aims: to confirm the service volume of ground facility; to confirm that the runway approaches was flyable and to confirm that there was no interference with the data links in the GPS coverage. All required inspections were passed. The final step of the process is now for Air Services Australia to formally approve the use of the facility by appropriately equipped and approved aircraft which will enable them to perform precision landing approaches at the airport. Now what this all means is that Norfolk Island airport has become the world's first international airport to make operational use of the satellite global positioning system to assist aircraft in precision landings. This local aerial augmentation system will enable aircraft to have the compatible avionics fitted to descend 295 feet before they make a decision to land. Previously that decision has to be made at 690 feet which increased the possibility of landing being inhibited by cloud cover. Members would be aware that approximately fifty aircraft had to be diverted during last year because of bad weather, the effect of which was a very costly exercise to the airlines involved and had far reaching impact on the Island's economy. With the larger capacity

aircraft servicing the Island these diversions can cost up to \$60,000 per time. Airports across the world have been watching the progress of this installation and indications are that most airports in Australia and indeed even Sydney airport, will eventually adopt this system. Interest has also been shown from our South Pacific neighbours. The approval of the SLS 2000 navigation system is a very important step for Norfolk Island and I would like to take this opportunity to thank all who have helped in any way to make this happen. Special thanks go to those in the Administration who put that extra effort in during the installation over this past twelve months. Finally a special thanks to Pinky who worked well on this project, not just for the past year but over the past five years when he first identified that this system would be the one that would most benefit the future of Norfolk Island 's main industry, tourism. Congratulations to a job well done

DEPUTY SPEAKER Thank you. Further Statements

MR NOBBS Thank you Mr Deputy Speaker. Could I move that the Statement be noted

DEPUTY SPEAKER The question is that the Statement be noted

MR NOBBS Thank you Mr Deputy Speaker. I've been from the outset, a supporter of this system and I'm pleased that it's now in full operational order. However, the community has some questions I believe and you may be able to let them know something about them Gary, the first is the cost of the facility; the second one is whether we - and you sort of half answered it - whether Norfolk Island was going to be the only place in the South West Pacific that would have this facility and the third question was, was it only put in for one airline, which was one expressed by another particular airline. Now can you answer those, what was the cost of it, will be utilised in Australia and New Zealand and not just the one off for us and therefore it would be then valuable for other aircraft to put it in and will Norfolk Jet and Air New Zealand be fitting this to their aircraft

MR ROBERTSON Thank you Mr Deputy Speaker. The costs involved, the main unit itself was \$390,000 US. There's a further payment or prepayment made of \$60,000 US and \$30,000 so we are looking at about \$480,000 US. As it is the first of it's type that's been installed in this part of the world, it's already been installed in some domestic areas in US and it's been approved by the FAA which is the Federal Aviation Authority of America, we were able to get this at a far cheaper rate than the next installation will be. They're talking about \$1.3m US for the next installation. We've also within that price, got an upgrade which will be taking place later in the year 2000 or in 2001 which is FOC. Air Services Australia gave all of their services for nothing and any costs or future costs involved in this will be coming from Pearl Aviation which is the Australian Air Services Authority. They then will have to check the installation on a fairly regular basis, starting in 90 days then it goes out to 180 days then 270 days. As far as other airports, I did make mention that there's already been indications that it will eventually go through the whole of Australia. There are three or four airports that are looking for almost immediate installation, Armidale is one, Tullamarine is another, Brisbane is very interested in it and from what I gather there have been a lot of market approaches from various areas from around the world. As far as Air New Zealand is concerned, they've already expressed a wish, and in fact CAA which is the Civil Aviation Authority of New Zealand have had representatives up here during the initial installation process to make sure that they are fully up to speed with the ability of the navigation system. Air New Zealand have also had a representative up here looking at the system. They are also looking at an extension through to Fiji and using Fiji as a hub. Fiji has already indicated that they are most interested and they'll use that as the hub for the whole of the Pacific of which we will be part of. The question as to which came first, did

we put it in for an airline, or the airline put it in for us or whatever, Members will be aware that there is a presentation made to this Assembly in April of the year before last where there was an indication given that perhaps we should do this installation and from that there were persons who came across from Pelorus and from Honeywell and the Members then accepted that yes, this would be the way to go. Following that there was a GIT meeting down in Melbourne of which I attended and at that it was decided that we would do the installation and it was after that, that Flight West, who were also in attendance at that meeting along with any other airline operators, they said, well if you're putting it in we'll go with the avionics side of the aircraft. So they came second. The installation had already been done. As far as any other airline's concerned, Norfolk Jet Express Proprietor has made indications to us that they are interested in doing the installation. The information for that is available. Whether they proceed with that is over to them but it won't be too far down the track I understand that Air New Zealand will be doing their installation as well. Is there anything further you want

**MR NOBBS** All I was doing was bringing up some points that were out in the community. As I said, and I'll repeat it, I've been fully in favour of it right from the first meeting in April that you mentioned. I think it's a wonderful exercise and having watched one of the planes trying to land a week or so ago when I could see in but he couldn't obviously see the airstrip and made about three or four swipes at it and he didn't have this thing on board of course, well I would suggest that it proved its point. Luckily the weather cleared and he could land

**MR ROBERTSON** Thank you Mr Deputy Speaker, just one further statement to that. The ILS system which is the system that is used at most of the major airports where you have many flights coming in, indicating where the strip is, the ILS system is around \$1.4-1.5m per strip end at the moment so if we were to put that in here we would have a difficulty. Firstly we would have \$4.5m to cover the three strips. We would also have huge poles running out to the edge of the Island here with lights sitting on top of them so you could imagine the reaction from KAVHA. At the other end of course we would have them going out to sea so that's another problem, so in actual fact, with the upgrading of this system next year we will be compatible to the CAT 1 which is similar to the ILS system. The pilots who have flown the test flights have all confirmed that utilising this gear is far better landing than with an ILS. Once they lock into that it takes them right into the centre of the strip and it drops the aircraft right over the top of the piano keys which is the big white line on the strip for landing and as far as they're concerned the ability to make the decision with only 290 feet, that's less than 100 metres up in the air, at that stage it makes it alot easier. So that's where we are and I guess in the future when they get the rest of the GPS system up and operating it would be possible for an aircraft to actually lock into it's flight schedule in Brisbane, for the pilot to switch on and basically land eventually at Norfolk Island locked in totally the whole way. The signal that's going out is 100%, and the FAA requirement is 95% of the signal being able to be received by aircraft. We are actually working on 100% which is absolutely magnificent. We've also done tests regarding the satellites that available. There's 24 satellite's flying above us at all times and we've made tests, there's five or six of those picked up by the top hat little jobs around the rubic cube that's up at the airport, white and orange little structure and they are able to receive signals from satellites which then gets converted and sent back to the aircraft to position them correctly for landing. That signal strength, we took one of the major satellites, satellite No 15 is the one that does most of its work over this area, we actually took that out of the equation and we still ended up with 99.4% and as I said our requirements are only 95% so we well and truly have a navigation system which will be of a huge benefit

**DEPUTY SPEAKER** Further debate. The question is that the statement be noted

QUESTION PUT  
AGREED

That Statement is noted

MR SMITH Thank you Mr Deputy Speaker. Firstly I omitted to table some Papers which I'll table. They're the financial indicators and I would like to make a short Statement on radio and television. As the community will be aware we've been pursuing getting an extra radio facility which is designed to use the Western Australian Radio Station Red FM. All the equipment for that has arrived and it's currently being run on a test basis 24 hours per day I think it is. Also in relation to television we currently have SBS and Channel 7 sharing the same transmission set up and we've been waiting for the arrival of further equipment to be able to put Channel 7 on its own dedicated transmission system. It has been delayed a little but I think the latest information is that it will be here in the early weeks of November and I hope by the end of November we'll have Channel 7 as well as SBS and ABC being broadcast to the community

DEPUTY SPEAKER Thank you. Further Statements. We have concluded Statements Honourable members. Could I just point out to the Youth Assembly that we are working our way through the Programme which is the blue paper you may have, and we are now about to have Messages from the Office of the Administrator

**MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR - NO 152**

Honourable members, the Speaker has received the following Message from the Office of the Administrator which is Message No 152 and it reads, on the 29th September 1999 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following - *Customs Amendment Act 1999* which is Act No 16 of 1999, the *Statutes Amendment (Fees No 2) Act 1999* which is Act No 17 of 1999, the *Firearms Amendment (No 2) Act 1999* which is Act No 18 of 1999, the *Bookmakers Amendment Act 1999* which is Act No 19 of 1999 and the *Gaming Amendment Act 1999* which is Act No 20 of 1999. The Message is dated the 29th September 1999 and signed A J Messner, Administrator

There are no Reports of Standing Committees so we commence Notices Honourable Members

**NOTICES**

**COURT OF PETTY SESSIONS ACT 1960 – APPOINTMENT OF PERSON FOR PURPOSES OF SECTION 73 OF ACT**

MR GARDNER Thank you Mr Deputy Speaker, I move that this House approves, for the purposes of section 73 of the Court of Petty Sessions Act 1960, the appointment of Patricia Cowles as the person to whom will be transmitted all information, examinations, depositions, statements, recognisances and other documents sworn, taken or acknowledged in the case. Mr Deputy Speaker subsection 73(1) of the Court of Petty Sessions Act 1960, hereinafter called "the Act", provides as follows – "where a defendant has committed for trial or for sentence the court shall as soon as practicable after the conclusion of the case before it transmit to the person appointed for the purpose of this section by the executive member in accordance with the resolution of the Legislative Assembly, all informations, examinations, depositions, statements, recognisances and other documents sworn, taken or acknowledged in the case. The person appointed under section 73 is responsible for the prosecution on indictment in the Supreme court of any person committed for trial by the Court of Petty Sessions and this is the reason why all informations, depositions etc must be transferred to this person. Previously this function was performed by the Commonwealth Crown Solicitor. Section 73 was amended in 1994, that being Act No 21 of 1994 by deleting the words the Commonwealth

Crown Solicitor and inserting the underlined words in their place. Arguably back in 1994, this was strengthening the move towards self government for Norfolk Island . It is necessary to appoint a person for the purposes of Section 73 of the Act and that person should be the person for the time being holding the position of either Crown Counsel or Deputy Crown Counsel. Mr Gordon Gray currently holds an appointment under section 73, however shortly he departs the Island to return to his home in Perth, Western Australia and hence that requires the new appointment to replace him and hence the call for this motion. I would like to take this opportunity if I could to thank Mr Gray for his services he has provided to the Government, the Legislative Assembly , Administration and community of Norfolk Island and wish him and his wife Linda, well in their future endeavours and I commend this motion to the House

DEPUTY SPEAKER Thank you. Any further debate. The question is that the motion be agreed to

QUESTION PUT  
AGREED

Thank you that motion is so agreed

### **EMPLOYMENT ACT 1988 - INTENTION TO REAPPOINT A PERSON TO THE EMPLOYMENT CONCILIATION BOARD**

MR ROBERTSON Thank you Mr Deputy Speaker. I move that for the purpose of section 65 of the Employment Act 1988 this House resolves to reappoint John Hughes to the Employment Conciliation Board for the period 19 November 1999 to 18 November 2001. As you can see this is a reappointment. John Hughes has been on the Conciliation Board in previous times and is the Chairman of it. The Conciliation Board handles matters of dispute that an employer and an employee may have and their advise is usually accepted or rejected and if rejected of course then it moves on to the Courts but it is the Conciliation Board and they've done some excellent work over the past couple of years and it is my intention to keep them running. John Hughes has proved himself very well and is quite willing of course to continue for another two years. Thank you Mr Deputy Speaker

DEPUTY SPEAKER Thank you. Further contributions Honourable Members . No. I put that question that the motion be agreed to

QUESTION PUT  
AGREED

Thank you that motion is so agreed

### **STATUTES AMENDMENT MISCELLANEOUS PROVISIONS**

Mr Gardner, are you handling the Statutes Amendment Miscellaneous Provisions

MR GARDNER Thank you Mr Deputy Speaker no, Mr Smith is

DEPUTY SPEAKER Thank you. I'm just trying to tidy the matters that were proposed to come on and may not be coming on now. Honourable Members I wish to report to you that the Business Committee has met and declared the Statutes Amendment Miscellaneous Provisions Bill 1999 to be an urgent Bill pursuant to the provisions of Standing Order No 158. Therefore we move to that Bill. Chief Minister

MR SMITH Thank you Mr Deputy Speaker, I present the Statutes Amendment Miscellaneous Provisions Bill 1999 and move the Bill be agreed to in principle

DEPUTY SPEAKER The Question is that that Bill be agreed to in principle

MR SMITH Thank you Mr Deputy Speaker this mainly refers to firearms and I turn to Mr Ion Robinson to make comment about the Bill. As I understand it this should be one of the very last things that we have to do in relation to firearms to bring it up to the stand where Norfolk Island and the Commonwealth can agree to

MR ION ROBINSON Thank you Mr Deputy Speaker in the initial amendments that's been made to the Firearms Act 1997 the Firearms Amendment No 2 Act 1999 we omitted to put in a few penalties in some of the clauses. Our people here missed it and so did the Commonwealth people, because of course, it was not one of the priorities at the time. However, this will fix that problem by including the penalties and hopefully we'll go on and the Commonwealth will have no excuse for not funding the buy back scheme and this is one of the principle reasons for the urgency of the Act.

DEPUTY SPEAKER Thank you. Further debate

MR NOBBS Thank you Mr Deputy Speaker I support the Bill but really the firearms has been around for some considerable time. We've had heaps of versions and with the registration period for guns coming up I was wondering if the Minister has any intention of putting out a fairly substantial information document and a talk on the radio and things like that to tell people exactly what has to be done. I mean, we've got in here, I know these are fairly serious offences but there's fifty penalty units and two years or both and these sorts of penalties that we are passing today so I think if he may, he'll respond to it I guess, have a fairly full blown information package on this new legislation

MR ION ROBINSON Thank you Mr Deputy Speaker yes of course we are looking at putting a package together so that people with firearms or interested in firearms can go to the police station and obtain a copy and find out exactly what category they need to apply for and in fact all the information relevant to the firearms legislation. We have an application before the Federal Government on the funding and as soon as that funding is here we will be commencing a programme of informing the public as to exactly what they are required to do and so forth.

DEPUTY SPEAKER Debate. No further debate. The question before us is that the Bill be agreed to in principle

QUESTION PUT  
AGREED

The ayes have it thank you. Do you wish to dispense with the detail stage. We will dispense with the detail stage and therefore I seek a final motion

MR SMITH Thank you Mr Deputy Speaker, I so move

DEPUTY SPEAKER Thank you. The final motion is that the Bill be agreed to. Any further debate. I put that question that the Bill be agreed to

QUESTION PUT  
AGREED

Thank you that Bill is so agreed

### **LEAVE - SOCIAL SERVICES ACT 1980**

DEPUTY SPEAKER            Mr Gardner you wanted to seek leave

MR GARDNER                Thank you Mr Deputy Speaker, I seek leave to move the motion that I circulated to Members late yesterday afternoon in relation to the appointment of a member to the Norfolk Island Social Services Board

DEPUTY SPEAKER            Is leave granted. Leave is granted, thank you Mr Gardner

MR GARDNER                Thank you Mr Deputy Speaker. Under the Social Services Act 1980 I propose to move the following motion, that for the purposes of section 5(1) of the Social Services Act 1980 this House resolves to choose Ronald Coane Nobbs as a Member of this House to be a member of the Norfolk Island Social Services Board. Mr Deputy Speaker the Social Services Act requires that a Member of this House be appointed to the Board. Mr Nobbs has fulfilled that role admirably during the life of this Assembly and subsequent to his being re-elected at the recently held bi election he has kindly agreed to accept nomination to continue in the role as a board member for the remainder of the term of this Assembly. I commend the motion to the House

DEPUTY SPEAKER            Debate.

MR ION ROBINSON            Thank you Mr Deputy Speaker. Ron has also appeared on the Planning Board and at a later meeting I will be moving that he also takes his position back up there because of the work he has done. I commend the motion

DEPUTY SPEAKER            Debate No further debate. I put that question that the motion be agreed to

QUESTION PUT  
AGREED

Thank you that motion is so agreed

### **ORDERS OF THE DAY**

We are commencing Orders of the Day.

### **GAMING SUPERVISION AMENDMENT NO 2 BILL 1999**

We are resuming debate on the question that the Bill be agreed to in principle and Mr Gardner you have the call to resume

MR GARDNER                Thank you Mr Deputy Speaker. I apologise for the short notice but it is my intention not to proceed with this today. We have had some detailed amendments drawn up. it is a matter of vital importance to gaming that this matter be proceeded with but we want to make sure that it meets with the agreement of all those who are participating in the collection and distribution of information in relation to probity checks and other matters dealing with the Gaming legislation. it is not my intention as I

have said Mr Deputy Speaker, to bring this on today and I seek leave to withdraw this from the Notice Paper for today's meeting

DEPUTY SPEAKER            Is leave granted. Leave is granted thank you Mr Gardner

### **CONVEYANCING AMENDMENT BILL 1999**

We are resuming debate on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume

MR SMITH                    Thank you Mr Deputy Speaker Members will recall that this Bill and the following one, the Statutes Fees Remission Bill relates to the Budget process and what happened at that particular time, both the Bills were designed to let people, or they wouldn't have to pay for things that they were doing before those bills were passed. particularly with this first one here, the Conveyancing Amendment Bill I'll just remind Members what the Bill was about. it amends the Conveyancing Act 1913 to provide that the fee payable in respect of registration of an instrument for the purpose of the Conveyancing Act is to be calculated in accordance with the Land Administration Fee. Currently the fee payable on registration of an absolute sale or conveyance under the Conveyancing Act is the greater of \$20 or 2% of the amount of consideration for the sale or conveyance. Under the Land Administration Fees Act 1996 the fee payable for the registration of an instrument evidenced in the transfer of an estate in fee simple or the transfer of a crown lease is the greater of \$500 or 3% of the value of the consideration of the transfer. The fee payable for the registration of any other instrument is \$50. The Act provides that the existing fees will continue to apply to registration unless the person paying the fees can satisfy the Registrar of Lands on the basis of documentary evidence required by the Registrar that the person entered into an agreement for the transfer before 22 September 1999 and was bound on or from that date to make or accept the transfer and the consideration for transfer is not less than the unencumbered market value of the property interest transferred or the transfer is a transfer between related persons for bona fide consideration. That has been sitting on the table since it was introduced and I commend it

DEPUTY SPEAKER            Debate. No further debate. I put that question that the bill be agreed to in principle Honourable Members

QUESTION PUT  
AGREED

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

MR SMITH                    Thank you Mr Deputy Speaker, I so move

DEPUTY SPEAKER            The final motion is that the Bill be agreed to. Is there any final debate. I put that question that the Bill be agreed to

QUESTION PUT  
AGREED

Thank you that Bill is so agreed

### **STATUTES FEES REMISSION BILL 1999**

We are resuming debate on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume in respect of this matter also

MR SMITH Thank you Mr Deputy Speaker. Likewise as I said to the previous Bill and I'll give you a reminder of what this Bill is about. The Statutes Fees Remission Bill provides the duty on importation of motor vehicles other than motor cycles to be calculated on the rates applicable before the commencement of the Customs Amendment No 2 Act 1999 if the importer had contracted for the purchase of the motor vehicle before 24 June 1999 and the Land Administration Fees on the transfer of estates in fee simple or crown lease calculated on the rates applicable before the commencement of the Statutes Amendment Fees Act 1999 if the person paying the fee had contracted for the transfer before 24 June 1999 and the consideration for the transfer is not less than the unencumbered market value of the property interest transferred unless the transfer is between related persons for bona fide consideration. There is little more that I think I need to say on that one Mr Deputy Speaker. That has been around a little while in different forms and I commend the Bill

DEPUTY SPEAKER Debate. No further debate. I put that question that the Bill be agreed to in principle

QUESTION PUT  
AGREED

Thank you that Bill is so agreed. Do you wish to dispense with the detail stage. We will so dispense with the detail stage. Could I then seek a final motion please

MR SMITH Thank you Mr Deputy Speaker, I move that the Bill be agreed to

DEPUTY SPEAKER The final motion is that the Bill be agreed to. Is there any final debate. I put that question that the Bill be agreed to

QUESTION PUT  
AGREED

Thank you that Bill is so agreed

## **PUBLIC SECTOR MANAGEMENT BILL 1999**

We are resuming debate on the question that the Bill be agreed to in principle and Chief Minister you have the call to resume

MR SMITH Thank you Mr Deputy Speaker. This Bill has been on the table for some time and I was looking to have this passed today if possible if members are comfortable with that process. Little has been said on it in the last couple of Sittings Mr Acting Deputy Speaker and I might go back to the beginning of the explanatory memorandum of the Public Sector Management Bill to remind people what it's about. In pursuance of the Eighth Assembly's resolution to undertake a process of strategic review of the Administration the Government commissioned the production of a Strategic Review Report. That Report recommended that the structure of the public management should reflect contemporary approaches to planning, organisation, staffing and work place relations. The report went on to make a number of specific recommendations about the Administration of the Public Service. The Public Sector Management Bill 1999 addresses the concerns raised in the Howard Report and provides a contemporary structure for public management over the next decade. In summary the Bill defines who is to be held responsible for managing the public service, it provides for what the Public Service is meant to do, how it is to be managed and what the public is entitled to expect from the Public Service. It creates

a flexible public service in which all employees have the right to bargain for positive change and gives individuals the right to seek remedies for unfair dismissal, challenge the Public Service appointments on the basis of merit and ensure that breaches of public service rules and policies are investigated and publicly reported on. Since the Bill was introduced the Human Resources Policy document has been tabled in the last Sitting for all Members to have a look at that. The Human Resources Policy is a very important part of this whole process of the Public Sector Management Bill 1999. Mr Acting Deputy Speaker this has been a long process but importantly it has been done with as much consultation as possible, particularly with people in the Public Service. There have been many rounds of discussions at all levels of the Administration and I would like to record my thanks to the people we have spoken to in those discussions for their helpful advice and the questions that they made of us in the process leading up to today. I think when we first talked about this Bill there was some fear amongst members of the Public Service that it was not designed to do what we were saying it was designed to do but I think I can confidently say towards the end of the last couple of weeks a lot of the fear has gone away although there is still concern of course with something that has a major change as we are doing to the Public Service Act by replacing it with the Public Sector Management Bill 1999 or what I hope will become the Public Sector Management Act. There has been a lot of toing and froing, there has been a lot of uncertainty but I think at this stage we are now at a point where people are looking forward to the changes that are being proposed in this Bill. The main focus of the Bill relates to the management structure of the Public Service in the main. The Bill sets out a process where we can have a management group as recommended by Howard that will do things a little different to the way they have been done previously. I think many of the problems associated with the current Public Service Act relate back to certainly 1979, and right back I think to the early 40's when some of this stuff was put into place. I say 1979 because it was at that time or previous to that time that the Administrator had the role of running the Administration as well as the council of the day. He was the be all and end all in the Administration on Norfolk Island. That situation has changed but some of the factors that were around which satisfied those times I believe have become dated and old fashioned in many senses of the word. I'm hoping that with the support of Members this Bill will get through to a point where we can all look forward to having the Administration being run in a more efficient way and it will create a happier workplace for the workers in the work force. There are some major changes which we explained in our rounds around the Administration. There's changes to the Public Service Board's role. The Public Service Board has been the employer and under this new Bill the Public Service Board will become the Review Board and the employment of people to the Service will be by the CAO on the recommendation of the Executive Managers. Speaking of the Executive Managers John Howard recommended that there be seven Managers at that level. In the deliberations and debate at that time we got down to five and a motion of the House last year through the budget process this year we really decided that it should be four and there was even a recommendation that it should only be three. We are currently working on the assumption by the budgeted amount for an extra manager, that we will have four executive managers plus the position of the Chief Administrative Officer to be part of that management group. I think it would be wise for me, as this Bill has been sitting on the table for some time, to go to the effort of going through the clauses not for debate on each clause at this particular time, but so people know what is in the Bill and if they would take the time to listen, if they are not totally familiar with what is in the Bill. I'll attempt to do that.

## **NOTES ON CLAUSES**

### **PART 1 – PRELIMINARY**

#### **Clause 1 - Short title**

This clause provides for the Bill to be cited as the “*Public Sector Management Bill 1999*”.

### **Clause 2 - Commencement**

This clause provides that sections 1 and 2 of the Act will commence on the day on which notification of its assent is published in the Gazette and the remaining provisions will commence on a day or days fixed by the Administrator by notice in the Gazette.

### **Clause 3 - The Crown**

This clause provides that the Act binds the Crown in right of Norfolk Island and the Administration, but that nothing in the Act will render the Crown or Administration liable for prosecution for an offence.

### **Clause 4 - Interpretation**

This clause defines a number of key terms.

In particular it defines the distinction between —

- the “public service” (the Chief Executive Officer, Executive Directors and all other Crown, Administration or instrumentality employees, with the specific exceptions set out in Schedule 1); and
- the “public sector” - which includes the public service, statutory instrumentalities and statutory office holders.

This definition is important because Part 2 (Public Sector General Principles) applies to the whole public sector but the remainder of the Bill applies only to the public service.

### **Clause 5 - Merit principle**

Subclause (1) defines the “merit principle” .

This principle provides for the appointment of the applicant with the most aptitude, skill, qualifications, knowledge, experience and personal qualities to perform specified employment. Where relevant, regard may also be had to previous employment history and an applicant’s potential for development.

Where two applicants are equally eligible for employment, the principle requires a Norfolk Island resident applicant to be preferred.

Subclause (2) defines the terms “eligible” and “eligibility”.

## **PART 2—PUBLIC SECTOR GENERAL PRINCIPLES**

### **Clause 6 - Objects of the public sector**

This clause generally defines the objects of the public sector. These involve -

- service to the public;
- efficiency, impartiality and professionalism;
- provision of frank honest advice;
- accountability to government;
- flexibility;
- prudent management of resources; and
- continuous improvement in performance.

### **Clause 7 - Principles for management of public sector employees**

This clause sets out principles for the management of public sector employees, including —

- merit based appointment;
- provision of a fair, flexible, safe and rewarding workplace;
- training and development;
- clear definition of duties and accountabilities;
- co-operative, consultative workplace relations; and
- focus on results.

### **Clause 8 - Standards of conduct - public sector employees**

This clause sets out general standards for conduct of public sector employees, including —

- courtesy;
- integrity;
- prudence in managing resources;
- proper use of information;
- careful, skilled, diligent performance of duties;
- compliance with the Public Sector Management Act and any other relevant laws.

## **PART 3—PUBLIC SERVICE MANAGEMENT**

### *Division 1—The Public Service Board*

#### **Clause 9 - Establishment of Board**

This clause establishes the Public Service Board.

#### **Clause 10 - Constitution of Board**

This clause provides that the Board will consist of two members appointed by the executive member on recommendation of the Legislative Assembly.

Another member is an employee selected by employees of the public service.

A member must not be the Administrator, an MLA, the Chief Executive Officer or an Executive Director.

#### **Clause 11 - Deputy Board members**

This clause provides for the appointment of deputy Board members.

#### **Clause 12 - Elections**

This clause provides for the election of the employees' Board representative. Detailed election procedures will be determined in regulations.

#### **Clause 13 - Conditions of membership**

Subclause (1) provides that the term of a Board member's appointment is 2 years.

Subclause (2) provides for the vacation of a Board member's position on death, completion of term of office, resignation or removal under subsection (3). An employee Board representative vacates that position on ceasing to be an employee.

The executive member may terminate a Board member's appointment for misconduct, criminal offence, incapacity, incompetence or neglect of duty.

Members are entitled to allowances determined by the executive member.

#### **Clause 14 - Meetings**

This clause provides that meetings may be convened by a member by notice to the other members.

The Board's quorum is 3.

Matters are to be determined by a majority of Board members or, where there is an equality of votes, by the casting vote of the presiding member.

#### **Clause 15 - Conflict of interest**

This clause requires Board members to disclose interest in, and not to act in relation to, matters in respect of which they have a conflict of interests.

Maximum penalty \$10,000 or 12 months imprisonment.

Subclause (4) facilitates the appointment of employee and management Board representatives by providing that a Board member will not be taken to have a conflict of interest by reason only that —

- the member is an employee and the board is deliberating about a class of employees to which the member belongs;
- the member is, or has been, involved in the management of the public service.

#### **Clause 16 - Delegation**

This clause provides that the Board may delegate a prescribed power or function to one of its members.

#### **Clause 17 - Secretariat**

This clause allows for the executive member to provide the Board with staff and facilities.

#### **Clause 18 - Functions of the Board**

This clause defines the functions of the Board to be —

- evaluating observance by public service management and employees of the public sector general principles (clauses 6 to 8 and the code of conduct) and the employment standards (the human resources policy and enterprise agreement).
- advising the Legislative Assembly in respect of draft public service determinations;
- advising the Legislative Assembly as required in respect of the appointment of the Chief Executive Officer; and
- reporting to the executive member on any matter relating to the public service (including matters referred to it by the executive member);
- performing the other functions assigned to it under the Act (in particular the Board acts as an investigator and a merit review and unfair dismissal tribunal - see Part 5 - Review of Decisions).

#### **Clause 19 - Powers of Board**

This clause provides that the Board has the powers required to perform its functions under the Act and in particular may —

- compel employees or former employees to attend or produce records or objects before it; and
- compel persons attending before it to truthfully answer questions.

(Penalty for failure to comply - 2 penalty units); and

#### **Clause 20 - Annual report**

This clause requires the Board to provide the executive member with a report at the end of each financial year about the performance of the Board's functions during that year and in particular about—

- the state of the public service;
- public service management and employee compliance with conduct rules and public service policies;
- a summary of reviews conducted under Division 3 of Part 5 (reference to the Board of illegal public service actions) and the results of those reviews; and
- other matters required by law.

### *Division 2—The Chief Executive Officer*

#### **Clause 21 - Chief Executive Officer**

This clause establishes the office of Chief Executive Officer.

#### **Clause 22 - Functions of the Chief Executive Officer**

This clause provides that the Chief Executive Officer is responsible to the executive member for —

- effective management of the public service in compliance with the public sector general principles and the employment standards; and
- promoting and enforcing compliance with those principals and standards.

The Chief Executive Officer is required to report significant events or developments in the public service to the executive member.

#### **Clause 23 - Ministerial Direction of the Chief Executive Officer**

This clause provides that the Chief Executive Officer is subject to ministerial direction. However the Chief Executive Officer is not subject to direction in respect of decisions about the employment of particular employees.

A Ministerial direction is a disallowable instrument.

#### **Clause 24 - Delegation by Chief Executive Officer**

This clause provides that the Chief Executive Officer may delegate a power or function to another public service employee.

#### **Clause 25 - Annual report**

This clause provides that the Chief Executive Officer must provide an annual report to the executive member on —

- the measures taken to ensure observance of the public sector general principles and the employment standards;
- measures taken to improve personnel management in the public service;
- the action taken in respect of any complaint about the public service substantiated by the Board under Division 3 of Part 5; and
- other matters specified in the regulations,

in respect of that year.

### *Division 3—Determinations*

#### **Clause 26 - Procedure for making determinations.**

The major subordinate regulatory documents envisaged in the Act are *determinations*. This clause sets out the process for making determinations.

The process is similar to that required to making regulations but in addition requires a determination to be referred for comment to the Public Service Board and, in respect of the human resources policy, any “prescribed organisation” (for example, an employees’ industrial organisation) .

### **Clause 27 - Organisational structure**

This clause provides for the determination of the Administration *organisational structure*. The structure assigns Ministerial and public service management responsibility for parts of the public service by —

- assigning Executive Directors particular duties; and
- defining who an Executive Director is required to report to and who is required to report to the Executive Director.

### **Clause 28 - Human resources policy**

This clause provides for the determination of the Administration *human resources policy*. The human resources policy will be the main document defining in detail the rights and responsibilities of public servants.

The human resources policy must provide for —

- recruitment;
- equal opportunity;
- employment conditions;
- health and safety;
- deployment;
- suspension and termination of employment;
- performance management;
- training and development;
- promotion; and
- discipline and grievances.

The human resources policy must include a code of conduct consistent with the standards of conduct set out in section 8.

The human resources policy will also define which appointments —

- are not subject to merit based selection (for example temporary positions); or
- are to be subject to performance based contracts - for example highly paid appointments to which this requirement does not already apply under a provision of the Act.

## ***Division 4—Preliminary***

### **Clause 29- Interpretation**

This clause defines the concept of “relevant employee” (an employee who is entitled to vote in respect of a particular enterprise agreement) and “valid majority”.

### **Clause 30 - Approval of enterprise agreement by Legislative Assembly**

This clause provides that the Legislative Assembly may approve an enterprise agreement if it —

- relates to all employees;
- is in writing;
- is expressed to be an enterprise agreement;
- is signed by the Chief Executive Officer;
- is approved by the Legislative Assembly;
- is approved in the prescribed manner by a valid majority of employees; and
- has been referred to the Legislative Assembly by the path set out in the Act.

### **Clause 31 - Effect of enterprise agreement**

This clause provides that an enterprise agreement operates for a maximum period of 2 years.

An enterprise agreement prevails to the extent of any inconsistency with the human resources policy.

### **Clause 32 - Initiation of enterprise bargaining**

Subclause (1) provides that a round of enterprise bargaining (a bargaining period) can be initiated by the Chief Executive Officer or an employee acting individually or on behalf of other employees.

Subclauses (2) and (3) provide for the notice that an initiating party must give on initiating a bargaining period.

Subclause (4) defines the beginning and end points of a bargaining period.

### **Clause 33 - Employee representation**

This clause provides that employees may elect 5 employee representatives to represent them in respect of a particular bargaining period.

Despite this, subclause (4) provides that nothing prevents an employee from representing himself or herself.

### **Clause 34 - Process for making an enterprise agreement**

Subclause (1) provides that the Chief Executive Officer must give all relevant employees at least 14 days notice of the holding of a vote on the making of a proposed enterprise agreement.

Subclauses (2) and (3) provide for the information that the Chief Executive Officer must provide about a proposed enterprise agreement.

## **PART 4—THE PUBLIC SERVICE**

### *Division 1—Preliminary*

### **Clause 35 - The public service**

This clause provides that the public service consists of —

- the Chief Executive Officer;
- Executive Directors; and
- each other person employed by the Crown, the Administration or a territory instrumentality (other than a person specifically excluded from the public service under Schedule 1).

**Clause 36 - Recruitment**

This clause provides that every appointment must be undertaken on the basis of a competitive selection process in accordance with the merit principle (unless the appointment is specifically excluded from that requirement under the human resources policy).

**Clause 37 - Appointment valid despite non-compliance with Act**

This clause validates appointments despite the fact that they may not have been made in accordance with the Act.

*Division 2—Chief Executive Officer and Executive Directors***Clause 38 - Appointment of Chief Executive Officer or Executive Director**

This clause provides that the executive member may, on the recommendation of the Legislative Assembly and in accordance with the organisational structure and employment standards, appoint a person as Chief Executive Officer or an Executive Director.

A Chief Executive Officer or Executive Director cannot be appointed for a term exceeding 5 years but is eligible for reappointment

**Clause 39 - Conditions of employment of a Chief Executive Officer or Executive Director**

This clause provides that the conditions of appointment of a Chief Executive Officer or Executive Director must be set out in a written agreement executed by the executive member on the recommendation of the Legislative Assembly.

That agreement must require the appointee to comply with the performance standards set from time to time by the relevant executive member.

Under subclause (3), the executive member can assign a person to act as Chief Administrative Officer or an Executive Director of a continuous period of not more than 6 months without entering into such an agreement.

**Clause 40 - Ministerial direction of Executive Directors**

This clause provides that an Executive Director is subject to direction by the executive member responsible for the Public Sector Management Act and any other executive member to whom the Executive Director is responsible under the organisational structure.

*Division 3—Corporate Management Group***Clause 41 - Corporate Management Group**

This clause provides for the establishment of the Corporate Management Group.

The Corporate Management Group is made up of the Chief Executive Officer and each Executive Director.

The functions of the Corporate Management Group are to be determined in the human resources policy or otherwise by the executive member by disallowable instrument.

**Clause 42 - Meetings**

This clause provides the Chief Executive Officer is to convene meetings of the Corporate Management Group and to preside at those meetings.

*Division 4—Engagement of other Employees***Clause 43 - Engagement**

This clause provides that other public service appointments are to be made by the Chief Executive Officer.

The conditions of such appointments must be consistent with the employment standards and must be specified in a written agreement between the Chief Executive Officer and the employee.

### *Division 5—General*

#### **Clause 44 - Variation of duties**

This clause provides that the Chief Executive Officer may from time to time vary the duties and place of work of an employee.

#### **Clause 45 - Suspension**

This clause provides that the Chief Executive Officer can suspend an employee with or without pay if the Chief Executive Officer reasonably suspects that the employee has breached the public sector general principles.

In the case of the Chief Executive Officer or an Executive Director, this power is to be exercised by the executive member on the recommendation of the Legislative Assembly.

#### **Clause 46 - Termination**

This clause provides that the Chief Executive Officer may terminate an employee's employment —

- immediately (if the employee has breached the public sector general principles); or
- by the period of notice provided in the employee's employment contract or in the absence of such provision, 7 days.

The executive member has the power to terminate the employment of the Chief Executive Officer or an Executive Director, but only on the recommendation of the Legislative Assembly.

A notice of termination must give reasons for the termination.

#### **Clause 47 - Forfeiture**

This clause provides that the Chief Executive Officer may determine that an employee has resigned from the public service following a two week period of unexplained absence from duty.

#### **Clause 48 - Resignation to contest election or act as a member of the Legislative Assembly**

This clause provides that an employee who is a Member of the Legislative Assembly will be taken to be on leave without pay if the employee is required to be on duty at the same time as the employee is engaged in activities related to that membership. Such leave without pay does not form part of the employee's period of service.

#### **Clause 49 - Limitation on reappointment of former employees**

Under this clause, a person who has accepted a voluntary redundancy payment in excess of a prescribed amount must not be reappointed to the public service for a period of 2 years. In the case of an involuntary payment, an employee is barred from appointment to the public service for the period of a year.

A person who has been dismissed for failing to comply with the public sector general principles must not be re-employed in the public service.

## **PART 5—REVIEW OF DECISIONS**

### *Division 1—Preliminary*

#### **Clause 50 - Interpretation**

This clause defines the term “selection” for the purposes of Part 5.

**Clause 51 - No other right to review**

Part 5 sets out the rights of employees and the public to seek review of a decision under the Act. These rights are exclusive and exclude certain common law rights (for example the right to seek prerogative remedies).

**Clause 52 - Constitution of the Board for the purposes of this Part**

This clause provides for the appointment of further persons to act as members of the Board for the purposes of review proceedings under Part 5.

***Division 2—Merit Review***

This Division sets out the appeal rights of an unsuccessful applicant for a public service appointment.

It should be noted that —

- this division aims to protect the public interest in encouraging good personnel practices and only secondarily protects the interests of unsuccessful applicants; and
- the only grounds for appeal is that the unsuccessful applicant is more eligible for the appointment than the successful applicant.

**Clause 53 - Notice of intention to appoint**

Subclause (1) excludes merit review in the following situations —

- where the appointment is not subject to the merit principle under the human resources policy;
- where there is only one applicant for a position;

An unsuccessful applicant will not be eligible to seek review of an appointment if —

- the applicant has withdrawn the application; or
- the applicant was not eligible for the appointment; or
- the applicant is not willing to accept the appointment if the appeal is successful.

Subclause (2) provides that an appointment cannot be made to the public service until 14 days after he or she has notified all applicants of the decision to make the appointment and, if an appeal is lodged against that decision, until that appeal has been finally determined.

Subclause (3) provides that the Chief Executive Officer must notify each other applicant if the proposed appointee declines to accept the appointment.

**Clause 54 - Right of appeal**

This clause provides that a person who receives notice of a decision to make an appointment under clause 49 may appeal to the Board against that decision.

Subclause (2) provides that the only ground of appeal is that the appellant is *more eligible* to be appointed to the employment (see section 5(2)).

Under subclause (3), an unsuccessful applicant cannot appeal an appointment decision if —

- the applicant has withdrawn their application; or
- the applicant was not eligible for the appointment; or
- the applicant is not willing to accept the appointment if the appeal is successful.

**Clause 55 - Determination of appeal**

Subclause (1) provides that the Board must determine an appeal by forming an opinion as to which of the candidates is most eligible for an appointment.

The Board can also determine that none of the applicants is eligible for an appointment (subclause (2)).

Subclauses (3) and (4) require effect to be given to the decisions of the Board.

Appeal procedures are dealt with in detail in Schedule 2 (subclause (5)), and, subject to those procedures, appeals are to be conducted in the manner determined by the Board (subclause (6)).

Subclause (7) provides that an appeal lapses —

- if the proposed appointee refuses to accept the appointment; or
- if the Board determines that an appeal is frivolous or vexatious or falls outside the Board's jurisdiction.

### *Division 3—Review of Termination of Employment*

#### **Clause 56 - Application to Board to deal with termination**

This clause provides that an employee can appeal to the Board against the termination of his or her employment on the grounds that the dismissal was unfair (“harsh, unjust or unreasonable” - see clause 58).

Subclauses (2) and (3) deal with the time for lodging appeals.

#### **Clause 57 - Exclusions**

This clause allows specified classes of employees to be excluded from the operation of this Division by the human resources policy. Those classes include —

- short term or casual employees;
- probationary employees; or
- employees whose wage *exceeds* a prescribed amount.

Under subclause (2) —

- employees whose contract specially protects them against termination of employment; or
  - employees terminated on the basis of a redundancy,
- cannot appeal under this Division.

#### **Clause 58 - Determination of whether termination is harsh, unjust or unreasonable**

In determining whether a termination was harsh, unjust or unreasonable, the Board may have regard to any matter that it thinks relevant but must have regard to —

- whether there was a valid reason for the termination related to —
  - ⇒ the capacity or conduct of the employee; or
  - ⇒ the requirements of the operational unit of the public service in which the employee was employed;
- whether the employee was notified of that reason and given the right to respond;
- in the case of termination for unsatisfactory performance, whether the employee had been warned about that performance.

#### **Clause 59 - Remedies**

If the Board finds that a dismissal was unfair, the Board may order the Chief Executive Officer to —

- maintain the continuity of an employee's employment;
- pay the employee for lost remuneration.

However under subclause (3) this payment is capped at the greater of the amount to which the employee would, at the date of termination, have been entitled on redundancy or the prescribed amount.

Subclause (4) requires the Board in making orders to have regard to —

- the effect of the order on the operations of the public service;
- the employee's period of continuous service in the public service;
- the employee's duty to mitigate loss arising out of unfair dismissal; and
- any other matter that the Board considers relevant.

Subclause (5) requires the Chief Executive Officer to comply with an order for reinstatement by —

- reinstating the employee to the employee's former position; or
- appointing the employee to a position with the same or greater status.

### **Section 60 - Procedure for dealing with application**

Appeal procedures are dealt with in detail in Schedule 2. Subject to that Schedule, appeals are to be conducted in the manner determined by the Board.

#### *Division 4—References to Board*

### **Clause 61 - Right to refer matter to Board**

This clause provides that any person (including an employee) affected by a public service action that does not comply with the Act, regulations or determinations can require the Board to investigate that action if the Chief Executive Officer has not done so to the satisfaction of the person.

Subclauses (2) and (3) require the Board to investigate each complaint (other than a frivolous or vexatious complaint) and report its findings to the Chief Executive Officer.

If the Board substantiates the complaint, the Chief Executive Officer must report about action taken in respect of that complaint (see clause 25(1)(c)).

#### **PART 6—MISCELLANEOUS**

### **Clause 62 - Repeal of the Public Service Act 1979**

This clause repeals the *Public Service Act 1979*.

### **Clause 63 - Transitional provisions**

This clause includes the transitional provisions contained in Schedule 3 in the Act.

### **Clause 64 - Attachment of salary of officers and employees of the Crown**

This clause negates the common law rule preventing the attachment of debts owed by the Crown to its employees.

### **Clause 65 - Preservation of prerogative right to appoint or dismiss**

This clause prevents the argument that the enactment of the Act removes the Crown's common law prerogative rights in respect of engagement and dismissal of officers.

**Clause 66 - Regulations**

This clause provides for the making of regulations for the purposes of the Act.

In particular regulations can be made —

- under paragraph (1)(c) excluding the operation of merit selection (see clause 7(a)) in respect of specified classes of employees of public sector agencies that fall outside the public service. It is envisaged that regulations would be made mirroring section 56 (*Exclusions*);
- modifying or excluding the operation of the Act in respect of persons appointed under section 48 of the *Legislative Assembly Act 1979*;
- under subclause (2) regarding transitional matters.

We turn now to the Schedules.

**SCHEDULE 1*****Persons Excluded from the Public Service*****Item 1**

Item 1 sets out classes of persons specifically excluded from the public service.

These include —

- judicial, audit and parliamentary officers;
- honorary or commission employees;
- statutory officers whose terms and conditions of engagement are determined by the Administrator.

Subitems (2) and (3) allow the executive member to amend subitem (1) by disallowable instrument.

**SCHEDULE 2*****Review of Decisions*****Item 1 - Procedure at meetings of the Board**

Item 1 requires the presiding member or deputy to decide any question of law in an unfair dismissal proceeding.

**Item 2 - Principles on which Board is to act**

This item provides that the Board, in undertaking reviews —

- is to act according to equity, good conscience and the merits of the case, without regard to legal technicalities; and
- is not bound by the rules of evidence.

**Item 3 - Notice of proceedings, etc.**

This item requires the Board to give a party notice of proceedings and a reasonable opportunity to make submissions or to call or give evidence and cross-examine witnesses.

The Board may hear proceedings in the absence of a non attending party.

**Item 4 - Representation**

This item provides that a person may appear for themselves or by a representative. However a person may not be legally represented at a merit review.

#### **Item 5 - Powers of Board**

This item allows the Board to require the attendance of witnesses and compel truthful testimony (penalty - 20 penalty units).

#### **Item 6 - Witness fees**

This item provides for the payment of witness fees.

#### **Item 7 - Member may continue to hear appeal in certain circumstances**

This item allows a Board member whose position is vacated to continue hearing an appeal.

### **SCHEDULE 3**

#### *Transitional Provisions*

This Schedule provides for the transfer of employees' existing rights at the time of transition between employment under the old Act and this Act.

It also provides that previously existing public service directions and decisions will continue in force as if made under the corresponding

Honourable Members and Mr Acting Deputy Speaker I felt that it was important that I go through those clauses because that explains the Public Sector Management Bill 1999 fairly well. Sometimes it's easy to go through and hear what's being said rather than try and pick out pieces of the bill and not making the connection between the different parts and thank you for bearing with us over the last thirty minutes whilst I went through those things. I don't think I'll do the same with the Human Resources Policy unless it becomes necessary, and I think at this point, because there is probably going to be much more said on this issue, that I will hold off on any further debate until Members have had a fair say, thank you

ACTING DEPUTY SPEAKER Thank you Chief Minister. Is there further debate Honourable Members

MR NOBBS Thank you Mr Acting Deputy Speaker I was handed a little article which I'll go through quickly. I don't want to bore you but it's, things are crook in Tullarook, it comes under, and there's no derogatory reference to Australia or Japan in this. You could call it Norfolk Island Phillip Island or whatever you like. Once upon a time the Australian and Japanese decided to have a competitive boat race on the Brisbane River. Both teams practiced long and hard to reach their peak performance. On the big day they were as ready as they could be. The Japanese won by a mile. Afterwards the Australian team became very discouraged by the loss and morale sagged. Senior Management decided that the reasons for the crushing defeat had to be found and a Project Team was set up to investigate the problem and recommend appropriate action. Their conclusion. The problem was that the Japanese team had eight people rowing and one person steering. The Australian team had one person rowing and eight people steering. Senior Management immediately hired a consultancy company to do a study of the team's structure. Millions of dollars and several months later they concluded too many people were steering and not enough rowing. To prevent losing to the Japanese next year the team structure was changed to four steering managers, three senior steering managers, and one executive steering manager. A performance appraisal system was set up to give the person rowing the boat more incentive to work harder and become a key performer. We must give empowerment enrichment. This ought to do it. The next year the Japanese won by

two miles. The Australian's laid off the rower for poor performance, sold off the two oars, cancelled all capital investment for new equipment and halted the development of a new craft. They then awarded high performance awards to the Consultants and distributed the moneys raised to Senior Management. That was a reflection I believe of what we've been going through. On a light note

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Is there further debate Honourable Members. No further debate.

MR NOBBS I was handed an amendment here. What's happening

ACTING DEPUTY SPEAKER We'll get to that shortly

MR NOBBS Well, I'll say something. I've got concerns with dealing with this at this Sitting. We have three amendments I believe that have been handed in, in the last twenty-four hours. They might have been earlier but I got them then. We've got a problem in relation to the Australian Government apparently having some input to this decision making process and I would have thought that their agreement would have been forthcoming before this and if it's not, and I understand it's not, then we should do something about it. I've had some concerns in relation to the Bill being dealt with right now is that people feel that there's a possibility that it might be defeated which if it was it would be a great shame and that there is a need for some additional consultation in regards to this, and whilst I know that this has been going on and on for several months, it's suggested that it should still go on and on. I have got concerns in relation to the position of the staff consultative arrangements, and I've mentioned it in my motion of several months ago which was fairly well defeated that a consultative committee should be selected by staff. It's an extremely valuable tool and I can't see why it cannot go ahead. I mean we are looking at this, it should be a formal arrangement and that a policy could be developed to go into the Human Resources Policy in relation to the actual operation of that consultative committee. I've heard, and I don't know whether it's true, you might be able to confirm it Minister, that the appointment of Senior positions, will be left to the incoming Assembly. If this is correct or not, I don't know. On the basis of that I would have thought that there was no great rush and finally, I mentioned that there was a need for acceptance by the Commonwealth for certain things in this Bill and I think that that is most important that we find out from them what their position is before we proceed down the line past it and then get into a firearms situation. I would suggest that it be made an Order of the Day for the next day of Sitting

ACTING DEPUTY SPEAKER Mr Nobbs I might return to you at a later time to give you the opportunity to move to adjourn this matter. Honourable Members we are dealing with the Public Sector Management Bill 1999 and the question is that the Bill be agreed to in principle. Any further debate

MR SMITH Thank you Mr Acting Deputy Speaker, thanks Ron for your comments. Thanks for your story. We've had a story and a poem. Maybe we'll have a song at the end of all this as well. I just am a little concerned I suppose, because I've heard things over the last few days that some Members may not support this Bill and that's okay, that Member's choice, if they don't want to do that. I would be really really surprised though, because we talk about Self Government and we talk about our Strategic Plan and contrary to what was said in the paper one or two weeks ago that we have no Strategic Plan, we do. We adopted it a year ago. We adopted it. All Members sitting around the table except for John. I don't think you were here Mr McCoy. I just remind Members what the top twelve projects are on the priority check list of the

Strategic Plan. Projects that have the greatest strategic significance for Norfolk Island that the Assembly adopted are -

1. achievement of self government
2. modernise the public finance systems
3. simplify Public Service organisation and strengthen management
4. modernise service staffing structure and employment terms and conditions
5. implementation of a tourism strategy
6. implement land management and develop control system
7. development of agriculture and a manager that will support the Island's future needs
8. develop integrated ten year plan for infrastructure maintenance and construction
9. construction of port facilities
10. review of education and vocational training
11. development of a health services plan
12. market test infrastructure services support functions

We all agreed with the process that we've been going down. I've got to be totally frank with this too, when it came to do the Public Sector Management Bill 1999 I certainly didn't stand at the last election and say, oh when I get into the Legislative Assembly I'm going to get in and change the Public Service Act, and it's only because of the motion of the House that indicated that me being the Minister responsible for the Public Service and other things that I was to do certain things which were pursued but in that process I've really become quite enlightened to how people in the Service feel about certain things, the way things are being done, how things are being handled. Not pointing fingers at anybody it's just a general thing. Everybody has a story to tell and most did. I found that most interesting and rewarding actually, talking to different people throughout the Service. As I said before in the earlier part of my debate, I'm very pleased with the input that has come from people within the service and to the degree, I think, where change has been waited for. If we have a view that we shouldn't pass this I would be disappointed but that is not as disappointing as I think a large part of the Public Service would be disappointed if we didn't carry this through and I stand corrected on that. If people don't agree with that statement I've just made, but I think there is really room for change. That's been pointed out to us as we go around with the people who have done it. There's been a lot of money put into this again. There's a lot of effort being put into it and I think out of it will come something that will be really good, not just for the Administration, not just for the government but for the Island as well. If I wasn't happy with it, I can tell you that I wouldn't be pushing this at all. I would be going the other way but I've been reassured. We've been dealing with the Public Service Association, and spent a lot of time on the Bill and on the Human Resources Policy, they've had it checked legally to make sure there are no problems in that sense and I think the PSA or certainly the executive of the PSA is happy with it and I think they would be disappointed if they didn't progress with the Bill. However, notwithstanding having said all that, if there's concerns or problems with it I hoped that we would pass this today but I don't know what the feelings are because only one member has spoken to it so far. I don't want to delay this 'til November because that would just make the situation a little more difficult. I would be proposing that if we are going to adjourn it that we would meet again in a shorter period than normal and I would suggest in two weeks time, which would probably mean that we would have two meetings in November and that would give any Member who have any concerns, the time to let us know what the concerns are if there are concerns that need to be fixed in the bill. It will probably give us more time to get an indication from the Commonwealth on what their views on their part or input into the Bill will be. I would hate to see us delay it month by month any further in the hope, and I'm sure no Member around here is in the hope that the Bill will fall over at the end of our term because I don't think that's what any Member would want to do but I think it is very important Mr Acting Deputy Speaker, I don't usually ask other Members in a debate because it's their right not to speak, but I do ask

if they have any concerns with it to speak out today and I will happily adjourn if there are concerns on the basis that I would be proposing that we meet within two weeks if that is possible. Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Smith. I take notice of your intent if that be the case. Honourable Members as I've said we are discussing the Public Sector Management Bill 1999 and the question is that the Bill be agreed to in principle

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. In light of what George has said. The Bill's been here for a long time, could I suggest that perhaps we could move to agree with the Bill in principle and then get on with the detail stage and if at the detail stage we find that there are major difficulties then revert to George's adjourning it and bring it on at the next meeting in a couple of weeks. Would that solve Mr Nobb's problem as well

ACTING DEPUTY SPEAKER Thank you Mr Robinson. Mr Bates

MR BATES Thank you Mr Acting Deputy Speaker. I'm a little intrigued that this has been around for quite a while now, that it seems very urgent urgent to the extent that we might have to meet in two weeks time. I would like to know why it's suddenly become so urgent. What the present state of panic is derived from. It makes me suddenly wonder if there's something wrong with it. There are a few further comments. I was talking to the members of the Public Service Association only yesterday afternoon. There are still concerns with the powers invested in the Chief Administrative Officer. Some feel that they will be too much directed by shall we say fear, of holding jobs by pressures put on by Members of the Assembly. If that case develops then of course the top structure of the Public Service will become a structure of yes men and that's no good to anybody. I think there are concerns there that the appeal provisions that are meant to protect, don't go far enough. Further to that, right at the outset I said that I wanted to see a complete package. The Human Resources Policy still remains a bit of a problem. I think just looking through the preamble at this it says that the Human Resources Policy must provide for termination of employment, redundancy issues are something that have not been canvassed with the Public Service. I've had one paper on it, and been asked to keep it very quiet. I don't know what was wrong with it. It's never been discussed with any great length by the people here but it clearly says that the Policy must provide for that and it is not provided for in the present time. I worry a little bit when I look at the clauses relating to enterprise agreements and the fact that they last for two years. Nobody ever heeds what I ask about coming along with a bit of a paper to tell us what resources are going to be necessary to administer this; what will be the cost of them; it seems like a pretty big job this enterprise agreement operation. It seems like we might have eventually to employ someone to look after it. I don't know. It doesn't explain very well here. I do thank Mr Nobbs for his enlightening paper which he read out earlier. I hope he will provide us with a copy of that because I think that's precisely what's going on. I think I said that right at the time of the Howard Report. Too many chiefs and not enough Indians, sure doesn't help anybody, but I think there are some... We have had thrust on us here today an amendment to something which I think John Howard said we should talk about and that is the position of public servants on the Assembly, here we've had an amendment thrust at us that simply turns public servants into second class citizens. It's very discriminatory against public servants. Nobody else who gets into the Assembly is asked to give up their livelihood but public servants will be. It will be a deterrent to them not to stand and I think that's what the aim is. I think it was Ellicott in 1979 when the Norfolk Island Act came into being that this was put to Ellicott at the time about the position of public servants and he understood the size of Norfolk Island and the number of people employed in the public service and the percentage of

those to the electorate as a whole. He said I'll do something about that and that was why, in the Public Service Ordinance it gave public servants the right to stand. It also gave them the right at that point in time, if they resigned and became an executive member, to go back to employment. That right was taken away during a term in which I was an executive member, that right to go back to employment was taken away by the House. But there have been attempts to water that down and change it. The ironical part about it is that the community out there or the electorate knows precisely who a public servant is when they go to the polls and I've never seen anything at polling time that reflects that public servants are not welcome in this Assembly so I think that certainly hasn't been canvassed with the Public Service, that amendment that is proposed. I just agree with Ron. I don't see the urgency and I certainly won't be supporting coming back in two weeks time to finalise it. I've never heard anything so ridiculous but to put it off and consider it in the normal course of time

MR ION ROBINSON      Point of Order. I think we all know the Standing Order referred to, Standing Order 139 and Norfolk Island Act specifically states at section 39 (3) "a member of the Legislative Assembly who is party to or has a direct or indirect interest in a contract made on or behalf of the Commonwealth of Australia or the Administration under which goods or services are to be supplied to the Commonwealth or the Administration shall not take part in a discussion of the matter or vote on a question in the Legislative Assembly where the matter or question relates directly or indirectly to that contract

ACTING DEPUTY SPEAKER      Thank you Mr Robinson. There are a couple of points here that need clarifying. Firstly Mr Bates I did intend to prevent your further debate on a matter that is more rightly dealt with under detail stage amendments hence you're actually pre-empting debate

MR BATES      Are you certain of your grounds there Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER      That's up to you Mr Bates to pull me into line if you feel my ruling is incorrect there. I would like to now turn to Mr Robinson's drawing on Standing Order 139. Certainly it is interesting Mr Robinson, but my interpretation as I sit in the Chair on this matter is we are not dealing with specifics of contracts or specific contracts but we are speaking generalisations. Certainly I don't hold with Standing Order 139 in this case

MR ION ROBINSON      And the Norfolk Island Act has no relevance here do you feel

ACTING DEPUTY SPEAKER      I'm dealing with Standing Orders Mr Robinson. Is there any further debate on this matter Honourable Members. The question is that the Bill be agreed in principle

MR BATES      Do I still have the floor Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER      Mr Bates, yes

MR BATES      Thank you Mr Acting Deputy Speaker. I find that very interesting. I thought we had been through all that before however, as I said when the point of order was called, I was saying that I have no intention of supporting the adjournment for two weeks which is a departure from our normal thing and that if this matter is adjourned it should be decided at our next meeting

and I believe that that is a matter for the House and on which I am quite entitled to speak and that is what I was speaking about when the point of order was raised

ACTING DEPUTY SPEAKER Thank you for clarifying that Mr Bates

MR BATES Having said that, I would support an adjournment. I think there's a lot of untidy matters in this matter and if they can be sorted out in the next month well then. It's not my wish to oppose the Bill as a whole but I think the tidying it is when it comes into place the better. I agree with Mr Nobbs, I don't see the urgency with the it. The executives have made a decision I believe that they are not going to fill the positions permanently, that they have started something which they are not going to finish, I don't see the urgency of proceeding today

ACTING DEPUTY SPEAKER Thank you Mr Bates. Honourable Members, further debate

MR BUFFETT Thank you Mr Acting Deputy Speaker. In this overall package that we are considering today, I think that there are three quite important considerations. The first probably is the matter of the want and the will to make reforms in the Public Sector area. And the second is, if there is a want and a will the getting of the reform package right. The getting of the reform package right in its substance and in its major components, and the third is carrying the perception that it is right and it is proper and it is timely for reform and if that is the case, that it is being done fairly and it is done with the new scene being genuinely better than the old scene. I think they are three important considerations in this total arrangement that we are on about. And very briefly, I do think that there is a want and a will for reforms in the public sector area. I think that there is around the table here. I think that there is out in the community and I think that there is inside the Service itself. That leads on to the substance of the package. Again in very brief terms, I don't think we are at the stage that the substance of the package is yet right. I don't think that the substance of the package in its legislative component is yet right nor some of the very important things that hang off it such as the Human Resources component. There has been much talk and there has been much discussion and there has been much progress I've got to say in those areas, but I don't think we are at the stage of a meaningful point of commencement yet and moving to the third point about perception, I think that because of that, there is the perception that it is yet incomplete, that it is yet wanting in its present form. Now there does seem to be recognition by those who are promoting this that the package is incomplete. There is recognition of that. That has been said in a number of quarters, not necessarily elaborated today, but I have heard it in a number of quarters but that is really saying to us as Members, that yes, we are recognising that there are difficulties, but take us on trust and they will be all fixed up. Take us on trust and they will be all fixed up. Well, let's just look at the matter of taking it on trust. If there were quite a small number of matters to be tidied of course that means that there would be a small amount to be taken on trust and maybe there would be a preparedness on the part of some to do that. But let's look at what is asked to be taken on trust today in this particular matter. There is the basic piece of legislation upon which the total package hinges. There are a number of incomplete components in respect of that. There are a number of unresolved components and of course there remain a number of contentious components, and some of the contentious components I venture to say may well be because they have been insufficiently worked through or walked through and they may turn out at the end of the day to be non contentious once that process has been done. I know

that there have been a number of talking's and I know that that has happened in a number of places, but still I think that there remain many contentious pieces that have yet to be addressed, so if you've got the basic legislation unstable and if you've got some of its major components yet incomplete, and when I say major components incomplete I'll just give you a couple of examples. Probably the biggest example that we would all recognise is the Human Resources Policy. It endeavours to list the things that are said to be what we have today. Well it needs to be pointed out that some of the things that we have today are very dated and we are being asked to pick up those very dated things and give them something of more substance than they have today and I question whether that is a sound move. There are some amazing gaps in what one would term a complete Human Resources Policy and some of those are very important, especially to people who are in the Service. I think that there are also some unresolved components that still need to be. Let me just give you some examples about some of the unresolved matters. They have been mentioned in passing, some of them today. The matter of redundancy arrangements. Now there is mention of redundancy arrangements but it doesn't in any way give a formula, it doesn't in any way give indicative indicators of what might be contained within them so whilst it is mentioned it is really still a blank book and it gives no understanding for people who have to work with this as to whether it is fair or unfair and I mention the matter of fairness right at the very beginning. What I am trying to demonstrate is that there are a number of things that are yet undone. But it is being asked today, maybe we should nevertheless pass this legislation on the trust that they will all be fixed to satisfaction. I've got to say that that is a very big ask. That's a very big ask. It's a big ask when the effect of that big ask can impact on the largest task force in Norfolk Island. The Administration is the largest employer in this place and that is a big work force and it also contains, it is a work force that comprises mainly people who live here in the long term. They are not itinerant workers Mr Acting Deputy Speaker who might live for a while and then go back to where they have come from, and it's not a fair ask for all of those questionmarks still to be there when you are dealing with a workforce of that nature and of that size. It's been mentioned that there is much work to be done and I've tried to emphasise that too. I couldn't give support to the Bill in its present components with all of its difficulties and with all of its lacks at this moment, but that doesn't mean that I don't think that we should try and make some improvements, significant improvements, in the Services area. but what we've got to do quite frankly is just work harder at getting it right and we've got to get it a great deal more right to put it into legislation than we have got it today. I support therefore a move, that we should get about addressing those outstanding issues and when they are addressed to satisfaction then we should consider as to whether we should put the basic legislation into place, which the basic legislation can then give substance to those other things that are yet, I emphasise again, are yet to be worked out. I don't think it's realistic to do it in the next fortnight as the Chief Minister has foreshadowed. let me give you a couple of examples why I think that. there have been in recent days, during the last week or so, a number of very useful workshops within the Administration, addressing the Human Resources Policy for example, in which it has been invited to identify areas of difficulty. Areas that may be lacking now and would want to be tidied. Areas that are old hat and need to be updated. Now that is a very important document this Human Resources Policy and I think it needs to be brought to a more meaningful point of commencement but that will take some time. now I'm not too sure of the timeframe that has been predicted for that although I am aware that somebody was talking about a timeframe, but it is not in the next two weeks and I think that those factors that are now progressing need to be taken into account. But one does need to set a time frame. My counsel

to the Chief Minister is to endeavour to identify all of those outstanding issues, because at present people are plucking them out of the air. We have an amendment this afternoon, I keep saying this afternoon - I'm not too sure why I keep saying this afternoon but I knew if I said it long enough, this afternoon would arrive. But has just recently, that is in the last twenty minutes, no good Heavens Chief minister, you spoke for half an hour, so maybe it's about an hour ago that it was put on the table, but what I'm trying to demonstrate is, that things are coming out of the woodwork willy nilly and I think that there should be an effort to draw those things together and walk them through and talk them through to some definite finality and that hopefully will give a tidier package than is in front of us today. If Mr Nobbs is about to move his motion of adjournment, I would support it, and I would support it on the basis of the things that I have just said

ACTING DEPUTY SPEAKER Thank you Mr Buffett. Honourable Members the question before the House is that the Bill be agreed to in principle. Is there any further debate. Chief Minister

MR SMITH Thank you Mr Acting Deputy Speaker I thank Brian and David for what they've just said because they've both clearly spoken about the Human Resources Policy document. When you read through the Bill it refers to the Human Resources Policy. The problems that both Members have with this whole package, I think is what Mr Buffett calls it, revolves around the Human Resources Policy. The Human Resources Policy has been developed in a particular way as I gave instructions. I didn't want the Services terms and conditions played around with before we adopted the final Human Resources Policy and that is why there are things, as Mr Buffett says, that are out of date. Old fashioned. Because if you look to the Bill it refers to the transition period when all the APG's which is the Administration's Policies and Guidelines where the terms and conditions are spelled out, will carry on the same under this new Bill. It's at that point that the work to be done is on the Human Resources Policy document. If there are to be changes to that, it's at that point that you make it. The way that those changes are made to change the old things to new is by agreement from within the work force and also with the Assembly through the Chief Administrative Officer or Chief Executive Officer and if we all agree that something needs to be changed and I think one thing is the retirement age which may be questionable about whether that is acceptable any more these days and I'm sure that that is something that would be easily changed by the determination that would be accepted by the House and certainly probably the people in the service. that is the whole process. So far I've had no comment on the Bill, because I don't think there is very much more that you can put into the Bill. the important parts of the Bill cover the major changes but it's the Human Resources Policy that much of the discussion in the last couple of weeks has been revolving around. I think the concerns that our Members have shown are things that are being discussed around the table over the last couple of weeks. I may be wrong. I haven't been to the last ones in the last couple of weeks. If there's a concern there, it doesn't matter as far as the Bill is concerned because that refers to the Human Resources Policy. Let's take redundancy as an example because that is something that was talked about right in the beginning. Howard mentioned that in his report. I was never very keen on introducing something that's going to point and make it look like what the Assembly wants to do is get rid of people out of the service however, in the discussion since then, it's people within the service that have called for a redundancy thing to be put into the Human Resources Policy. Well we can't do that until we go through the proper processes after the Bill is passed. if we start fiddling with the Human Resources Policy before then it makes a

mockery of the whole thing and it's not going to work out quite the same. The enterprise agreement is another part of that. The Service may never want to use the process of enterprise agreement. It's up to them. I think Mr Bates you mentioned that enterprise agreement. If nobody wants to use it, it doesn't get used. I agree with what David said that a lot of stuff from the APG's can be updated but that's the very point. Once we pass the Bill it gives us the opportunity to change the things that aren't acceptable to not only the people who work in the Service but to the management and the government but to make a change that is not satisfactory to either side, the process is a little bit different. Everybody has to be asked about it, the Assembly has to agree to it around the table so the process is not too bad I don't think. One of the things that was mentioned, and it comes out as though it's some real big surprise. I don't know who actually mentioned it, is about the new management structure. It is true that we have decided that because the purpose of this Management Bill is to give the government the input into who is employed at senior level, the same as we do with the Chief Administrative Officer, the Assembly decides that, the Assembly will decide the same with the Executive Managers. The reason we've held off on that is because it is already late in our term, with only five or six months to run, but we've realised it is probably inappropriate for us to go out tomorrow and employ whoever it is, whether they be the existing managers or somebody else who applies, and then we change government, it's highly likely we'll all get thrown out, so the next lot comes along, they may not be able to work with the people that we have chosen in those positions and that is the point of why we've done that. But that doesn't mean to say that we are not going to go on with the process because it needs the Bill to be passed for us to set up the recruitment process for these new managers. That is going to take a period of time and probably the longer we leave it, the more embarrassing it does get. We don't want to be - we would like to get it to the position where there is actually a choice that the next executive will have and they'll say yes, we will employ these people who have been shortlisted, or we won't. I would hate to be at the position where they are still trying to deal with the Bill in the next Assembly. That would be rather embarrassing for all of us, so that is the reason. There is no surprise in that. Members have talked about that over the last week, two weeks I think it was. I just don't want anybody making it sound like it's something that we've just pulled out of the hat today. With the Bill I look once again to Members to see if there's problems with the Bill. If there is it would make me concerned because it's been sitting on the table for some months and that's the reason I put it on the table so that not only Members can have a look at it, but the community as well. Certainly the community has put a fair amount of input into it, particularly the Public Service and if Members have problems with any portions of the Bill, well this is the time to make changes. It's also been said that we are getting amendments thrown at us today. Well true, but that happens with every Bill particularly at the last minute. There's one I knew about, a detail stage amendment fixing things up but you never know what's going to come out in the detail stage amendment of any Bill so let's not make that sound like it's a surprise but I've got to say too, along the lines of what Mr Buffett has said, it's really really important that most of the people who work in the Service are residents, are Norfolk Islanders, have probably spent most of their lives here. There's no way that I'm going to go out and try and do something. I wouldn't be supporting something that is going to go and damage that. I would hope that all Members around the table appreciate that. That they are not temporary people, they are the same as the rest of us. We are all in the same community and if there is any move to change the situation of people on a personality basis I wouldn't be part of that. I'm trying to make sure as much as I can that what we've got here is suitable not only to the Assembly but to the government and to the people who work

in the service to make the whole thing work. I was hoping that we wouldn't get into other issues that can derail the debate or derail the Bill in fact because the whole reason for it is to make the thing work. If we are going to get into discussions at a further meeting that makes it sound like there's something real bad in this Bill or the Human Resources Policy I would be really really disappointed because I think we all talk about it around the table. We all want to do the best for Norfolk Island and all that. If there are faults in this Bill I'm quite happy to relook at it. If there are faults in the Human Resources Policy that we haven't explained or people don't understand I'm willing to make that concession. It's up to the Members what they do with this thing, of meeting again in two weeks. I don't see any drama in having extra meetings, even if it's only for this. If there is a good enough reason to say we should leave it 'til the next normal sitting in November I would like to hear that. It's up to the Assembly to meet whenever they want. We can meet every day of the week if we chose to. I thought a couple of weeks would be fine. It would give Members the opportunity to spell out what their concerns are, produce amendments to the Bill if they have them, to perhaps have more in depth discussions on the Human Resources Policy but I'm sure we can do that within two weeks. But please convince me otherwise if you don't think we can. I think I've said enough for today Mr Acting Deputy Speaker I'll leave it at that

DEPUTY SPEAKER Thank you Mr Smith. Further debate Honourable Members on the question that The Public Sector Management Bill 1999 be agreed to in principle

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I support the Bill. I always have and I haven't changed my mind on that. I would like to congratulate the Chief Minister for the amount of work and background he has done in getting the Bill in place. I was rather at some difficulty with the Human Resources Policy when it was put before us a few weeks ago and in fact I raised a number of issues that I felt were wrong with the Human Resources Policy but when it was explained to me that that was the starting point and that that was why Lee Carsley was over here discussing that with the members of the Association and members of the Public Service to try and bring that up to date and try to tell us where we are. I don't have a difficulty with that because I would surely hope that the Human Resources Policy that goes in is it, and then twenty years later we look at it again or is being looked at. It is something that needs to be upgraded and changed as conditions change or as things apply but as far as the Bill is concerned as the base Bill I have no difficulty with that whatsoever and I will be voting for it

MR BATES Thank you Mr Acting Deputy Speaker what I continually ask in this House and never receive is an estimate of what this package is going to cost. I see, as I already mentioned earlier, alot of costs associated with some of these enterprise agreements which could be initiated by the CAO. They can also be initiated by a staff member. I see costs just in the staffing straight off by creating additional positions in the Public Service. There seems to be a number of matters in here that somebody's got to sit down and do whether it's the Minister or Public Service Board putting in proposals, but somebody's going to have to sit down and do it. Practically everything in the Act, somebody has to do it and nobody's come forward and said to administer this The Public Sector Management Bill 1999 we are going to need a couple of extra executive members and we are going to need two or three extra typists and a clerk or we are going to be able to do away with a few people who are working on the present Act, because it is outdated and we can save some money, but nobody's come up and told us that and yet here we are again, as I said

earlier in private enterprise if you are going to do something you work out whether you are going to make a profit out of it. Whether it's going to be beneficial or whether you are going to throw out an old piece of equipment and a person who's been sitting there for twenty years using it because it's not making a profit, or whether you are going to purchase a new state of the art piece of equipment and pay somebody to man it. You do that before you make decisions. We don't. We go willy nilly ahead with pieces of legislation and then we complain when we find out that the cost of the Administration is going up. I had a look at the revenue figures as they came out and the revenue figures for the Administration have been static for four years. They've been static. They've hardly moved. But we keep adding on the other side of it, the expenditure side of it. I just raise that as a matter. It seems like I'm never going to get with a piece of legislation what the cost of the legislation is. I'm probably going to have to make my own assessment on that. I could be wrong but I guess I've got to err on the side that has the least damage. Thank you

ACTING DEPUTY SPEAKER Thank you. Further debate Honourable Members

MR NOBBS Thank you Mr Acting Deputy Speaker. I intend moving my amendment, but I'm moving it on the basis that we definitely need the Commonwealth's input to this if we are required to go to the Commonwealth, we should have it here before us before we deliberate otherwise we are going to end up back and forwards to them all the time. That's the main reason. Plus there's a couple of amendments that's coming through that needs some consideration and I would just move that debate be adjourned and it be made an Order of the Day for the next day of Sitting

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. MR SMITH The question Honourable Members before us is that the debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting. I'm unable to move into any debate on that Chief Minister. The question has to be put and therefore I put that question

#### QUESTION PUT

Would the Clerk please call the House

MR SMITH	AYE
MR BUFFETT	AYE
MR BATES	AYE
MR ROBERTSON	NO
MR GARDNER	NO
MR ION ROBINSON	NO
MR McCOY	AYE
MR NOBBS	AYE

The result of voting Honourable Members the ayes five the noes three the ayes have it. Thank you the ayes have it. We now move on

#### **STATUTES AMENDMENT PUBLIC SECTOR MANAGEMENT BILL 1999**

MR SMITH Thank you Mr Acting Deputy Speaker I'll adjourn this as well as this is related, unless Members have something to say at this point, I just move the adjournment to the next Sitting

ACTING DEPUTY SPEAKER Honourable Members is there debate? Therefore I put the question that debate be adjourned and resumption of debate made an order of the day for a subsequent day of Sitting

QUESTION PUT  
AGREED

Thank you the ayes have it. Debate is so adjourned

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

MR NOBBS Thank you Mr Acting Deputy Speaker I move that the House at its rising adjourn until Wednesday the 17th November 1999 at 10.00 am

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Is there any debate

MR ION ROBINSON Thank you Mr Acting Deputy Speaker I think the move will be to adjourn until two weeks hence rather than the date given by Mr Nobbs

ACTING DEPUTY SPEAKER You would have to move an amendment on that Mr Robinson. The current scheduled next Sitting of the House is Wednesday 17th November

MR ION ROBINSON To the 3rd November

MR BUFFETT No, the 17th November

MR NOBBS Can you get anything out of Canberra. No

MR ION ROBINSON I move that we amend that date til the 3rd November

ACTING DEPUTY SPEAKER Thank you, the question is that the House at its rising adjourn until Wednesday the 3rd November 1999 at 10.00 am. Is there debate on that

MR SMITH Thank you Mr Acting Deputy Speaker. On that previous vote I voted with the majority because if Members aren't happy with the Human Resources Policy at this point in time, it's pointless me trying to push it to the end today, but as I said in my debate I'm prepared to leave it for a couple of weeks as most Members should be able to fix their concerns by then. If they can't, well we look at what happens at that point in time so I support that we meet at our next meeting on the 3rd November, so I support the amendment

ACTING DEPUTY SPEAKER Thank you. Mr Buffett

MR BUFFETT Thank you Mr Acting Deputy Speaker. I don't support the amendment. I understand what the Chief Minister is saying about endeavouring to move matters along in respect of the Public Sector arrangements. If in fact we change the date to the 3rd and we are not ready for whatever reason, we've got to come together, and the coming together will be useless. If in fact we do what is on the Notice Paper and have the 17th and find that towards the end of that time, say in a fortnight, that we do have the goods to be able to meet, then it is quite a simple procedure to bring the House together and we could do that, so to stick to what we've got is the most practical arrangements in lieu of trying to bind ourselves into something that may turn out to be impractical. I'm against the amendment therefore

ACTING DEPUTY SPEAKER Thank you Mr Buffett, further debate Honourable Members

MR BATES Thank you Mr Acting Deputy Speaker. It still escapes me as to why this matter that's been around for some time has suddenly become urgent and two weeks before the 17th November is important. The urgency of it escapes me. I don't think the Chief Minister has done anything to convince me that the urgency is warranted. I think what Mr Buffett says makes sense. If the Chief Minister can convince me that it's urgent and wants to sit on the 14th or the 3rd or whatever other suitable date before the 17th well then I think he has the wherefore to convince Members if that's the case and we can but still I'm a bit perplexed about the sudden urgency in all this and why the 17th is not a suitable time to continue deliberations on this Bill

ACTING DEPUTY SPEAKER Further debate on the amendment Honourable Members

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I support the amendment. Brian's made mention of the fact that perhaps he doesn't see the urgency or why the sudden urgency. I'm looking at some of these documents here and they're dated the 18th of the Fifth. Now if we go another month, that's beaut, that's another month we don't have to do anything and then we don't have to worry about it, so we make it the 17th, that's around about the 16th we're thinking, oh heck, we've got to do something about this, we are going into the session tomorrow. Ron's made a valid point about getting Canberra to either confirm or deny us as to whether they agree with the parts of the Bill which is under Schedule 3 so I don't have any difficulty with that, I just find that if it's necessary to get something to get the thing going then let's do it. Let's get it moving, but for goodness sake, look at the dates on this stuff that's been sitting around. Long enough

ACTING DEPUTY SPEAKER Thank you Mr Robertson. Further debate

MR SMITH Thank you Mr Acting Deputy Speaker. Gary is right and what Brian has just said I find interesting Brian because when I introduced it I said I would leave it on the table for at least two months, so that Members have the time to go through it and when it was heading towards that time one of the Members was going away and asked if I would not bring it on at the next Sitting, which I purposely didn't bring it on for that Member to give him the opportunity to be in the debate. There's no urgency in the fact that I want to pass it today except that for the last month, not only on the radio but around the table I've been saying I'm looking to pass it in the October Sitting. Nobody said at that time, or nobody's rung me up after I've been on air and said, hang on, that's too urgent. I thought that because we'd been giving notification that it was going to be passed at some point that there was no urgency to it in that sense, but what I'm concerned about now is that it does become an urgent thing if we get to the November Sitting and if that's at the end of the month and we delay it again into the December Sitting, we are into the twilight of our time and it would probably get thrown out due to lack of interest at that point in time. Gary is right. We either support what we are doing or we don't. I suppose that's what it comes down to but in going through that process I've said another two weeks doesn't worry me. I think that gives Members the time to find out what problems they have with the Bill or the HR stuff. I think everything else has been done. I don't know. Brian I can't guarantee that everything's perfect about it. The other thing you mentioned is the cost of it. I'm hoping that by doing this we'll actually...



## QUESTION PUT

Would the Clerk please call the House

MR SMITH	AYE
MR BUFFETT	NO
MR BATES	NO
MR ROBERTSON	AYE
MR GARDNER	NO
MR ION ROBINSON	AYE
MR McCOY	NO
MR NOBBS	NO

The result of voting Honourable Members the ayes three the noes five that amendment is defeated.

The question now before the House Honourable Members is the question moved by Mr Nobbs that this House at its rising adjourn until Wednesday, 17th November at 10.00

QUESTION PUT  
AGREED

That is so agreed

**ADJOURNMENT**

Honourable Members we now move on to the Adjournment

MR BATES                      Thank you Mr Acting Deputy Speaker I move that the House do now adjourn

ACTING DEPUTY SPEAKER      Thank you Mr Bates. Is there any adjournment debate Honourable Members

MR ION ROBINSON              Thank you Mr Acting Deputy Speaker, I wonder if it might be prudent for yourself and perhaps the Clerk to seek legal advice on that section 139 of Standing Orders, particularly in regard to the Public Sector Management Bill so if you could provide us with a copy please

ACTING DEPUTY SPEAKER      Thank you Mr Robinson. That has already been undertaken on previous occasions and certainly I will give it to the Clerk to make sure it is distributed. Is there any further adjournment debate Honourable Members

MR SMITH                      Thank you Mr Acting Deputy Speaker I would just like to say welcome back to Mr Nobbs at today's meeting. It's good to have a full Assembly together, although we are missing one Member today, and we've had some good healthy debate today, good healthy discussion, and I say well done to all the Members and welcome back Ron

ACTING DEPUTY SPEAKER      Thank you Chief Minister. Honourable Members there being no further debate I put the question that the House do now adjourn

QUESTION PUT  
AGREED

The ayes have it, therefore Honourable Members this House stands adjourned until Wednesday 17th November 1999 at 10.00 o'clock in the morning.

