

education she attended Primary Teachers Training College before taking up a number of country school posting around New Zealand. On a trip to Norfolk Island she met the late Harry Robert Nobbs, known as Roylie. During this time, she worked in the old CCR Nobbs store. Nancy and Roylie married in May 1949 and she became step mother to Christopher. Shortly afterward, their daughter Jillian was born and with their daughter Ellen on the way, they moved back to New Zealand. Nancy continued her teaching career with Jillian and Ellen both being in her classes at different times. She was infant mistress at various Auckland Primary Schools until the family moved to Whangaparoa where Nancy became Infant Mistress at the school. Family was very important to Nancy and for many years they had Jonathan live with them and often Ellen's children would be there for holidays as well. In 1973 Nancy and Jonathan returned to Norfolk Island to live in a home that Roylie built at Rocky Point. Nancy took up a position as librarian at the Norfolk Central School. She loved her time there and there are probably many children now grown who can remember sitting on the floor listening to Nancy reading stories. After a trip to see her family in Sweden she worked here in the small airport shop. Through the years she loved her crafts and spent many hours knitting for Save the Children, Red Cross and other charities. She was active in the CWA and really enjoyed her gardening and having time with her family. In the last few years Nancy's health has deteriorated and she was unable to continue with many of the activities she has so enjoyed. The last item she made was a gollywog for her great grandson Max in Sweden. Nancy was a mother, grandmother and great grandmother and to Jillian, Christopher, Ellen, to their families and to Nancy's many friends this House extends its deepest sympathy.

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

Honourable Members it is a little warmer at this meeting than at previous ones so if you would like to remove your jackets please feel free to do so

PRESENTATION OF PETITIONS

Are there any Petitions this morning please

MR NOBBS Thank you Mr Speaker I present a petition from some 215 persons requesting that the contractors responsible for the Cascade Cliff Safety project be directed, after removing all boulders and rock fragments exceeding ten tons in weight, to place and deposit such boulders and rock fragments off the end of the cascade Pier and Jetty so as to form a breakwater and extension which will greatly improve the use and safety of the pier and jetty for lighterage and all boating purposes. As stated in Standing Orders this precludes any discussion on this

MR SPEAKER That is correct Mr Nobbs. Thank you

GIVING OF NOTICES

Are there any Notices this morning

MR NOBBS Thank you Mr Speaker I wish to give notice of my intention to introduce, hopefully at the December meeting a Bill to deal with small claims involving claims valued at no more than \$5000. It is proposed this Bill will simply present arrangements related to such small claims and I look to input from Members and from members of the public in the development of this Bill

QUESTIONS WITHOUT NOTICE

We move to Questions Without Notice

MR BUFFETT Thank you Mr Speaker I direct a question I think it is to Mr Robertson in respect of the Cascade Cliff. Work is progressing there and it is progressively being able to be more seen as to what is going on from various vantage points. Would the Minister consider erecting some diagrams say in the vicinity of the old Whaling Station where visitors, and I mean people visiting the site both residents and tourists so to speak, may have some interpretation of some of the work that is progressing there so that they may be informed as to how things are progressing

MR ROBERTSON Thank you Mr Speaker, that matter was discussed amongst Members on Monday. I have put it on the agenda for the Board who meets tomorrow morning and I understand there is no real conflict with that, but just the actual costs, how, where and what will be discussed and I will be able to report back to the Members on the following Monday. It is also our intention to put a TV programme on the local television station which will enable people to view progress at a regular basis. That is the intent

MR BUFFETT Thank you Mr Speaker, supplementary question again to Mr Robertson of course. Could he advise the House whether the programme for the Cascade Cliff is progressing on time and within costs and whether the funding being provided by the Commonwealth has actually been lodged to its fullest extent

MR ROBERTSON Thank you Mr Speaker. As far as the time frame for the project is concerned, it is twentythree or twentyfour days behind from the original, which was to be about the 18th December, and that is purely for loss of days because of weather. The actual amount of works that's been going on against the envisaged workload is now almost on par with the estimates that was done by SMEC in the original instance so it's pretty close to actually being on schedule for carting the rock and the carting of dirt. The latest time frame I'm not quite sure of, and I won't have that confirmed until tomorrow morning when we actually sit down at the meeting but it seems to be within the first week of February, the completion and bearing in mind if there's no further wet weather or delays caused from bit and pieces like that. As far as the funding is concerned, the funding is on target. The normal claims that come in from the contractors and whoever is putting claims in, is assessed at the end of each month and that money is then requested from Canberra, they hold the bulk and it's deposited in an account here and is paid out accordingly. I think they have something in the vicinity of thirty days from day of lodgment. If there is an overrun and there appears to be some changes which we have made, it's still well within the contingency fund of \$300,000 that was originally estimated, I think that contingency to date has come to about \$60,000.

MR SPEAKER Thank you. Further Questions Without Notice

MR BATES Thank you Mr Speaker. The first question is for Mr Gardner who is responsible for road transport. Given that there are a number of reasonably large buses currently operating in the tourist industry what training, if any, are any of the drivers of such buses required to undertake

MR GARDNER Thank you Mr Speaker with all respect I think that should more appropriately be directed to Mr Robertson, I understand he's the Minister responsible for transport

MR BATES My apologies Mr Gardner

MR ROBERTSON Thank you Mr Speaker, that was a quick shunt to the left. But in actual fact that's the licencing and the licencing for driver's licences doesn't fall under transport. I guess it's a quick pass back to the right

MR SPEAKER Is there anyone else who would like to answer

MR ION ROBINSON Thank you Mr Speaker I think it's in the Minister for Police's area, which means we'll have to look at it Brian and get back to you

MR BATES Shall I try again some other day

MR ION ROBINSON Yes

MR BUFFETT Thank you Mr Speaker, question to Mr Robinson, it really relates to the road that runs to the Captain Cook Memorial. We all know that there has been proposals to upgrade that road and we do know that there have been various views toing and froing about that. Could the Minister give a categoric update on where that project sits as to whether it is advancing, whether it is on hold or indeed what it's situation is.

MR ION ROBINSON In order to get you a concise update, at the moment it's on hold and that's all I can tell you but I will certainly get as much information as I can on exactly where it's at for you

MR BATES Thank you Mr Deputy Speaker, a question for Mr Robertson Minister responsible for tourist accommodation. There appears to be some resistance by some developers of tourist accommodation to comply with the Government's policy regarding water supply and storage. Could the Minister advise that this policy can be enforced and if not, does the Minister intend to legislate to ensure that it's not only in force for new developers but requires the existing operators to progressively conform also

MR ROBERTSON Thank you Mr Deputy Speaker. The policy of water was one that was established through Mr Robinson's portfolio which is based on the planning. As far as tourist accommodation is concerned they have conditional registrations which includes the installation of suitable water tanks in accordance with the basic policy as laid down by the planning authorities. That to my understanding is around 5,000 gallons per unit. There has been some problems recently with some of the builders have difficulty obtaining the necessary crushed component of rock to enable the suitable requirement and size of the tanks that are specified but unless the requirement of the water is adhered to under the conditional registration then the final registration of that apartment will not take place.

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR BATES Thank you Mr Deputy Speaker a question for Mr Ion Robinson Minister for Planning. On or about the 16th October appeals were lodged in stay of proceedings requested over development of section 49b2 of the crushing site. Can the Minister

advise if this request has any effect and if it does can he explain the substantial earthworks currently being undertaken

MR ION ROBINSON Thank you Mr Deputy Speaker this is as Mr Bates knows, subjudice at the moment. I regret I cannot discuss it in this forum

MR BATES Thank you Mr Deputy Speaker perhaps he can't discuss this one either but I will try anyway. Mr Robinson, Minister for Planning. Has the Minister agreed to a plan different to the one, this is on the same problem, considered at the public meeting and if so, how does it differ and why does it need change

MR ION ROBINSON Essentially, no, but once again I would not like to go into any full discussion on it

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR NOBBS Thank you Mr Deputy Speaker can I ask a supplementary to that. it's just a question on this subjudice business. If the discussion is subjudice is it not appropriate that the earthworks which I understand, I only understand, I'm not on the Planning Board any more, would be part of the approval, approved process, that's a new entry area to the site, how come that work went ahead, if it's also secret and you can't talk about it

MR ION ROBINSON I can't answer that Ron but I will have a discussion with you afterwards to see if we can sort out what your main problems are

MR NOBBS Thank you. Just another one of that same subject. Is it correct that there's to be a hearing this week I understand, the initial hearing, and it would have been over a month since arranging this meeting, is that correct

MR ION ROBINSON Thank you Mr Deputy Speaker there is a telephone conference to be held towards the end of this week as I understand it, with the ART

MR NOBBS Just a supplementary again, why is it taking, if we are in such a hurry to get the job organised, why has it taken so long to get the first hearing

MR ION ROBINSON Thank you Mr Deputy Speaker, it takes 28 days before all the appeals had to be in and then if the information is not comprehensive enough, more information is sought so it is being done and it's high on the priorities of our legislative people, in fact, it's number one, so apart from that Ron I can't tell you the system. Perhaps that needs looking at

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR NOBBS Just a supplementary to that, would you not agree Minister that that question was just an information source as people think that the hold up is due to the people complaining, not the system, wouldn't you agree that that's a fact and should be known

MR ION ROBINSON As I understand it, it's a little bit of both

MR BATES Thank you Mr Deputy Speaker I have a question for Mr Robertson, the Minister responsible for the Cascade quarry and Cliff project. The Norfolk Island government has leased private property at the Cascade Cliff project for the storage of the rock

won from the cliff. Could the Minister inform the public of the lease arrangements including the term and the agreed rental payment

MR ROBERTSON Thank you Mr Deputy Speaker the lease is for ten years, there is a right of either part to terminate within one month's notice. The arrangement for payment, that's something I'll actually find out for you, I don't have it on hand at the moment, there are some changes and there's some renegotiations, but I'll give you that figure as soon as it comes to hand

MR BATES Thank you Mr Deputy Speaker, a final question for Mr Smith, Minister for Finance. Has the Remuneration Tribunal granted a wage adjustment for Members of the Public Service and if so, what is being done about it

MR SMITH Thank you Mr Deputy Speaker, the answer to the question is yes, and I will be tabling the Determination from the Tribunal this morning and that will basically take effect from that point of view because I'm required to table that and as long as it's not disallowed then we need then to determine what period the wage adjustment will start from

MR NOBBS Thank you Mr Deputy Speaker, George will you be making a statement in relation to this pay rise when you table it and tell us how it will be funded

MR SMITH Thank you Mr Deputy Speaker I will be talking to it when I table the Determination

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR NOBBS I've got a question, I'm not too sure whether it's for Mr Robertson, Mr Gardner or Mr Smith and it relates to loading of medical evacuees on commercial aircraft. Is it correct that St John's volunteers are the only people covered to physically load medical evacuees onto commercial aircraft

MR GARDNER St John's are covered by their own insurance policies. I wouldn't be able to tell you directly Ron whether other employees of airlines or other people associated with the operation of the airport are covered, but I would imagine they would be, I would be surprised if they weren't

MR NOBBS My understanding's not, but is it correct that the only mechanical lifting equipment that's been available to assist St John's volunteers was owned by one of the two airlines servicing Norfolk Island from Australia

MR GARDNER Thank you Mr Deputy Speaker there had been an arrangement to use a forklift I think owned by one of the airline companies operating through the Norfolk Island airport. There were some problems associated with that but I do understand with the assistance of Mr Robertson that we've been able to secure as an alternative lifting system, one of the government forklifts, I think at the electricity depot

MR NOBBS Is that available for immediate use and who will operate it and what cover will the operator have, in other words, is it going to be available all the time and are the people covered including the Admin, in relation to loading

MR ROBERTSON Thank you Mr Deputy Speaker the instruction I have given them is that that forklift will be available for all flights where necessary and that the usual driver

or whatever will be used in that case and to get themselves totally covered for everything that would be necessary to be done. That's the instruction. This only happened as of about three weekends ago

MR NOBBS I don't know whether I can ask this, I suppose I can. What is your reaction to the petition tabled this morning regarding the Cascade Pier

MR ROBERTSON Thank you Mr Deputy Speaker I have actually spoken to different people from time to time regarding that sort of scenario. In the contract for the cliff there is part of the rock won't be used to reinforce both sides of the Cascade jetty which is currently being undermined by the wave motion. I do have some problem in that whilst it's every piece of rock I think you quoted there, is being over ten tonne, something like that, some of those rocks that are over that sort of work will be used to do this packing repair work. The object of the contract is not to bring rocks out at ten tonne but the object is, when their blasting patterns take place to reduce it down to a size that crushes. Now in theory there shouldn't be that many ten tonne lumps of rock but probably there would be when they first start because there's some right on the very edge of the cliff at the moment that are pretty large and they've got cracks in them and there's no proper control for that first lot of blasting. Once that takes place, I'm not sure, I guess the object of the cliff is to win rock for future use for the Island in Brian's water tanks, and for the roads and for many other areas without dumping it all into the water and not being able to be used again. It has been said that basalt is not a commodity on the Island. Whilst there appears to be tonnes of it around, the access to it is fairly difficult. So I'm in two minds at the moment until such time as we get more evidence in where the stuff is all to go, but my first preference would be to use the rock for the community, although once again I guess, if you've got a breakwater there the community is advanced, so I would have to look at all sides of the story first before I can give a complete answer

MR McCOY Thank you Mr Deputy Speaker I have a question that I would like to direct to Mr Robertson in regard to the Cascade pier. Was any assessment done to determine the condition of the pier prior to the blasting on the Cascade cliff

MR ROBERTSON Thank you Mr Deputy Speaker, yes the engineers had a look and there is a plan and drawings that have been done and submitted to the contractors as to what would be required, where the measurements were, the volume of rock, the compacting on both sides of that jetty which is currently being undermined, so yes, there was an engineering approach to the whole thing to make sure the repair is there and repair is only to be done on request

MR McCOY Thank you Mr Deputy Speaker I have a question I wish to direct to Mr Ric Robinson and it's in relation to the Kingston pier. Has any assessment been done as to the continuing life, or how long the life of the Kingston pier will last in its present state

MR ION ROBINSON Thank you Mr Deputy Speaker this has been around for a while. As Members will recall I sought some funds in the last budget but because we had a group of marine engineers coming over who were willing to look at it as part of a community project the funds weren't granted. Subsequent to that the engineers have postponed their visit here and put it off virtually indefinitely as far as I can make out so we have to look at budget review time to putting some funds back into there so we can get a marine engineer to come over and give us advice. There is no doubt that it is failing. A lot of us amateurs seem to think that it was because we dredged out alongside the pier and the walls are tilting out but as I say, until we get some real expert advice I can't say

MR GARDNER Thank you Mr Deputy Speaker supplementary to that if I may. Minister would it be correct to assume that commonsense would suggest that a survey done of the Kingston pier at the same time would be extended to having a survey done of the Cascade pier

MR ION ROBINSON Thank you Mr Deputy Speaker, good thinking, yes, no doubt

MR McCOY Thank you Mr Deputy Speaker I have a question I wish to direct to Gary Robertson in relation to the deregulation or the review of the impact of the deregulation of tourist accommodation industry, has any indication been given as to whether the power house will be able to continue with supplying the demand of electricity on the Island as it increases

MR ROBERTSON Thank you Mr Deputy Speaker yes it has. Part of the inquiry into that at the moment is of course incorporating the power, the water, the sewerage, the ecology and the lifestyle and that report will be tabled by myself in the December meeting but it does take into consideration all of those things and we are of course working towards the power. At the moment the generation of power over this next little while is not so much the problem. There is going to become a halt to it, but we need to maintain and keep up with the generating plant otherwise we will run into a problem. The other thing that's coming into that is the reticulation, of which I have tabled some of the reticulation problems, to Members a couple of weeks back and we are expanding on that paper which will be available next week, to run through each and every area of reticulation, the costs involved, the amount of power that's going to be required to do it, the where's and the whyfores and that will all be available within the next two weeks

MR NOBBS Can I ask a supplementary. Is it proposed to change the current policy in relation to connection of new users and the like

MR ROBERTSON Thank you Mr Deputy Speaker that is all part and parcel of this report we'll be getting in the next few weeks. As an example for that the current policy is basically the user pays and if there's somebody way out in the back blocks and it takes \$120,000 worth of money to get the reticulation out there, theoretically they are up for the cost and there have been some fairly heavy costs done in the past. However, all of that is being looked at and I guess part and parcel of this power situation is that as of tomorrow night, two senior members of Energyfirst will be arriving. As you may recall that Energyfirst system hasn't worked. It did initially but there have been problems with it all through this time, and there has been difficulties experienced with trying to get them to fix it. I understand the two senior people will be arriving and we'll be having discussions with them on Friday morning to see if the matter can be rectified in totality and then obviously, that will be part and parcel of the report which will be given to the Members next week

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR NOBBS Another supplementary in relation to electricity, I really thought George was running it but for the year 1998-99, the last financial year, did the electricity undertaking show a profit and if so, how much

MR ROBERTSON Thank you Mr Deputy Speaker, yes it did. Perhaps the Chief Minister could answer that, he has the book in his hand

MR SMITH Thank you Mr Deputy Speaker, and you last part of the question first, it would be great to see that happen but I sincerely doubt there would be any chance of us going to the enth degree with the transfer of powers and the self government that Norfolk Island has been working towards. There's been some difficult times in the transfer towards full internal self government for the Norfolk Island government. In fact I've only recently realised just how long it's been since we've had a transfer of any major power and I think it's about seven or eight years which I don't think alot of the responsibility for that sits with the Norfolk Island government, I think alot of that sits with the commonwealth government and I can say that because we've had three, maybe four intergovernmental meetings in the term of this Assembly. We have talked about the transfer of further powers which is part of the self government process and to date we haven't had any positive feedback from the Commonwealth to say that we will be getting any transfer of powers in the life of this Assembly, which has only got three or four months to run. It's continually being talked about and in fact at the last intergovernmental meeting I was hoping that we would actually get some action points and have the Minister actually agree to transfer some of the simpler things that would be easy to transfer, for example we have schedules, and we have schedule two where we have the say and schedule three where the Commonwealth share those powers and some of them are simple. When I say simple, they are complex as well I suppose. Immigration, education and things like that. We've been putting things together from our point of view saying that there's really no reason why they shouldn't be transferred. The commonwealth hasn't really said, no we can't do that, they haven't said we can at this point, so - to make it a bit brief I suppose - in 1979 the Norfolk Island Act commenced to progress Norfolk Island towards full internal self government. It's had fits and starts for the last twenty years. I think the time is coming when the commonwealth really should get serious about it and tell us what they don't want to transfer and then help us through the transfer process for all the other powers

MR McCOY Thank you Mr Deputy Speaker just supplementary for Mr Smith. Would you see a review of the Norfolk Island Act a prudent measure for the government to take at this point

MR SMITH Thank you Mr Deputy Speaker if we did that review I think that would be fine

MR BROWN Thank you Mr Deputy Speaker, I address this question to the Minister for Tourism and Commerce. When does the Minister expect to be able to provide to Members a detailed proposal in relation to the At Random concept

MR ROBERTSON Thank you Mr Deputy Speaker Ron asked a question on similar lines at the last meeting and I asked him to put it on Notice and I've yet to receive those questions. As soon as that comes to hand. It is progressing slightly in as much as we are negotiating on price but until such time as I get all the particular questions then I'd be able to give a more informed answer. Members will be aware I think, if you drive past there now there is a notice in the window that says "The Office of the Amateur Sports Association" so I guess they're there. There has been a request put to me regarding the storage of a millenium tent which is due to arrive on the Island within the next few days if it hasn't already, and other then that the use is still with Telecom and there are some plans to further that, but I would need to get the questions that I asked for at the last meeting

DEPUTY SPEAKER Thank you. Further Questions Without Notice

MR BROWN Thank you Mr Deputy Speaker, a further question to the Minister for Tourist and Commerce. Could the Minister assure the House that no commitment will be made to either extend the present arrangements or change those arrangements for the purchase of the At Random property without the House having been first consulted

MR ROBERTSON Thank you Mr Deputy Speaker that will happen

MR NOBBS For Mr Robinson, at the last meeting I asked you why the position of Museum Curator as advertised recently contained a requirement that the person appointed be an archeologist. Is there any response

MR ION ROBINSON Thank you Mr Deputy Speaker I was given a paper just this morning as to why the present curator feels we need an archeologist and if I can quote it for you "the position of Director/Curator is not targeting a specific person but it is targeting specific skills, that is, a trained archeologist with business and teaching experience for the following reasons. So that Norfolk Island can fulfill its responsibility to manage the archeological collection and that means cataloguing, interpreting and presenting it. Unless Norfolk Island does this then the commonwealth will take the necessary responsible action". I'm not sure that I necessarily hold with that. An archeologist according to the present body controlling it will bring a new level of expertise into the museum and part of the job description is to train local staff. I think that's all on the archeologist bit for you Ron

MR NOBBS Just on the cultural officer the duty statement suggested that the position is responsible to the Legislative Assembly. Is this a political appointment

MR ION ROBINSON Thank you Mr Deputy Speaker. No. As I explained to you last week Ron, the persons job will require them to discuss with the parents and teachers about the language at the school, the Museum Trust, the Planning Board and a variety of other Boards and Committees around the place and Trusts. I didn't see the need for the person to be tied down doing all the paperwork and what have you and creating yet another Board

MR NOBBS Just a supplementary, has the position been filled as yet

MR ION ROBINSON No, not as yet. I understand the public service has set up an interview panel and will be interviewing in the very near future

MR NOBBS Just another one for Mr Robinson that relates Puppy's Point. Is there a plan of management in place for the Puppy's Point Reserve and if not, is it being developed as part of the urgent requirement to provide plans and if so, when will it be produced

MR ION ROBINSON Thank you Mr Deputy Speaker I'll find out from our Conservator exactly where Puppy's Point plan of management is at Ron

MR NOBBS I just ask why the proposed Millenium forest is not placed in the forestry section of the National Park which is designated purely for such activity

MR ION ROBINSON Thank you Mr Deputy Speaker, yes, that's a good question Ron, I'll ask it myself

MR McCOY Thank you Mr Deputy Speaker I have a question I wish to direct to Mr Geoff Gardner is his responsibility as Minister for Health. During the assessment of

deregulation for tourist accommodation industry has any indications come out of the Hospital as to whether there is an increase on hospital facilities and resources as we see the visitor numbers grow

MR GARDNER Thank you Mr Deputy Speaker we are currently having a paper developed on exactly that issue John, following on from an approach made to me by Mr Ric Kleiner who as you will be aware, is working as an arm of Policy and Projects in development of the paper relating to your motion that went through the House a couple of Sittings back as part of the information that I was gathering for the Norfolk Island government submission to the Joint Standing Committee that's just recently been held on the Island and the review of health services on Norfolk Island there were a number of things that were made quite clear in I think the last ten years, and I haven't got those figures with me John but it will give you an indication, in the last ten years we've seen a fairly steady increase in the number of tourists that have come to the Island. To give you an example the inpatients that have been recorded, in other words those who have actually been hospitalised in the hospital have averaged out at around fifty or so a year over the last ten years but there hasn't been significant increase from ten years ago to what it was last year for example, it's still around about that fifty person mark, but certainly evidence was given by different people at the Joint Standing Committee yesterday in relation to the work level associated with the number of tourists that are here and the impact that that has on hospital staff at the moment and I think the rough figures that were available then from people that gave evidence at the Inquiry was around about 25% of all business at the hospital is related to tourist activity and there certainly has been an increased demand on the services at the hospital over time, partly because of, I believe the numbers of people who have been visiting the hospital but also partly due to the increased level of service that has been provided by the hospital

MR NOBBS Just a question for Mr Robertson for clarification Mr Deputy Speaker, it relates to the Global Positioning System at the airport. Is your statement at the last meeting correct. You stated that the GPS system allowed an aircraft to come down to 295 feet from a previous 690 feet when a decision is required. Are you using the same base for the 690 feet as you are for the 295 feet

MR ROBERTSON Thank you Mr Deputy Speaker, yes

MR NOBBS Same base. So it's a 400 feet drop

MR ROBERTSON 300. It should be actually a 300 foot drop. 690 to 390. If I said 290 I have mislead the House. It should be a 300 foot difference. I'll have to get my figures again because there are a number of issues raised

MR NOBBS Just on the Ball Bay Road upgrade, who is responsible for the development and upgrade of the Ball Bay road

MR ROBERTSON Thank you Mr Deputy Speaker under an agreement we had with Boral when they did the installation for the gas supplies, Boral actually paid for part of that to be done, the preparation of the road and then we would maintain it so we're responsible

MR NOBBS Dealing with this current upgrade who designed the upgrade and who is supervising the upgrade

MR ROBERTSON Thank you Mr Deputy Speaker the Works Department are doing that as far as the actual work itself and the assessment of the work that was to take place, it

was done with discussion with one of the SMEC engineers who currently reside on the Island just to give an idea of where they should come out to and from that point on the Works Depot have been doing the job themselves

MR NOBBS Just a supplementary to that and I ask you, why if the Admin can do this job which is a major upgrade in anybody's language, were they not permitted or encouraged to submit as preferred tenderers or at least a major subcontractor for the roadworks proposed to the Cooks memorial and also the Mt Pitt upgrade

MR ROBERTSON Thank you Mr Deputy Speaker perhaps you should check that with the Works Supervisor.

MR NOBBS Yes. I query it but I don't know how you go about it but I would suggest that Mr Robertson is in charge of the facility

DEPUTY SPEAKER Is there a question Mr Nobbs

MR NOBBS Don't you agree that you are actually responsible for roads on the Island and you're the leading hand sort of thing

MR ROBERTSON Thank you Mr Deputy Speaker, not the leading hand, no. I did actually ask the Works Supervisor whether they would be capable of doing the job. They make that assessment. I can't tell them

MR NOBBS Just to return to the Ball Bay Road if I made. How much has been expended in total on the road to date

MR ROBERTSON Thank you Mr Deputy Speaker I don't have those figures. I gave you figures last meeting which came to approximately \$16,000 plus \$3,500 which is roughly \$20,000. There has been a bit of concrete work done there since then and there's been a little bit more activity but work done on that road is of course covered within the Works Depot wage frame anyway and some of the equipment that's been used is covered within their budget but I haven't got a recent figure, the last one that I had was roughly \$20,000. They will have to seal that road of course.

MR NOBBS Would you be prepared to get the figures for us. What you're talking about was discussed in private and this is a public forum and people are interested. Is there a possibility of you getting those figures for us

MR ROBERTSON Thank you Mr Deputy Speaker I thought I mentioned this at the last meeting. In fact I'm positive I did and I thought that was a public forum. I read the figures out I'm sure because I actually had them done prior to the meeting. There was another figure given earlier in the piece when the road first collapsed following the rains in October of last year and the assessment done at that stage was approximately \$70,000 all up if that's any help

MR BROWN Thank you Mr Deputy Speaker I address this question to the Minister for Tourist and Commerce. Is the Minister aware of a letter which was written in the course of the last few weeks to some or all Assembly Members complaining that enquiries about connection of electricity services had gone unanswered for a period of eighteen months

MR ROBERTSON Thank you Mr Deputy Speaker yes I am aware of that letter. I actually have done an investigation into it and I had replied to that letter on the day I received it

MR BROWN I ask a supplementary question. Did the Minister in that reply address the suggestion that Electrical Department vehicles had been routinely appearing outside licenced premises

MR ROBERTSON Thank you Mr Deputy Speaker the whole letter is being investigated and we have a meeting taking place, or there is one of Friday morning and there will be another one on the following Monday

MR NOBBS Thank you Mr Deputy Speaker I have one for Mr Smith. Is it correct that the hire car operators are as frustrated as members of the public as to a lack of resolution to the problems of car parking at the airport and if so, what is being done in relation to the problem identified months ago

MR SMITH Thank you Mr Deputy Speaker, I hope they're not

MR NOBBS Well they are

MR SMITH Thank you Mr Deputy Speaker, we've had a meeting with them and we've come up with some suggestions and we are about to put that into action

MR NOBBS Thank you Mr Deputy Speaker can you detail some of the solutions so that the public can see whether they are in place or not

MR SMITH Thank you Mr Deputy Speaker, I can do that. In the discussions that we held with the representatives of all the hire car operators, I think that the parking problems at the airport, there's two or three problems but I'll address the one where the hire car people were looking for a dedicated area so that they could have their cars there in a certain place for people who arrive off the aircraft but also in a place so that people who are taking cars to the airport have an identifiable area. Identifiable areas for drop off of vehicles will be the grass area which will be behind the fire station, near the hibiscus and red leaf hedge and it's not sealed and hire car operators are quite happy to use that area as the drop off area and the dedicated parking will be directly in front of, maybe to explain it better, where the bus is actually parked by the bus shelter there is 2 rows of car parks there we are going to dedicate those for the hire cars, the rest of the car park will be available for other people who use the facilities and there was general agreement from the hire car places to do that.

MR BROWN May I ask a supplementary question, Mr Deputy Speaker, have I understood the Minister correctly in understanding that he said the general public will not be able to park in the area immediately outside the airport terminal and if that his the case, at the very least, would the Minister give consideration to the plight of the elderly and the plight of the infirm who will not want to park 200 yards from the airport terminal.

MR SMITH Yes Mr Deputy Speaker, we did think about that and some assessment has been done of that and let's talk about somebody who is disabled. Yeah sure that they are not going to expected to walk out of a car 200 metres away. If it's a local person I'm sure that the person who is picking that person up we assume that they won't be able to drive if they are incapacitated. That they would be picked up from the appropriate place outside the airport terminal.

MR BROWN Thank you Mr Deputy Speaker a further supplementary question. Could the Minister advise whether he has been to a carpark in other places and noticed the special signs, which almost universally appear at convenient locations reserving those spaces for the use of, in some cases, mothers with young children. In other cases people with wheelchairs and in other places the aged and infirmed.

MR SMITH Mr Deputy Speaker, I sure can I got fined for parking in one because I didn't have the little sticker that shows that you have a disabled person in the car and it cost me \$100. So I am fully aware of that and that is something for consideration for us and I think what John is saying, Mr Deputy Speaker, is that maybe we should have a dedicated spot near the entrance to the terminal and I'm sure there's not going to be any drama in doing it.

MR BATES What your saying Minister is that nothings rally changed that, it's still the same.

MR SMITH Mr Deputy Speaker, I understand the concerns that, it might not been you Ron that had the concerns, was that there was no parking available for us or the people in the community when we go to the airport because we simply get annoyed that it is simply filled up with cars for our visiting people. One of the other problems was, has been suggested that people were using the carpark as a storage depot for their hire cars and that problem seems to have evaporated. It depends, part of it really depends on what your talking about. If we want to park as close as we can to the arrivals that doesn't make sense if we are departing. There's really 2 sections to the terminal, the departures and the arrivals. If we want to have it so that when we leave that we can park right outside the door, what happens when we come back. Do we need to have a carpark at the other end so when we come off that we can also have a carpark close to the entrance. I think we've had to make a compromise and realise that the hire car operators are an important part of the whole airport infrastructure, but we don't want it so that the local people in the community can't park in the airport. I think we have resolved that to a large degree and probably everybody won't be satisfied in the end.

MR McCOY Thank you Mr Deputy Speaker, just a supplementary question on that hire car issue. Are the hire car operators being asked to contribute a fee or funds to the maintenance of that sealed parking area.

MR SMITH Mr Deputy Speaker, not at this point, John no.

MR SPEAKER Further questions without Notice. Mr Nobbs.

MR NOBBS I would like to ask a question, Mr Robertson may have the answer, I'm not to sure. Are all the airlines utilizing Norfolk airport up to date, as far as your concerned in relation to landing fees.

MR ROBERTSON Thank you Mr Acting Deputy Speaker. To my understanding there are two which are a little bit behind.

MR SPEAKER Further questions without notice. Mr Nobbs.

MR NOBBS At the last meeting, you were going to look at the internet selling. Has anything come of that.

MR ROBERTSON Thank you Mr Deputy Speaker. That little survey is underway. Part of that is being done through the bureau and the manager of the bureau has only returned last night after doing a number of trade shows in Melbourne and Sydney and having a holiday. So that will be continued and we will get some answers for you.

MR NOBBS This is one on tourism. There has been consistent complaints by tourists having to move from one establishment to another and maybe back to that first establishment during a limited period here. What is being done to alleviate what has become, or seems to be, a bit of a problem in some areas.

MR ROBERTSON Thank you Mr Deputy Speaker. It is an interesting question Ron. One of the situations that occur is that there are members in this house that have been suggesting that the maximum be ten percent for new accommodation of the trigger market share. The people who get shifted around are invariably in the group section. When a group comes in and they wish to stay together as much as possible and arguments have been put up in this house, suggesting that really they can be spread amongst other areas. It's a for and against in both areas, however, part of the problem is if you have a group coming in at 25 or 30 and another group coming in at 35 and 40, whatever those numbers are, the ability to put them into the one accommodation place is very difficult because of an overlap of time frame when they arrive and when they depart. Some of those people who are getting shifted about, and I agree with you there are number of complaints coming from that area, is either the two or three days when they first arrive or maybe a couple of days just prior to departure because of the overlap situation. We have for a number of applications from time to time that have come in to expand on some of the larger properties. Which in effect will alleviate some of that problem, on the other side of it, you have got the bureau attempting and has been successful in creating a better F.I.T. market, which is the Free Independent Travellers to reduce the numbers of groups, but you are still going to get the groups whether you like it or not and it's just that situation that we are getting, it's not in the too hard basket, but it is in an area of concern for both sides. The group markets themselves are the ones that probably got the highest attrition rate, they can pull out at a moments notice, so you tend to get overbooking at the hotels because they know that 20 – 40 percent of them are going to drop off the bottom end anyway and it becomes a real problem as to how to juggle and get the, I guess the best result from both worlds. However, it is something being looked at, it is something that is being attempted to be addressed and I do know for a fact that one of the major places that do have a overbooking policy of 10- 20 percent has reduced that policy to less in a attempt to try and alleviate that problem and I understood that part of the deregulation was going to cater for some of that as well, but I guess a lot of the deregulation has meant that there are a number of smaller 1, 2 and 3 units coming on line as opposed to some of the larger ones expanding, so we are sort of in between. Maybe part of the review that is currently taking place will review it, because we are looking at that as well.

MR NOBBS Supplementary to that, wouldn't you say that, you said that it was an overbooking problem, wouldn't you say that by expanding an entity in size you were actually going to increase your problem. They are still going to overbook, that is what I am saying.

MR ROBERTSON Thank you Mr Deputy Speaker, no not necessarily. One of the difficulties that comes into the actual booking is the structure of the groups that come. If there was a confirmed basis, I guess from wholesalers or where ever those groups come from and they have to pay up front and they actually attend is one thing, but when the group either block books in a aircraft and accommodation and then two months out they just pull the wind, then that causes problems within the trade from both sides, from aircraft's that have suddenly got to turn

being, and that was always stated, that was also put into the Governments submission to the Tribunal. Mr Deputy Speaker, the Tribunal sat on a Saturday morning and I compliment the members of the PSA that appeared, also Mr Brown, I compliment Mr Brown on appearing at the Tribunal to, it's good to see members there and Mr Brown actually spoke to the Tribunal. The Tribunal, having considered the application made on the 13th April 1999 by the Norfolk Island Public Service Association for a cost of living adjustment for the wages payable to persons holding office or employed under Subsection 62 or Section 8, 19 or 20 of the Public Service Act 1979 and having considered the other matters referred to in the said application, determines, pursuant to paragraphs 81A and B of the Public Section Remuneration Tribunal Act 1992, that there be an increase of \$72 per fortnight to the wages payable to such persons, effective from 1 July 1999 and that was dated the second of November 1999.

MR SPEAKER

Thank you, debate, Mr Brown.

MR BROWN

Mr Deputy Speaker. I am interested to hear the Chief Minister tell us that the Governments Submission basically said that the Government felt that some pay rise may be warranted but that the Government didn't have funds available at the moment and that it would have to have a look in the future when funds came available. Now if the government had stood by that submission, that would be easier to understand, but the Chief Minister, in his oral submission to the Tribunal, departed from what had been submitted in writing and the Chief Minister, whether he realized it or not, invited the Tribunal to make a determination retrospective to the 1st July 1999 and without any reference to the question of whether or not the government had the means to pay it. It is clear at present that we are getting through this year, in part, as a result of a massive increase in the Healthcare Levy. We have also made increases in the area of Customs duties. It appears, at it's kindest to be very possible, that the increase that the Tribunal has determined will only be able to be paid by doing one of two things, increasing taxes or reducing government services. Now those things need to be thought about before the government invites the Tribunal to make a determination retrospective to the 1st July and because those things weren't thought about and because the Chief Minister chose to depart from the position that he had been authorized to adopt by the government, I will be moving at our next meeting, that the determination be disallowed and it will then be appropriate for the government to properly review the issue, to properly identify the areas from which it believes funds will be reasonably available and then for the process to then recommence. I don't object to the member's of the service having a pay rise, provided that it can be funded, but I do object to the possibility that it will be funded in succnificant increases in taxation and that those increases will not be a just for this year increase, but increases that will continue into the future.

MR SPEAKER

Thank you. Further debate. Mr Nobbs.

MR NOBBS

Thank you Mr Deputy Speaker. I spoke in the debate which led to, prior to the bringing down of the current budget and I believe that there has been a commitment by the government to a pay rise and I said at the time that the only, it looked like being three hundred and something thousand, two hundred and twenty odd out of the revenue fund and the only way we can fund it, is to stop the recruitment of people which amounted to about that figure. I don't know whether anybody was listening, but it seems to be that we are in the situation now where we need, from the 1st July this year, something like three hundred and thirty thousand, I understand and correct me if I am wrong minister, to pay for the increase, now I am not against it, myself, it's been gone through the process and I wouldn't have voted in favour of John's motion if it had got up, because I believe it has gone through the process, whether you are right or wrong and what you did George is past history, what we have to look at now is how we are going to fund it and I would like to know in the two weeks that you have had this determination, how are we going to fund it.

MR SMITH

Thank you Mr Deputy Speaker. I believe John is wrong in what he said, I have the Hansard of the Tribunal here. If John is referring to me misleading the Tribunal, I shouldn't use that word I suppose, if John is saying that I didn't use the right context, in relation to the back pay, that was always an agreed position that there would be back pay to the first of July 1999. The government agreed that position, if other members don't recall that, I would like to hear from member's of the government to say that they don't recall we had agreed that. We had come to a agreed position with members of the PSA on that, it was the negotiations we had because there was a claim listed with the Tribunal by the PSA from the past and it was a combination of that past claim plus the new claim that was put together and we agreed that if PSA would that then the Government would agree to back date it to the 1st July. If that's where John's problem is I would let other ministers to tell me if they recall or not recall that was the agreement. I haven't got the letter that we sent to the Tribunal with me, but I am sure you will find that it is under the hand of two ministers, besides myself, stating something along those lines. Now the funding, comment has been made around this table many a times when it comes to funding things. If we need quarter of a million dollars for self-government issues, we seem to find it. If we need six hundred thousand dollars for a road, we find it. If it comes to supporting the people who do all the work for us, we seem to find it difficult. Now there is, you can justify that, you can justify it using that argument. So we will have to raise the taxes, we will have to do this and do that, of course we do. If it means we have to increase some of the tax, which might be horrifying to some members around the table when the election will probably be eight or ten weeks after we do increase some tax, you may be worried about it, you may be horrified, but I'm not, if that is the responsibility we have to take, that's the responsibility we have to take. However, in the meantime, in the last few weeks I think Mr Nobbs has asked me about what I have done in last two weeks about it. I have turned to the appropriate areas of the administration, which is top level management, saying budget review is coming up, I want you to find where we can fund all or part of this wage adjustment. To date I have indications certainly from the GBE's side of things which we can certainly find the funds in that area, which reduces the three hundred and thirty four thousand dollars down to around, two hundred and six thousand which we would have to find in the revenue fund. If we can't make adjustments in the current budget, we will, or I will be promoting there will be an increase in something. However, we do this at every budget review that we go into at this time of the year. If we need more funds, we appropriate more funds and if we have to find that by a increase in taxation so be it. I believe similar to what the Tribunal does, that 3 years has been too long a period for the members of this service to be reimbursed for the cost of living. He was quite adamant about that, as Mr Brown will recall, he was at the sitting, I don't have any hesitation in that. We can make a issue of it and say why should the public service, Mr Brown's not saying this, but why should we be paying this sort of money at this particular time, but it is the responsibility that we have to take, whether it be in the area of health and the area of Healthcare that Mr Brown also mentioned, we needed funds to fund that, we took some action to rectify that. This is a bit the other way, this is putting a bit support behind the people that work for the Public Service and what they do, even though and Mr Brown rightly points out and I am under no illusion that it's an ongoing cost, I am not going to be fooled that this is a once off thing and next year it drops back down by two or three hundred thousand dollars, I realize that, but it is something that needed to be done, the government supported the submissions in the sense that it was put to the Tribunal and the Tribunal determined what it would be. However, it is up to the Tribunal to decide what claim should be paid out, if anything, we obviously have the Tribunal because of things that happened in the past before the Tribunal, the assembly use to have to decide whether would be a pay rise or not and how much it should be and that was not always very successful, in fact in times it was quite the opposite of that. So the Tribunal was set up to do the assessments, so if the Tribunal makes a determination we are supposed to accept that, if we are not going to do that we need to do away with the Tribunal and go back to the old days of trying to work it out ourselves. Of

course the problem of finding the funds in the budget review, which is what I have been talking about, I may promote something which will be an increase in taxes, that will be at the risk of the member's not accepting that, that would put us in a position, I think it would be irresponsible of us to do such a thing, otherwise I guess we would have to find it as Mr Brown has said, by reducing government services or as Mr Nobbs said, review the new positions that have been created by the, proposed to the Public Service Board by the assembly, where funding does sit and hasn't been used to date, if that's going to be necessary. If we are scared of increasing some taxes or charges, I don't really have the hesitation, or though I have to be very wary about what we increase, if we have to do that, but if Norfolk Island's economic boom that we have experienced, definitely over the last two years, if we can't find extra funds there is something with the direction we are going in with our tourism efforts, I'm not saying that we are going in the wrong direction, but if members of the community can't benefit directly in this form from what we are really all on about and that's looking after the resident's of Norfolk Island, then we must be going in the wrong direction. I won't say anymore at this point in time and we will see what John does at the next sitting with the determination.

MR SPEAKER

Debate, Mr Nobbs.

MR NOBBS

I just take an issue of George's, I know he's had a late night, but the situation, I'm not frightened of putting up taxes or charges if there warranted but I think there is an imbalance of situation, I believe that why increase your number of staff, and I just look through here and I see that there is a hundred and seventy thousand there at a quick glance in one hit of new staff and there's about fifty odd thousand at least hidden in the GBE's on new staff, so I mean that's nearly two hundred and twenty thousand your nearly home, but the thing is that would be the way, I mean why, that increase there, a hundred and fifteen thousand is actually going to increase, your up for more. That's the way I look at it, so don't think I'm frightened of putting things up with the election coming up and all that, I've just been through all that, but I would strongly suggest that recruitment and if you are going to move down that road, that's what I'm saying you should let people know, because there is recruitment going on currently in some areas and you are giving people false hopes that all.

MR SPEAKER

Mr Bates.

MR BATES

Mr Deputy Speaker I don't wish to mention anything about whether there should be an increase in Public Service wages or whether there shouldn't be or how much it should be, I don't want to enter into that for obvious reasons and I haven't tried to influence decisions of this house or the Tribunal in that particular area, but when it comes down to what we can afford to do and what we can't afford to do and what we are doing with our finances, I really believe that I should have a few words to say. I was pretty disappointed that our minister for finance tabled two important financial documents, one was the financial statements for the whole of the year, the other ones were the monthly ones, but didn't choose to say one word about any of them, I think that's quite, well I don't think it is fair to the listening public, I think these things should be at least debated to some extent just for the benefit of the listening public. I think also that the public is entitled to know what is going on in these areas. So to just table these things and then pass on to something else, I was fairly disappointed. If you have a look in the financial statements you will see plenty of indicators that the economy is very buoyant, I think Custom's duty has reached an all time high, Liquor License, the Liquor Licensing fees have probably reached a world time record, incomes from Literage, Telecom, Electricity and Water Surance funds have all reached record highs. The liquor profits are certainly at least three quarters higher. So there are plenty of indications in there to indicate that the economy is fairly buoyant, then we have to ask ourselves, then why isn't the administration doing so well, our gross revenue in the revenue fund for this twelve months is done, it's been

fairly static for four years, why is this happening. I have been saying for quite some time we must seriously look at our taxation system and see if we can reform it and see if we can do something fairer so that all the community shares properly in the increasing costs of government and they are increasing cost, not through any great fault of a lot of the Public Service, a lot of the fault with what we are trying to do with the same barrel of money, we are trying to take on more responsibilities, we are trying to achieve more things and I don't go against that, but if we want this internal self-government process to take effect, we have to somehow or another work out ways how we are going to fund it. We can't just expect to fund it from the same barrel of money. Now when you look through our present taxation system, I for one don't believe that our major taxation is Custom's duty and I for one don't believe that we can possibly think about increasing Custom's duty, I don't think we can possibly think about it in line with Australia moving in to it's GST, I think that we stand to put a lot of the commercial sector out of business when that happens. We should be looking at ways that we can help that sector of the community to continue to operate when Australia brings in the GST, we are not looking at those things. I have tried to interest the government in some sort of financial reform, it doesn't have to be the way I see it, but I do know that we cannot continue funding increasing costs of administration on our present taxation systems, which the more you look at it, it has warts, it's not fair and we certainly can't get it out of Custom's duty. It's all very well to say that we might get a wind fall off internet gambling and we might get a windfall of offshore finance, both those issues were considered by the previous assembly and they looked at it for a number of years, now this assembly is getting close to achieving one of those, but I hope that nobody thinks that we should substitute a wind fall from one of these projects for our bread and butter for our daily operations, for paying our Public Service's wages, I think that would be foolish. I think this community has to pay for those services, what level the community want's these services at, they have to pay for them. A wind fall from internet gambling or something like that can go into infrastructure like doing up roads and new hospitals, harbours and jetty's, but it certainly shouldn't go into our bread and butter, we have go to have a taxation system in place that does it. If we do get a windfall and we can use those monies on capital works, perhaps we can struggle on the way we are for a few more years, but I think it is fool hardy to try and make these achievements without considering the revenue side of it, but George was quite right when he said that we seem to pick and choose, if we need the money for something we can find it, if we need it for others we don't want to find it, but I think we really have to look at our taxation stream and our revenue side of it because costs are going to increase, they are going to increase with more responsibilities. I've got a motion later on this morning in a effort to make us look more closely at what we are doing with some of our legislation as far as the drain on our resources and our finances. So that's a further effort to do something about this problem of rising costs and our inability to come to some agreement with a more equable taxation system. Thank you Mr Deputy Speaker.

MR SPEAKER

Thank you, further debate. Mr Brown.

MR BROWN

Mr Deputy Speaker, the Chief Minister told us that if the Tribunal makes a decision we should accept that. Largely I would agree with that comment, provided that the Tribunal had been given adequate and reliable information on which to make it's decision. The Public Sector Remuneration Tribunal Act requires the Tribunal must take a number of things into account when coming to it's decision. The public interest, economic conditions in the Norfolk Island community, concepts of equity and fairness that apply in the Norfolk Island community and such other matters as are in the opinion of the Tribunal relevant to the proper performance of it's functions. We have in deed had sound tourist numbers over the last two years. We have also had a history in Norfolk Island of booms and busts and it would be unwise to assume that the growth that has occurred in the tourism industry in the few years is going to continue in perperaturativity. In fact, there is an inquiry being carried out at the moment about the impact of tourism and some of the members of the house may well be of the view that

they don't think that there should be any further growth, notwithstanding that the tourism plan calls for very significant growth over the course of the next few years. But the important thing is that though tourist numbers may have been up, the government positions hasn't improved. Customs duty to this stage last year was one million and sixty eight thousand dollars. The budget to this stage last year was one million and one hundred and thirty two thousand. The actual was a million and thirty three. We have achieved ninety one percent of our Custom's budget for the first four months of the year. FIL down on last year, down on budget also. Brian is quite right, it would be very dangerous to try and just increase the Custom's duty again using the thinking that Custom's can provide us with the pot of gold that we need anytime we wish to pluck it. I believe that the Chief Minister did not provide the Tribunal with adequate information to enable the Tribunal to deal in the way the Tribunal would like to deal with the requirements of Section 9. I believe that the Tribunal took a view that because the Chief Minister had assured it that these things were fine, it was stuck with accepting the Chief Minister's assurance and it wasn't able to be satisfied in any other way. If you went through the Public Sector Remuneration Act, no where does it say anything about cost of living adjustments, it talks of general wage adjustments. When that Act was drafted, there was no intention of there being a automatic flow on if cost of living increases. If that had been intended the Act would include some reference to a automatic structure related to the Retail Price Index. That's what we do with pensions, we intend our Social Welfare benefits to increase, in approximate terms, along the lines of increases in the Retail Price Index. In my view, the whole of the pay rise, that the government agreed to, was misconceived. Surely we do not intend that the rest of the community will dig into it's pockets in order to fund a cost of living increase for the public service, when no one else is digging into pockets to fund the rest of the community. Now let's look at the position of our Social Welfare recipients. They start at a much smaller base than the average Public Service salary, sure they have been subject to increases in line with the Retail Price Index, but those increases have been nowhere near the extent of the cost of living increase that is being proposed for the Public Service and out of those meager increases that the Social Welfare recipients have had, there now going to be expected to pay a higher taxation in order to fund these pay rises. Pay rises which have been agreed on by the government without reference to salary relativity's, without reference to work value, without reference to productivity, without reference to the vast majority of factors which are considered in other places when consideration is being given to a general wage adjustment. The Chief Minister told the Tribunal that the economy was good, tourist numbers were up. If the Chief Minister were to look back through the last twenty years of tourism statistics in Norfolk Island, he would find that there have, in that comparatively recent time, been occasions when tourist numbers have dropped and if, for example, the airlines servicing Norfolk Island put their fares up to more realistic fares then they are at present, sure as eggs we would see a drop in tourist numbers. If one of the airlines flying from Australia found somewhere else that it was more profitable to fly to and we were back to just one carrier. I think you would find that there was a fare chance that fares would go up to some extent and the numbers would come down and so my point about this is that we may well be at the peak of a economic cycle today, but no consideration has been given to what happens if we go over that peak and start to run down the other side. I think it was the Chief Minister who said that tourism has being doing very well, people should be making a lot of money. Tourism in the last few years has been done well in terms of total numbers, but if we look at the average room rates being achieved by the bulk of the properties across the Island, I would not be surprised if we found that the average achieved rates are not greatly higher than they were in 1986 and since that time virtually every property has spent significant money on upgrading. I don't wish to say anything further today, Mr Deputy Speaker. Safe to say that I don't think the issue was considered in the, I don't think the issue was considered by the government in the way that Section 9 of the Act requires. I don't believe that the public interest has been adequately considered. I don't believe that the concepts of equity and fairness have been adequately considered and to such extent that we may be on the peak of an economic cycle at the moment, I

don't think that it is realistic to make judgements in matters, such as this, based on what could be a peak of a cycle. I think it's essential that such judgements be made on the basis of what is sustainable.

MR SPEAKER

Thank you, further debate. Chief Minister.

MR SMITH

Mr Deputy Speaker. I'm finding this rather interesting. Mr Brown has stated today that he doesn't oppose that members of the public service get a pay rise. He has a problem with the Tribunal making a decision, obviously because he wanted to disallow what the determination was. When I said that when the Tribunal makes a determination, I think that it is only right that we accept that determination. Mr Brown has pointed out that we don't have to, possibly not and we can also, as Mr Brown has tried to do, disallow the instruments so it can't happen anyway. He can also have the opportunity to not allow me to increase any taxes if I need to do, but why, what's the point. The things that Mr Brown has raised in this context today and to be fair to John, I say that I raised it in the Tribunal to, is that the last time there was a determination, that in front of the Tribunal was one for the Legislative Assembly member's. John was a minister in the government at the time. There was a proposal, a submission, put to the Tribunal by the previous assembly and we carried it through it our time. We carried it a little bit further than what the previous Assembly had asked for. We did not support that submission with things that John is talking about for this particular one, yet that cost just for the nine members around the table about an extra sixty thousand dollars a year. That's a quarter of what we would be looking for, for the whole of the public service, for the revenue fund in this context. I guess what I'm looking for and maybe Mr Brown may like to speak about it and tell me what it is that we should have tabled when we went for our own pay increase of sixty thousand dollars, that would have made any difference in this particular sitting of the Tribunal. I agree with what Mr Brown has said on a lot of his points and the one about who's has to dip there hands in their pockets to pay for a public sector pay rise. Well of course it is the same pockets that we pay for everything else out of and I think Mr Brown said well who tops up their pockets. Well I think to be fair, I think that we do that as well. The whole of the commercial sector and I have no problem with the commercial sector, benefits from things that the government does, for example, eight or nine hundred thousand dollars spent on Tourism, things that they don't have to pay and I have always appreciated that at my time is business. We don't have to pay the taxes that you pay on the mainland. As one respected business person said to me recently, if somebody's not making money at this particular time, they shouldn't be in business. I'm not saying that they thought it was a good idea that we do a pay rise, but they were saying this is the best economic times that Norfolk Island has had, but John is right, it doesn't show up in a lot of the government's revenues, the traditional ones, the traditional taxes. There is reasons for that and I think we are well aware of what those are in relation to FIL, people can bank offshore, we don't make any attempt to change that or haven't made any attempt to change that. Custom's duty is going up, but not by the proportion that you would expect it would for the amount of people that are coming though, there could be various reasons for that and I would hope that it's just straight up reasons like people aren't buying as much as what we expect they would, so duty is not going anywhere, there's nothing sinister going on behind the scenes and I assume that we assess that all the time. But I am not to sure just what John is saying here now and the end where he doesn't disagree that there should be a pay rise, he may disagree with my approach to how we will fund it and I accept that. He doesn't agree with the Tribunal's view because he believes the Tribunal didn't have the right information. I'll point out that this was raised by Mr Brown at the Tribunal, rightly so, and I was pleased to see him there, but the Tribunal took that into account at the time he said that and I have that here in the Hansard. He also went away with the information that I did give him and that the PSA had given him and with as he put it a fair assessment from what the government's view was, admittedly if there was something I should have done or I wasn't intending to do anyway, was to go to the Tribunal and say no I'm not going to try and find

money if you determine in a certain way. I certainly wasn't intending to do that. I know I had the government support to take that view. Mr Brown raised the issues of the statutory obligations of the Tribunal, with the Tribunal and he would have taken into account when he come up with what he did. But looking to some of the other comments that Mr Bates had made, I certainly agree with what Brian is saying, he has been saying it for many years, but there are ways that we can raise funds and members have talked about them around the table here. It doesn't have to be Custom's duty, there is many other ways that we can raise revenue. There is ways we haven't even thought about yet. The GST, one of Brian's, is something that we are going through some processes with that at the moment, if that's it ends up being, well GST is still an increase to somebody right across the board in the community, but it depends what we want to do with that and obviously we're not going to be introducing GST in our time, particularly by budget review time. But I can think of a few ways that we can actually fund this just off the top of my head right now. They may not be popular with the members around the table, they might not be popular with the people in the community, but we have a responsibility to follow what the government had negotiated with the PSA and the Tribunal. He has determined that's what it should be, maybe some round the table might not think that it is a good figure to have to come up with, but that's the processes and that's what we are here for, to decide that, to decide where we get the funds from to pay for it. If we can't then we have to take different action. But Mr Deputy Speaker, if Mr Brown, I don't mind him telling me what else we could have given to the Tribunal, not only when we went through our own determination, but in this current one that would have swayed the Tribunal's mind.

MR SPEAKER Further debate, Mr Nobbs.

MR NOBBS I would like to clarify a point there that you made George. I think you inferred that the Assembly was getting a rise as well. This is nothing to do with Assembly.

MR SMITH Not this one.

MR NOBBS No, thank you.

MR SPEAKER Further debate. Honourable members the question before is that the Paper be noted. There is no further debate. I will put that question.

QUESTION PUT
AGREED

The ayes have it. Further presentation of Papers. Mr Robertson.

MR ROBERTSON Mr Deputy Speaker, I table the inbound passenger statistics for October 1999 and move that the Paper be noted.

MR SPEAKER Thank you. That Paper be noted.

MR ROBERTSON Thank you Mr Deputy Speaker. Mr Deputy Speaker the monthly total for October has reached a figure of four thousand and sixty, up a little bit from the previous month. Whilst that is a definite improvement on some of the previous months that have taken place, we are still are, for the financial year to date, not up to the same numbers as we had for last year. We still are one line as far as the overall plan for 2005 is concerned, regarding bed night numbers for each year to try and maintain those figures. One thing that the bureau is doing at the moment and that is trying to, where possible, eliminate some of the peaks and troughs.

Mention has been made by members at different times that it is all very well having massive one month followed by a drastic second month is not the way to go and if we that if we can level it off and make it more steady then it is more beneficial to everybody's concern and to do those we have introduced a number of initiatives with both wholesalers, airlines and throughout the trade and in fact the Tourism manager has only just returned after attending both Trade shows in Melbourne and Sydney at which in all of those shows were a number of wholesalers and support and there were a number of hourly or daily raffles being conducted, in conjunction with those people, one of which on a daily basis was a free trip to Norfolk Island and that was being announced on a regular basis for a draw, which meant that all those people attending that trade show, regularly heard Norfolk Island being announced over the PA system, which was advantageous to our stall as opposed to all those that were visiting other stalls. But the result of that has been an attempt to try and increase the numbers for December, which is traditionally a low month. The first two to three weeks in December has never been wonderful and there are some initiatives being put in place to attempt people to come to Norfolk to do their Christmas shopping, which then may bring the Custom's duty up a little bit more. The rest of the year of course, toward the end of this year will be, we have heavy numbers arriving for the millennium celebrations, there is no difficulty for that period and members would be aware and starting from the last two weeks in January we have the Veterans Oceania Athletics and that will be bringing between four and five hundred for that specific event. Then there are other events which are running through the other months, but we are attempting to even the distribution of visitors coming to the Island over a more stable period so that we don't get these to may highs and lows that have happened in past months. I'll leave it at that.

MR SPEAKER

Thank you, further debate. Mr Nobbs.

MR NOBBS

It's really a query. I just noticed the length of stay has gradually increased for these periods, not by much, but it's gradually increased in 97, 98 and 99, the figures that you have here. Is that a trend that showings through.

MR ROBERTSON

No, sorry Mr Deputy Speaker. No it's not, in fact the trend was actually dropping, whilst this is on a monthly factor. The trend is now done to about, overall is about 7.1 this particular month in comparison seems to be an ideal month and I guess it is the groups that come that tend to stay for a period for eight to ten days. There is also from the New Zealand market has made a slight change. You will notice that New Zealand is 8.83 and that's because people are actually coming up on a Thursday and going back on the following Sunday. So they are tending to stay that little bit extra, or similarly up on a Sunday and back, sort of a bit further on and that's thrown those sort of figures out and those that are travelling a little bit from the distance, Western Australia I think you will find is another one, I think you will find that is about 8.4, the ones that are travelling a little bit far are utilizing the stay time a little bit longer. Coupled with all of that it is rather interesting to see those figures for the average stay, being high as they are, because coupled with that we now have a airline which is flying a four, five days a week, four days a week, we have the weekends, so you've got the weekend travel that is occupied by the two major airlines, but you also have the Tuesdays and Thursdays. Members will be aware that there is an announcement just taken place that Flight West will be commencing the Wednesday flight as well, as from the first of March, which will increase there flights to five, which in actual theory should reduce those numbers down even more because you've got the F.I.T.'s which can then come and go and there's an actively being promoted for them to come over on the weekend stays, coming in on a Thursday going back on a Sunday, but with the increase in the number of flights, then you do tend to get the shorter stayers coming in which will then start to counteract some of that other staff as well. But your groups will still come and your groups will tend to stay the longer times.

contingency plans for best managing the effects of such a change in a pro-active and not reactive manner. The second part of the question, it is the current understanding of UPU regulations that a postcode for an international postal issuing agency may only be issued where there is a distinct series of postal delivery points for use with such postcodes issued. An application would have to be made to the UPU direct, and the outcome would be anticipated, given current knowledge, as either Norfolk Island, South Pacific or Norfolk Island, South Pacific, via Australia would be what we would use. We would then, if accepted, have a distinct postal identity, not indifferent to our present situation, without the advantages of the electronic sorting capability of Australia Post, which is underpinned by postcode scanning and reading. It is assumed that such application to the UPU may require the support of Australia Post, as would be operationally prudent. 6723 is already a West Australian postcode, as is the entire 6xxx series is for Western Australia and would not be considered either appropriate and/or workable in an operational sense from an Australia Post perspective, so it would make things a little worse.

The other option would be for Australia to apply for a further series of postcode to service Norfolk Island specifically. As this would mean significant changes to postal sorting and management software, and further could be seen to embed Norfolk Island as part of the Australian Postal System, there exists doubt as to the willingness of Australia Post and/or Norfolk Island to pursue such a course. Irrespective, it must be remembered that regardless of having the same postcode, a different postcode or no postcode at all, all Norfolk Island mail would still be processed through the Australia Post International Mail exchange in Sydney. Issues experienced presently with mail services may potentially worsen in the short to medium term if changes are implemented. The key issue would seem to be that of delivery method and confusion over methods employed by Australia Post. The key example is the acceptance of airmail charges for a parcel when there is no airmail service offered as all parcels come by sea. If Australia Post ceases to utilise surface mail, this problem would also cease to exist. So I hope that answers the member's query on that one, Mr Deputy Speaker. I have one further one that I would like to treat as a Statement to. It is in relation to a question from Mr Nobbs. Will the tender system be utilised in the expenditure of these funds. There is a bit of the question missing, it is regarding the funding of the new computer system for the administration. In response Mr Nobbs asked me at our last meeting about spending funds for computer upgrade within the administration. He went on to ask about the tender processes for this project. I will answer the tenders side first and then address the funds spent to date. The process for the replacement of the administration database systems has been ongoing for the last eighteen months. Initially we needed assistance in formulating a strategic plan for databases within the administration. Due to the lack of appropriate skills on the Island, it was agreed that local tender for the project was unsuitable and due to the cost of overseas newspapers advertisements, this path was not followed. Therefore, expressions of interests requests were forwarded to a number of relevant firms, identified through the internet, phone directories and other trade magazines during May 1998. A recommendation to appointment the Simple group from New Zealand was put to and agreed to by the Tender's Committee in October 1998. After consultations and investigations Simple provided a request for information, a document. Availability of this document was published between November and December 1998. A database of over ninety accounting packages supporting to medium businesses was also pursued for potential qualifying products. The request for further information document was subsequently issued to 24 organisations with 9 responses meeting the strategic requirements for the core financial components. A report of the analysis of the responses was produced and is available for purusing. A short list of 4 companies was established for in depth evaluation for meeting our needs and also the strategic plan goals. In addition to providing the short list the strategic report also provided the budget for the project over a 3 year period. The figure of \$265 000, which was included in this financial year, was put to the Financial Review Committee in May 1999. Mr Nobbs was presented at that meeting, which strongly recommended that it should be included in

the Budget. So as I said at the last meeting the processes for arriving at what we are purchasing and from who, has largely been decided prior to the spending of funds in this financial year, although the normal tender process has not been followed exactly, I'm satisfied that the appropriate controls and decisions have been made in the project to date. Thank you Mr Deputy Speaker.

MR SPEAKER Thank you. The question is that Statement be noted. Mr Nobbs.

MR NOBBS There's reference in there to the Finance Committee and I think other members will agree that we agreed that there was a need for an upgrade, and a urgent upgrade actually, of computers within the administration, but I don't think we went to the stage of approving who was going to get them, and in my reading of that and I will have a look at it later on George, we didn't approve the expenditure, we recommended that that be included in the Budget, other members are nodding so they will agree. Okay, so there was, the tender system and things that came after that are not the Finance Committee's work. Thank you.

MR SMITH Mr Deputy Speaker, I wasn't at that meeting so I am not to sure what I was advised that the Financial Committee had recommended that that project go ahead or something, I can't remember the exact words, but I need to point out also that not all things are done by tender here, in other areas I suggest one would energy first, it was done by the Power House, it wasn't done by tender, the lighting systems at the airport weren't, well they were done by, they were dealt with by the Tender's Board by not going to tender. There are other ones that have happened, so I'm not saying with the computer strategy that there was anything wrong with what has been there. I think the appropriate way of dealing with it has been dealt with. Thank you Mr Deputy Speaker.

MR SPEAKER Any further debate. The question Honourable Members is that Statement be noted.

QUESTION PUT
AGREED

The ayes have it. Are there any final Statements. No further Statements.

MESSAGE FROM THE OFFICE OF THE ADMINISTRATOR - 153

Honourable Members the Speaker has received the following Message from the Office of the Administrator, Message No. 153. On the 26th October 1999 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following; Statues Amendment; Miscellaneous Provisions Act 1999 which is Act No.21 of 1999, The Conveyancing Amendment Act 1999 which is Act No. 22 of 1999 and the Statues Fees Remission Act 1999 which is Act No. 23 of 1999, dated the 26th October 1999 and signed Owen Walsh, Deputy Administrator.

NOTICES

Honourable Members we move onto Notices.

EXPLANATORY MEMORANDUM ON FINANCIAL AND RESOURCE IMPACT ON EACH BILL INTRODUCED INTO THE LEGISLATIVE ASSEMBLY.

MR BATES Thank you Mr Deputy Speaker. I move that all Bills introduced into this house shall be accompanied by a Explanatory Memorandum that says the Financial and Resource impact of the Bill. Mr Deputy Speaker Members will recall that I have been a little bit critical in the past, especially in view of what I mentioned earlier in the rising cost of administration and government, but to often we sit and consider a Bill and we don't consider what the financial impact if any or resource impact of that Bill might be. The motion is not intended to create a monster but it is intended to give Members a little bit more information when they look at Bills, as to what effect that might have in administering. I think we all know that if a Bill aims to achieve something there is probably more than one way to achieve that goal or there may be in some cases a expensive way to achieve the goal, there may be a more simpler way to achieve what Members are trying to do with the Bill without some much cost and I think that we have been told many times now that we should running the government of the Island like you should run a business or private enterprise and I'm sure that private enterprise doesn't issue things that have a big impact on their business unless they look at the financial and resource impact of those decisions. I think we have made a step forward along those lines with the introduction of accrual accounting, I think that may put us on in some areas a business like approach to some of the things we do, I don't think that will save us any money, it will probably put up the costs again of some of our administration costs, just because more information has to gathered and utilised. As I said, it is just an attempt to make us better informed when we consider these Bills, give us a chance to look at what we are trying to achieve against the cost of what we are trying to do and perhaps maybe we will be able to achieve our goals in a more efficient and less costly manner. I think it is fairly self-explanatory and I will leave it at that.

MR SPEAKER Debate, Mr Nobbs.

MR NOBBS I think it is a fairly straight forward proposal by Brian and I support fully. I think it was mentioned the other day, I think by yourself Mr Deputy Speaker, that it being a practice in the past to do this sort of thing and I would have thought that there would be no problem introducing it.

MR GARDNER Thank you Mr Deputy Speaker, supportive of the motion. I think it was mentioned the other day that this should not just apply to Motions and Bills, sorry to Bills that come before the House and we have probably had an example of it this morning in the area of the Tabling of Papers and a request by Members for some sort of indication to exactly what the financial impact is and the necessary revenue in regard to the Remuneration Tribunal Paper. It seems to me that it's a sensible appropriate management practice and it certainly would assist all Members, especially those who that haven't got a finger on the pulse of the finances of the Island to be able to make informed and considered decisions and participate in debate on the passage of Legislation before the House and those other matters that I have referred to. Mr Deputy Speaker, it was my understanding that, to a degree, this was a preliminary undertaking of the established Finance Review Committee, that just for Members interest, I think the last meeting that that Committee set was back in April of this year, so certainly if this an attempt to try and improve the information for the purpose of Members I am fully supportive of it.

MR ROBERTSON Thank you, Mr Deputy Speaker. I have no difficulty with this, I did query Brian as to the example being the Bill that we will be discussing in greater detail today, which is the Public Sector Management Bill, so how he would arrive at a cost figure for that one and it was explained that in that particular case the object of this is really to try and get some ball park figure and yes there will be times when there is some difficulties experienced with gathering all that information before the Bill is finally agreed to and would be a bit of a blowout, but at least the Members would aware of what is happening and how's it happening and why it's happening and most of the time the blowout is caused by the Members themselves by

asking and seeking more information and asking other questions that may have been missed in the instruction that was first given to the Council. However, I think it is a good move and I agree with Geoff regarding the fact that some of this was and included Motions that were being put into the House and suggested means of what ever revenue raising could be adopted by the House, would be going through the Finance and that appears to have dropped off a little bit at this stage. However, it will give us some impact on where we are heading and how we are spending the money and I agree. I support the Bill.

MR GARDNER Thank you Mr Deputy Speaker. Just to pass a little bit of comment if I may and not to be seen to be preempting debate on any of the other matters before the House today, but if we would just cast our eye over other Notices that are before us are certainly Orders of the day, for example, I've got a couple pieces of Legislation that I will be introducing to the House today in relation to the Bookmakers and Gaming Amendments, really the attached costs of those are fairly negligible. I guess it is the degree that we need to go to in providing the necessary information that attaches to these Bills and Motions that will be before the House and I do know that at a Members meeting the other day we did discuss that in some detail, it was pointed out to us that this is a normal practice in other Parliamentary jurisdictions within Australia and elsewhere in other countries that have a similar Westminster system to us and maybe also outside the Westminster system. However, we really need to have an indication, I guess at the end of the day, of whether there are benefits overall to the community of Norfolk Island and certainly the Government and Revenue raising terms and return to Government from the implications of the passage of Legislation, for example, there is another one that I will point out here, is the Proposed Companies Amendment Bill later on today, certainly we would really need to see if that is of any cost benefit to the Island in passing that particular type of Legislation, we don't know, those are the sort of questions that Brian is trying to answer for us and part of the necessary, I guess, investigation into the different bits of Legislation we have before us.

MR SPEAKER Thank you. Further debate. No further debate. The question is that the motion be agreed to.

**QUESTION PUT
AGREED**

The ayes have it. That motion is agreed to.

PROPOSED CHANGE TO THE ELECTORAL SYSTEM

MR NOBBS Thank you Mr Deputy Speaker, I move that this House directs the responsible Minister to amend the Legislative Assembly Act to provide for return to the Electoral system known as First Past the Post. Where by an Elector should give no more than one vote to any candidate, thus at an Election each Elector would still retain as at present the number of votes equal to the number of vacancies, however, the Elector is permitted to allocate no more than one vote to any candidate. Thank you Mr Deputy Speaker, I intend, as it's fairly significant, I believe to leave this lay until the next meeting and I will move at an appropriate time to have the matter adjourned, but in the meantime, I'll just give you a rough run down on my thinking's, at least on it. I have been requested by members of the public to initiate change to our current voting system as per this motion and I agree with it of course. The motion allows the return to a voting procedure which operated successfully until the introduction of multiple voting, which appears to have been yet another change forced upon us by the Canberra model of self-government. Not that I am against the progression of self-government, but I'm definitely against parts of the model that is forced upon the Island by Canberra and is accepted by the people at the time for the pure and simple reason that they had no choice. It was the best of a

bad lot. However, Mr Deputy Speaker, that can wait for another day. The current motion seeks to reinstate what has been in the past accepted as a try and true procedure on a small Island with a limited Electoral numbers were at least everyone knows each other personally. We do not have a sophisticated Electoral process and I say sophisticated Mr Deputy Speaker, very much with tongue in cheek, for whilst the Island takes it's elections very seriously we are not encumbered by such sophisticated processes that occur elsewhere, such as political parties, party lines, how to vote cards and alike. The current voting system is in fact designed specifically for a political system which involves political parties. Something which has been rejected by the people of this Island in the past. It is a fact that the current voting system is designed specifically to ensure self-interest groups secure representation and this, in itself, I see as a problem. We do not vote in a government as such, as occurs elsewhere, but we do elect 9 Members of the Assembly, and the elected Assembly Members then vote for whom wish as Ministers. These Ministers then form what is know as the Government of Norfolk Island. I would like, Mr Deputy Speaker, to explore these points farther if I may. What we have currently is a procedure that requires a fielding and a general election of 9 vacancies. One would have thought that our unique electorate would wish to have some say in who would form the Government. The current voting system allows an elector 9 votes, of which no more than 4 may be allocated to 1 candidate. Unfortunately, under the current voting system it appears that to ensure a candidate is elected, electors are more inclined to give selected candidates 4 votes. What seems to be clear is that the electors under the multiple system, seem to allocate, and I say that by and large, 4 for 1 candidate, multiple votes for up to 2 and if one vote remains it is naturally allocated to 1 candidate. Under such voting, the maximum number of candidates that the voter will elect is 4. In a large number of cases it appears to be only 3. In an Assembly of 9, 3 or 4 into 9, as they say, don't go. You do not have the numbers, so why would the voters not say that's fine, but we'll give 9 candidates 1 vote each. The results given are most others allocating multiple votes would probably see most, if not all, of the 9 selected candidates not being elected. Three questions may be asked, why do the people vote this way, well Mr Deputy Speaker it is obvious, they have no choice but to vote multiple. Second question, is there a wish to change back to the tried system, I'm lead to believe there is and has been for a long time, as a result is this motion. Why has it not been changed before, the Assembly has not seen fit, I believe, although there was some indication that the Federal Government had something to do with it. The reasons are a little unclear really, but one would hope it is not a fear of changing a system under which Members were elected. As to the cost implications, for the benefit of Brian, I think drafting, in my case, would be fairly simple, I think it is scrubbing out 4 and changes to 1, but I'm sure there is a bit more involved in it. As there will be less squares on the Ballot Paper, I would hope that the printing would be cheaper and those are the total cost implications. I will at a later date, if there or at appropriate time I should say, move that it be made an Order of the day at the next sitting Mr Deputy Speaker.

MR SPEAKER
Robertson.

Thank you Mr Nobbs, debate Honourable Members. Mr

MR ION ROBERTSON
election.

Thank you Mr Deputy Speaker. Just one point I would like to make Ron and that is that people who wish to can have 9 single votes now in a general

MR BATES

Thank you Mr Deputy Speaker, I think that Ron might be a little bit mistaken when he says that the old system, the Advisory Council was well worked. I think it was recognised by a lot of people on the Island that it didn't really work. I think Canberra may of, because it didn't work and because there was representations made by the people in the community, it was probably one of the reasons why Canberra decided to change it and it certainly should be recognized that the system that Canberra pushed onto us was not accepted. I think we had one election under that and there was a lot of clamoring in the

community for change and the present system evolved. The biggest problem with the 9 people, 9 votes is that most people in those days complained look I can't find 9 people that I want to represent me in the Assembly. I can find 5 or I can 6 or I can find whatever, but I can't find 9 and therefore, when I have to fill in those I go to those I think of the least harmful and I think it created, what it was commonly called at the time, by most of the people who were aware what was happening there, it created what they called a donkey vote and without saying anymore than that, it really meant that sometimes those who didn't really have a lot of support collected, that donkey vote from both sides, as it had strong feelings and ended up defeating some of those that the electors really wished to support, simply because it was first past the post and once you put a mark on a Ballot Paper you give equal status to those that you didn't particularly want to support, equal status to those that you really did want to support. I'm not sure what the magic of the maximum 4 is. If people think that that weights it to much in a certain area, then I wouldn't have any problem with reducing the maximum 4 to say 3 for a trial and see if that creates a more desired result. My observation of Polls that I have seen, that when you look at the number of people that actually support a candidate and the number of votes that people get, usually in most cases, the 9 that have the most number of people supporting them are the one's that are elected. I have seen changes right down the bottom that usually only effects the bottom positions, where on occasions candidates, I think I was one of them at one stage, that had less people actually supporting me but I achieved more votes, I polled higher than the 4 and the 3. At the last election, personally I polled last in the nine, I polled 5th in the number of supporters I had. I don't think it changed much, I think the 9 that elected were pretty close to the number of people that actually supported them. So I think that the system really is not going to make a big difference to who gets elected. I think that there are more anomalies in the 9 single vote than there are in this one. As say if this one thinks it is to highly weighted in favour of minority groups with the maximum of 4. The thing about that is the minority group has a good chance of getting one person in here by weighting it with 4 or maybe 2 people, but they certainly can't get 5 people, that's just spread quick enough. So no minority group can manipulise the Assembly through this system. However, as I said, if it is to heavily weighted maybe consideration can be given to reducing that to 3, but I am certainly not in favour of reverting back to the system, although Ronnie say's did work, I don't believe it did work, I don't believe it did work for members of the community, reason which I have outlined.

MR SPEAKER

Thank you, further debate. Mr Robertson.

MR ROBERTSON

Mr Deputy Speaker, I am a little bit along the lines with Brian, but I've still got a open mind. There was a review done in the last Assembly that Tabled a number of reforms or recommendations that would possibly enhance or suitably address the situation, that they felt at that time, regarding polling and regarding a few other matters. Now that didn't go through, but we have actually asked for some copies of that Paper to be distributed so that we can just sort of see where they are. Also I think that just doing a few bit of mathematics on the actual figures, Brian's alerted to one or two variations that he found, in his particular case, but no date there are some other factors which need to be taken into consideration. So until I get all of that stuff, I'm still of a open mind, but I do tend to go along with the system that is currently in view, but like that maybe 2, maybe 3 votes as a maximum, I'm not quite sure.

MR GARDNER

Thank you Mr Deputy Speaker, I tend to agree with all 3 speakers, to varying degrees. It's certainly been a subject of contention over, I guess many years and I think somebody the other day, may have been John McCoy, suggested to us that at one previous election, pre-election performance in Rawson Hall, I think all 27 candidates got up and said yes they were supportive of change to the system and as he quite rightly pointed out, there hasn't been a change. Certainly the last Assembly took it on and as Gary mentioned and made it

a subject, I understand, for a select committee to look into. I guess that the difficulty, that we face as an Assembly in sitting down and making the decision, that we the 9 people in this Assembly are going to change the Electoral system, I guess raises the heckles of some people in the community. Maybe if I can expand on that a little bit, we all sit here and I think all of us having put our names up in the past for election to the Assembly, have what we think in our own minds the ideal solution to making sure that we get re-elected in other words we want to stick with the four because it suits us because that's our, that's our impression of it. There maybe others who think, well if we all give each, everybody, nine votes well surely to goodness I'm going to pick at least one of those nine votes from just about everybody on the Island. There's, we all have different thoughts on hoe the system works and I don't really know whether its appropriate if that decision should be made by this house. I really do think consideration should go whatever model is decided upon, and probably go out

To some sought of plebiscite, to be able to get some sort of indication from the community whether they are comfortable with the system or a proposed change to the system, I just thought I would throw that in Mr Deputy Speaker.

MR SMITH

Thank you Mr Deputy Speaker. I agree with some of the comments of the previous 4 speakers and the things that they have said. I say at the outset that I support a change. How it would be done and what it would end to be, I think Mr Gardner is quite correct about that it should go to a Referendum, possibly just not whether there be change or not, but possibly with multi answer, multi questions in the Referendum, to give the community a choice. I don't think it makes any difference what we say around the table, what we think is best, except from our own personal experiences. I think the community certainly has wanted change in the past, it was quite correct what Mr Gardner said, there was a select committee set up by the previous Assembly that looked into it. Recommendations were given, the Assembly never got around to dealing with it in the end and I think in that one the recommendation was that there would be a change from the current voting system to, I think there were two options, one was a mix and match of the first pass the post, but you didn't have to vote for anymore than 5 candidates or something like that if I recall or maybe I'm not getting that right. I think it is always hard for a Assembly to try and deal with the issue, for the reasons other Members have outlined here. Do we change the system for our own personal views about how it might affect us and I don't think we should even consider that. Certainly the community has often complained about the voting system for various reasons and usually towards the end of an Assembly, I think is when people say we don't want Smith back in there or whoever it is. So it changes the system so we don't end up with what we get, but I agree to change if the community wants it and I would propose that maybe it after sitting on the Table to the next meeting, that we move to having a Referendum on the issue. Which wouldn't matter if that was held as late as the last few weeks of the term of the Assembly. As long as we could make the Legislative changes that were required. Thank you Mr Deputy Speaker.

MR NOBBS

There has been some discussion about the last Assembly recommendations, they made two recommendations actually and the first one was that a new voting system representing a modified version of first past the post be introduced, in which each elector is allocated a number of votes equal to the number of positions to be filled, currently 9, to be distributed 1 vote per candidate, but the elector be only obliged to vote for a minimum of number of candidates, being the next whole number higher than one half of the vacancies to be filled up to the maximum number of votes to be casted. In shorter terms, there is 9 there, you have to vote for 4 and a ½, but you can't vote for ½ a politician, I think that some people might like to, but you then vote for 5, so that is what they are saying, you are only required to vote for 5, you can vote for 9 if you wanted to. The second recommendation was this, that in the event that the recommendation above does not proceed, the present system of voting be retained, but

the maximum number of votes that may be allocated to any one candidate should be reduced from 4 to 3. Those were the two recommendations. Thank you Mr Deputy Speaker.

MR ION ROBERTSON Adding to the confusion of it, I guess, since the inception of this House, it has been tradition that those Members that received the most votes have been placed in a Executive position. With this system of voting, it is therefore possible for a representative of a minority group to become an Executive Member and that's one problem I have with giving the 4. Now the two alternatives that the previous Assembly's select committee put forward, I think would overcome that, although I am more inclined to their second option than their first. Thank you.

MR BATES Thank you Mr Deputy Speaker. There is absolutely nothing within any of the Legislation's that dictates that those who get the highest votes get the positions, although that's the way it has often turned out just simply on the power struggle that is created when results are known, but there is nothing in the Legislation that says those who get the highest polls, Legislation simply says you have 9 Members all equal and it's those Members who decided the position, of course when the power struggle comes in, those with the highest vote say I have the job. However, having said that it doesn't have to be that way, but I think that there are a lot of Electoral systems around, I'm not up with all the different ones, but Electoral systems are usually looked at on the basis of not who gets elected, but what sort of value the person goes to the poll gets for his or her vote. They are usually designed so that one person can't really get a 100% value for their vote and another one gets no value for their vote, that's not looked upon as a good system. A system where people can in the main get some sort of value for their vote is what is looked upon as a good system. I don't know a lot more about that, but if we are just going to go from the heart and give some people 5 votes and some people 9 votes, let them choose whether they have 4 votes or 6 votes, I don't think that is going to fit into the categories of what value the people in the electorate get. I think this system is considered a little bit that way because people have the choice of weighting their vote in a certain area to get some value for it. They also have the choice of trying to be correcting in getting a 100% results from getting 9, voting for 9 people and seeing those 9 people get elected. But I think if we are going to go to referendums and things like that, we should really give some consideration as to what that system really means and what certain value that the general person who goes to that electorate can expect to get from their vote. I'll leave it at that because there is a lot written on these systems and I think that we should look at what is written, rather than just say we think something is a good idea.

MR McCOY Thank you Mr Deputy Speaker, I tend to agree with Ronnie Nobbs motion, simply and I've heard around the table, the talk of minority groups getting representation in the House. How about majority group getting representation. Under this system that we have at the moment, the majority group struggles to get representation and you may shake your head, but if you look at states you will find that 30% of the electors are between 18 and 40 years of age and when you stand up and, as a candidate, and stand up and put your policy forward that you are there as one of those 30% of people and funnily enough you just don't make it and you go through your votes and you talk to people and a lot in the community say oh yeah I voted for you and you say how many votes, 1 vote and I say that 1 vote won't get you your preferred person in because some still don't understand, what I call, the pocket voting system that we have and I wish someone could explain more clearly to me the problems they see by going back to what was suggested by the Electoral Review Committee and that is one vote for 9 people, 1 each. So 9 votes, you give one to your, one each to your 9 preferred candidates or, as they recommend, have a minimum of 5 that you can vote for and as Mr Nobbs correctly pointed out, it did seem to work in the days of the council and I wish someone could explain to me why it didn't work as has been said around the table. Thank you.

MR NOBBS Thank you. I'll just make a couple of comments if I may and particularly I don't think Brian was being derogative at all, Mr Deputy Speaker, that you and I who are elected under the old system are donkey's, I don't think that's the go, but anyhow as we are the only ones who were elected under that system. But there is a lot of interesting things coming out of that discussion and hopefully in the next month you will be able to look at other things and maybe we will be able to come up with something that is acceptable to most, if not all, and whether I get up or I get done again, it looks as though I won't get beaten 8 – 1 this time, but anyhow, that's the story. But I will move Mr Deputy Speaker, if I may.

MR BATES Can I make one further comment.

MR SPEAKER Are you willing to pause Mr Nobbs.

MR NOBBS Yes.

MR BATES Just one further response to John on what he said. It has been one of my regrets, I think in this House, we haven't seen more younger people elected to the House. It's something which has been close to my heart and I've endeavored to encourage any younger person that comes into the Assembly and help them anyway I can. But, I can't see that going back to one vote for one person and 9 candidates is going to ensure that we get a number of younger people elected. I would think that if there was a couple of good young candidates and all the young people under 30 gave them their 3 or 4 votes, we would undoubtedly get a couple of them in here and I would be very pleased, but if it was the case of simply going back to the old system of 9 people and 9 single votes and were going to get some younger people in this house I would support it, right down the line, I just don't see that it would happen that's all.

MR NOBBS I'd just like to make a point if I may, it's just an observation as I've been trying to get historical facts on all the councils and what have you since the beginning and there seems to be since the Assembly started under this voting system, it doesn't seem to be whether it's because the population difference or what stories, there doesn't seem to be the stability in the re-election of Assembly's as there was in the re-election of councils. Now that's just a point that seems to come through that consistent names under the council were coming through and were elected fairly regularly, whereas there are massive changes, as your realise, and particularly as far as the Ministers are concerned in the Assembly since the inception of this vote. Now it's only a point that I am just making and it's not a point really, it's just an observation sorry. So if there is no more Mr Deputy Speaker, I will move that the matter be made an Order of the day for the next day of sitting.

MR SPEAKER The Question, Honourable Members, is that this matter be adjourned and made an order of the day for subsequent day of sitting.

QUESTION PUT
AGREED

The ayes have it. That matter is so adjourned.

SUSPENSION

Honourable Members, I would propose that we pause for lunch at this time and suspend and reconvene at the 2 O'clock mark and we will do that Honourable Members, we so suspend.

RESUMPTION

We resume after lunch. Mr Buffet you have the call.

MR BUFFETT Yes thank you Mr Acting Deputy Speaker. The matter that I would like to cover is a motion addresses membership of the Business Committee and I seek leave to move a motion in that direction.

ACTING SPEAKER Thank you is leave granted Honourable Members. Leave is granted Mr Buffett

MR BUFFETT Thank you Mr Acting Deputy Speaker. I move that this House pursuant to Standing Order No. 20 appoints Ronald Cowan Nobbs to be a member of the Business Committee. There is currently a vacancy on the Business Committee and this is a proposal to fill that casual vacancy so that the Business Committee has that full complement and can discharge it's duties. I commend this motion.

ACTING DEPUTY SPEAKER Thank you Mr Buffet. Further debate. No further debate. I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The motion is agreed to. I have a motion by leave. An appointment of a member to Standing Orders Committee. Mr Buffet.

MR BUFFETT Thank you Mr Acting Deputy Speaker. I seek leave to move a motion in respect of the appointments of Members of the House to the Standing Orders Committee. Excuse me for a moment. And I seek leave.

ACTING DEPUTY SPEAKER Is leave granted. Leave is granted.

MR BUFFETT Thank you Mr Acting Deputy Speaker. I move that this House pursuant to Standing Order No. 70 appoints Ronald Cowan Nobbs and Alan John McCoy to be members of the Standing Orders Committee. Again Mr Deputy Speaker this matter is one in which there are 2 vacancies in that area and this is a proposal to fill them and I commend this motion.

ACTING DEPUTY SPEAKER Thank you Mr Buffet. Is there any further debate. Well there being no further debate, I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The motion is agreed to. Mr Ion Robertson.

MR ION ROBERTSON Thank you Mr Acting Deputy Speaker. I seek leave to move a motion in respective of appointment to a member of this House to be a member of the Planning Board.

ACTING DEPUTY SPEAKER Is leave granted. Leave is granted. Mr Ion Robertson.

MR ION ROBERTSON Thank you Mr Acting Deputy Speaker. I move that this House pursuant to Standing Order No. 17 appointments Ronald Cowan Nobbs, whoops, correct that Mr Acting Deputy Speaker. I move that this House pursuant to Section 491 of the Planning Act 1996 appointments Ronald Cowan Nobbs to be a member of the Planning Board.

ACTING DEPUTY SPEAKER Thank you Mr Ion Robertson. Debate.

MR ION ROBERTSON Thank you Mr Acting Deputy Speaker. As everybody knows there is a vacancy on the Board and we need it filled.

ACTING DEPUTY SPEAKER Further debate. As there being no further debate then I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The motion is agreed to.

ACTING DEPUTY SPEAKER Mr Buffet do you wish another.

MR BUFFETT Thank you Mr Acting Deputy Speaker there is another motion that I would seek leave to be brought forward at this time. It relates to nominations for entry on the Australian Registrar of the National Estate. It's a motion that have copied to all Members and I seek leave of the House that it be brought on for examination today.

ACTING DEPUTY SPEAKER Is leave granted.

QUESTION PUT
AGREED

You may proceed Mr Buffet.

MR BUFFETT Thank you Mr Acting Deputy Speaker. I move that this House resolves that 1. The nominations of portions of Norfolk Island land, recently advised to land owners, for listing on the Australian Registrar of the National Estate be vigorously opposed and 2. Should these and any other portions of Norfolk Island land and property, thought to be worthy of Heritage Recognition, such land and property be evaluated by Norfolk Island authorities after adequate consultation with owners and full public disclosure of each area proposed for nomination.

ACTING DEPUTY SPEAKER Thank you Mr Buffet. Debate.

MR BUFFETT Mr Acting Deputy Speaker, this motion is brought forward because of recent days a number of people have received correspondence about a proposed listings, a number of listings, mass listings of Norfolk Island property on the Australian Registrar of the National Estate. It may be interesting for me to just mention, under the Australian Legislation Arrangements that there are 3 stages in listings, progress to listing on the Australian Registrar of the National Estate. There is a proposal, which is what has happened, and the letters that have been sent out reflect that, there is an interim listing and there is a final real listing and I understand and I have certainly had significant representation made to me, Mr Acting Deputy

Speaker. I understand that there is something like over a 100 letters that have been dispatched to Norfolk Island residents, advising them that their portions of land, or portion of land whichever it maybe, has been nominated for listing on the Australian Registrar of the National Estate. I informally understand that the extent of this includes the perimeter of the Island, not just the coastline, but any portion of land that move to the coastline and some significant portions of land that particularly are in the Mission Rd area and there may be others. It's not quite clear at this moment about everyone, but that's some general idea of the extent of it and of course this is meant that people are extremely concerned. They are extremely concerned because none of them had been advised that this was to be a proposal and were quite rightly put out about this. But also concerned that it's something that has been, that is likely to be pursued by authorities external to this Island and on that basis there has been strong representation to me that that arrangement should be vigorously opposed. We all know that there has been a letter in the newspaper, last weekend, from the Australian Heritage Commission, setting out it's position in the matter, in which they advised that this proposed listings has been around for sometime. What was not explained, and which I mention to you now and other Members of this Assembly can confirm this of course, that in 1997 the appropriate Minister in the Norfolk Island Government advised the Australian authorities that there was no wish on the part of the Norfolk Island Government and it's representatives to pursue those listings. So the Australian Heritage Commission has earlier been advised that there is not a wish on the Island to have Norfolk Island properties in the context of that earlier arrangement, to be listed on the Australian Registrar of the National Estate. I think it's wise to mention that, because that was not mentioned in the Australian Heritage's Commission letter, that they had published last week and so this motion is encouraging Members to say that they support the earlier stand of the Norfolk Island authorities and that we support the stand that our constituencies are saying that there disturbed about. It goes to say that should any other these portions of land or indeed any other in the Island, be worthy of Heritage listing, then they be evaluated by the Norfolk Island authorities, not by authorities from afar. We all know that in the Norfolk Island package there is a Heritage component and that is being developed and the Minister who has responsibility for that may wish to have an opportunity to elaborate that and would do so better than I would. But there is that component in the land package and so there is a proposal, at some time in the future, that Norfolk Island's situation may encompass some protective measures for properties and other arrangements that may be deserving of Heritage recognition and this is saying that if we reach that stage, then we should ensure that it is handled locally and not from afar. That in a nutshell is what this motion is about and I invite Members to support it and vote for it when that stage of the meeting is reached.

ACTING DEPUTY SPEAKER Thank you. Have you finished Mr Buffet.

MR BUFFETT I was just about to say one other thing Mr Acting Deputy Speaker, if I may. I am also in the process of inviting those 100+ people, who have received such a letter, to a meeting tomorrow evening, that is Thursday evening in the Supper room of Rawson Hall, so that collectively those people may share their views and their attitudes in respect of this and agree amongst themselves as to what action they additionally want to take in addition to this motion which I invite you to support.

ACTING DEPUTY SPEAKER Thank you. Mr Ion Robertson.

MR ION ROBERTSON Thank you. As Mr Buffet, eluded to, this issue has been around for quite sometime and I thought it would be appropriate to advise those people who would be affected by this listing of these areas and also as Mr Buffet eluded to, with have the moment a Norfolk Island Heritage Registrar Implementation program, which will mean that in order to be listed on our Heritage Registrar, there are many consultations between owners of

land, the community and the Legislative Assembly, before it can even look like being registered. The Norfolk Island Heritage Act 1996 was the forerunner to this Registrar and I hope to have several copies at the meeting tomorrow evening to make it available to people. As I said it's our Heritage Registrar that I consider the important one. Not some places registrar some 1000's of miles away. Needless to say, I support the motion.

ACTING DEPUTY SPEAKER Thank you Mr Ion Robertson. Further debate. Mr Nobbs.

MR NOBBS Thank you Mr Acting Deputy Speaker. I support them motion, obviously, and what David's doing and I agree with what Ric is attempting, but the problem that I see with this Act is in Section 4, which says there that this Act does not apply to land or any item located in the Norfolk Island National Park or the Norfolk Island Botanic Gardens. Now that is in all the land package, that seems to be the case and I wonder whether we shouldn't be doing something about that because obviously those sections within the park, whilst though they don't apply to people's land, they do apply to land which is, in effort, our land. That's the first point, the second one I wish to make relates to the Heritage Registrar and I think that those particular documents, that Ric was talking about, have to be circulated. This implementation program which we've seen, I don't know whether the others have seen it, well it should be circulated widely amongst the community and I'm happy that you are taking these copies to the meeting tomorrow Ric. I don't think that there is anything else to say, except to say that we definitely support this and I would urge that a copy of this resolution, if it goes through the House, is immediately faxed to the Heritage Commission in Australia.

MR SPEAKER Thank you Mr Nobbs. Further debate. Mr Brown.

MR BROWN Mr Acting Deputy Speaker, it's generally believed that this enterprise has resulted from representations made by a small number of people on Norfolk Island and that is very regrettable. Although, I'm sure all of us would be sympathetic to the environmental movement, in my view the environmental movement has done itself great harm In anonously endeavoring to create this situation. They have created unnecessary alarm in the community and they've set there cause back by 50 years or more.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further debate. Mr Robertson.

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I totally endorse this motion. I think that the agreement that was done by the Assembly in 1997, which prompted the Minister to write to the Heritage Commission and suggest that we want no part of their side of it, but we would do it ourselves, was done on the understanding that we would be proceeding with a Registrar of our own, under the terms of reference which Ric has eluded to just recently. Whilst it's been a little slow in coming on, it is here, and it is something, I guess, that we need not to get to confused over a couple of the issues. The issue of other land and preceding with Norfolk Island to manage all of it's own land, is one issue, the Heritage side is another and we need to keep that in perspective, but in the meantime I fully endorse the actions that are being done and I sympathise with those that have been pretty frustrated over the last few days, over the way which this was handled in the first place and I think everybody received a letter from Bill Blucher, in which he referred to the feelings that he felt when receiving the letter and no doubt those feelings would be expressed by many others who no doubt will be attending the meeting that David is calling tomorrow night and I certainly support the motion as it stands.

ACTING DEPUTY SPEAKER Thank you Mr Robertson. Is there any further debate. Mr McCoy.

MR McCOY Thank you Mr Acting Deputy Speaker. I, like all other Members that have spoken before me, do support this motion. I feel that it is a bit out of line on the Commonwealth's part to step in to Norfolk with a listing of properties and without giving, I guess the relevant Minister the opportunity to further his Heritage Act and implement it, but I wonder if Mr Buffet could indicate the time of the meeting. I might have missed it.

MR BUFFET Morla. 7 o'clock.

MR McCOY Thank you.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Further debate. There being no further debate. Sorry Mr Buffet.

MR BUFFET Just to give this matter some additional emphasis, although maybe it's not totally needed at this time. Mr Robertson has just referred to a letter that Mr Blucher has written to all of us and I to have received the letter of that and I just quote some components of it so you can see the depth of feeling in certain areas. Words such as apporant to the extreme, for example, is used and serious and major infringements and this is referring to individuals property being nominated without them being given the curtesy of knowing that that is the case. There quite strong words, Mr Acting Deputy Speaker, but not withstanding them being strong words, they are quite tame in comparison to some things that many Island people have expressed their concerns to me.

ACTING DEPUTY SPEAKER Thank you Mr Buffet. Further debate. Mr Brown.

MR BROWN Mr Acting Deputy Speaker, I've noted with interest Mr Buffet's words, because I dare say, although Mr Buffet and I might not have totally understood the words that were said to us, but some fairly harse words have been said to me about the same thing and really this is another example of unacceptable interference from Canberra and I really do hope that Canberra's representative in Norfolk Island will take note of this and will urge that everyone from Canberra, be they based in Canberra or Norfolk Island, mind there own business, as far as possible, and allow Norfolk Island to get on with the job of running itself. Well meaning advice, I'm sure will always be welcome, but interference of this kind, to most people, is totally unacceptable.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Any further debate. There being no further debate, I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The motion is agreed to. Honourable Members we move to Notice No.3.

BOOKMAKERS AMENDMENT NO.2 BILL 1999

ACTING DEPUTY SPEAKER: Honourable Members we move now to Notice No. 3, the Bookmakers Amendment (No. 2) Bill 1999 and Mr Gardner you have the call.

MR GARDNER: Thank you Mr Acting Deputy Speaker. Mr Acting Deputy Speaker, I present the Bookmakers Amendment (No. 2) Bill 1999 and move – That the Bill be agreed to in principle.

ACTING DEPUTY SPEAKER: Mr Gardner.

MR GARDNER Thank you Mr Acting Deputy Speaker. I present the Bookmakers Amendment No.2 Bill 1999 and move that the Bill be agreed to in principal.

ACTING DEPUTY SPEAKER Mr Gardner

MR GARDNER Mr Acting Deputy Speaker, the Bookmakers Amendment No.2 Bill 1999 amends the Bookmakers Act 1998, to provide that a Member of the Legislative Assembly, a person who at any time during the proceeding two years, was a Member of the Legislative Assembly or a spouse, including de facto spouse or child of a Member of the Legislative Assembly, can not be closely associated with a licensee or application for a licence under the Bookmakers Act 1998.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate. Mr Gardner.

MR GARDNER Because I guess this is a fairly new and possibly controversial type piece of Legislation to be bring before the House, because it prevents Members of the Assembly being involved in business activity on the Island, a form of business activity on the Island. It may be of assistance to, not only my colleagues who have been copied with the Clause notes and explanatory memorandum, but also those in the community, to maybe explain in some more detail the actual purpose for this, Mr Acting Deputy Speaker and maybe I'll read from the notes on the Clauses attached to the Bookmakers Amendment No.2 Bill. Mr Acting Deputy Speaker, disqualified person means a Member of the Legislative Assembly, a person who at any time during the preceding 2 years was a Member of the Legislative Assembly or a spouse, including de facto spouse or a child of a Member of the Legislative Assembly. Clause 5 dealing with close associates, Mr Acting Deputy Speaker, this Clause inserts proposed Subsection 2 into the Clause that defines the term close associate. Proposed Subsection 2 provides that for the purposes of a provision of the principal Act dealing expressly with close association with the disqualified person, Paragraphs 51(a) and (b) do not apply. Rather, close association by family relationship is dealt with in the definition of disqualified person itself, that is only spouses, de facto's and children will be taken to be associated by family relationship to a Member of the Legislative Assembly. Thus, for example, a Member of the Legislative Assembly would not be taken to be closely associated with the licensee, merely because the licensee was the Members sibling or parent or connected to that sibling or parent. The effect of this is that such a relationship would not require either the licensee to forgoe the license or the Member to resign from the Assembly, however, the Member would be required to comply with the normal procedures of the Assembly in respect of the conflict of interest. Clause 6, Suitability of Application and Close Associates. This Clause inserts proposed Section 16(3) which requires the authority not to grant, renew or transfer a license to a person who is a close associate of a disqualified person. Clause 7, Insertion. This Clause inserts proposed Section 37(a) into the principal Act. Proposed Subsection 35(a)(1) provides that a licensee or applicant for a license must not enter into a close association with a licensee or applicant for a license. Failure to comply with this provision is an offence punishable by a maximum fine of \$10,000. Proposed Subsection 2, provides that it is a defence in respect of the offence under Subsection 1, that the person did not know and could not reasonably be expected to know that the person was entering into a close association with a disqualified person. This defense is particularly important where the close association arises remotely under the Change of Relationships Provision, see Paragraph 5(j) of the principal Act. Proposed Subsections 3 and 4 create a similar offence and defence in respect of disqualified persons. Proposed Subsection 5 deals with the situation where

there is an existing close association to be unwound. In these circumstances the licensee, applicant or disqualified person must immediately inform the authority of the association, as soon as reasonably practicable provide the authority with any information requested by the authority about that association and thirdly comply with any order made by the authority in respect of the termination of that association. Failure to comply with these requirements is an offence, punishable by a maximum of 100 penalty units. Under proposed Subsection 6, it is an defence to the offence under Subsection 5, that the person did not know and could not reasonably be expected to know of the association. Proposed Subsection 7 requires the authority in making an order, under Paragraph 3(a), to ensure to the greatest extent possible, that the association is terminated as soon as reasonably practicable.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Further debate. Mr Brown.

MR BROWN Thank you Mr Acting Deputy Speaker. I'm not sure of the real motivation behind this Bill, but it concerns me. This Bill would seek to prevent a Member of the Legislative Assembly from, as I understand it, providing advice to someone who wanted to obtain a Gaming License. I deliberately used the term Member of the Assembly, not a Minister and in particular not the Minister with the responsibility for Gaming. This is something that is well outside what occurs in other jurisdictions. I am not sure if it has arisen because of recent events in Queensland, but I've got no doubt that the recent events in Queensland have caused it to be furthered at the very least and Members will possibly be aware that in Queensland, some Members of the existing governing party, who were back benchers, had shares in a company, which was a small share holder in another company which applied for a license. Those back benchers lobbied the relevant Minister of Minister's in order to endeavour to secure the approval of the Internet Gaming License for that company and the particular Internet Gaming License was issued. The Courier Mail, the daily newspaper circulating in Brisbane, then seized on that and it's relevant, Mr Acting Deputy Speaker, to note that the gentleman who is the Norfolk Island Government's Gaming consultant was, in earlier times, in a similar position in Queensland. The Queensland Parliament passed Legislation in order to strip from those Members any profits which they might have made, as a result of the issue of the license and I must say that that's not hard to agree with, if it was the case that these people, as Members of the Queensland Parliament lobbying the present Labour Minister to have a license issued to a company which they had an indirect interest in. There were a number of enquires in Queensland, in particular in relation to the role of the Minister and the Minister as I understand it was completely exonerated. I wonder whether this is knee jerk reaction or whether part of this is a knee jerk reaction to what occurred there, but let's look at what is proposed in Norfolk Island. It's proposed that a person or his wife, a person who is a Member of the Legislative Assembly or his wife or his children can't have an involvement in gaming and this restriction is to apply for a period of two years after the person ceases to be a Member. So had this Bill been before the House during the first few months of this Assembly and had a person not stood for re-election after the last Assembly or had he stood and not be re-elected this Bill would have sort to deprive him of the opportunity of earning a living, in some fashion, through gaming, but at the same time it is fascinating to note that there won't be a problem if a Member's brother or sister is involved in a license and there won't be a problem if his mother or father is involved in a license. So if what we are being told is that this is going to be the strictest regime in the world, surely we would be a bit concerned about the brother or sister or the mother or the father. There is a particular person who is not a Member of this Assembly, who's son, according to local legend, has had a modest involvement in SP bookmaking, quite legal in Norfolk Island and he has run me and said is this Legislation aimed at me to try to prevent me standing again to be a Member of the Legislative Assembly and I'm not sure whether he believed me when I said no Bill, I think it's aimed at me, but I'm not sure that this Legislation is the appropriate way to make sure that we have a wonderful gaming industry in Norfolk Island. Some Members from time to time, Mr

Acting Deputy Speaker, have spoken about precuninary interests and you will all be well aware of the extent of boredom that I always declare any precuninary interest, that I may have or even may have thought to have. Members were recently circulated with a very interesting piece of paper about private interests versus public duty and that piece of paper spoke in part of the requirements that were intially set down by the present Howard Federal Government and they seemed fairly honouress and at first glance they seemed fairly honouress, at second glance they clearly related to Ministers, not to back benchers, they related to Ministers because a back bencher has no real say in the implementation of Government policy or in how Legislation is actually dealt with once it's been passed. So intially the Howard Government said you musn't have anything to do with any of these things, then it started to lose Minister after Minister and in one particular case, that was because a Minister, I'm sure quite innocently, had made a decision in relation to an industry in which he had a particular share holding. Not necessarily in relation to a company in which he had a share holding, but in relation to a industry in which a company, of which he was a share holder, had an involvement. Eventually the Prime Minister changed his Ministerial guidelines and those Ministerial guidelines now provide that if a Minister has an interest in various industries and there's the potential for that interest to conflict with his position in Parliament, he should not manage while he is in Parliament, his particular investment. So he can get someone else to manage it for him okay and then he can go about his Ministerial duties again, Mr Acting Deputy Speaker, Ministerial duties, not the duties of a back bencher. When we look at some of the other states of Australia and in particular there is a Labour state called New South Wales, there, according to this article, the present Police Minister is able to manage investments in hotel properties while holding office as a Minister. Now I'm sure that that particular Minister, who has been around the Parliament in New South Wales for a long time, does a very good job of running his Ministerial responsibilities and I'm sure that he does a very good job in employing people to run his private interests and in ensuring that those run them properly and I'm not critisincing him in any way. But here we are a place with a population, including our tourist visitors, of about 2000 and we are saying yes it's very important to do all of these things in relation to gaming and to prevent Bill Sanders from standing for election to the Legislative Assembly if his son is going to provide for a Bookmakers license and to prevent John Brown giving anybody advice about gaming, I'm not to sure that this Legislation is something that ought to be supported, Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further debate. Mr Nobbs.

MR NOBBS I just take a couple of points that Mr Brown spoke of then, he was referring to the Australian system and I think that, as he well knows, the Norfolk Island system is completely different. I mean, we don't have, we have a Government but it is controlled by every member of the Legislative Assembly. I mean, in the other, in the Federal Parliament, sure you've got your political system which allows the ruling party to provide Ministers and alike, but here, as we went through this morning, 9 members are elected onto the Assembly by the people and the 9 Members then run the show. They elect the Ministers to perform at functions, or Executive Members to perform Ministerial functions and that is the slight difference between the two situations. I find it, I don't find this a problem in anyway, I think as far as Bill's concerned, if Willie's a child then I'm a Dutchman, but there you go.

MR BROWN Point of Order, Mr Deputy Speaker. I think that it is quite offensive, quite inappropriate and quite improper and that it should be withdrawn immediately.

MR NOBBS What if Willie's a child, I'm a Dutchman, who am I impuning.

MR BROWN Your inpuning Mr Sanders.

MR NOBBS Well I don't see it that way, but I will withdraw it if you like, there is no problem about that at all.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs.

MR NOBBS But I don't the child, his reference isn't to a child. So I've got not problem supporting this particular Amendment and that's all I wish to say at this stage.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Further debate. Mr Brown.

MR BROWN Mr Acting Deputy Speaker, Mr Nobbs doesn't have a real understanding of the Docturene of Sepearation of Powers. That Docturene applies in Norfolk Island, just as it applies in Canberra, just as it applies in Sydney, Brisbane, Melbourne or Adelaide. The Legislature has particular responsibilities. The Executive has particular and different responsibilities. Sure it may the case that in any of the Parliaments a Minister could be removed by a resolution of the Parliament. But that doesn't change the fact that the role of a Minister is quite different to the role of a Member of the Legislative Assembly. One has the confusion, in our system, in the Westminster system, of the same person being at the one time Member of the Parliament and a Member of the Executive, but there is no confusion between the two roles or rather there should not be. They are quite distinct. And in so far as the question of what is a child, is concerned, Ron might be interested to know that one doesn't change ones status from being the child of ones parent, no matter how old the child or the parent may become. There is no transmutation that occurs. One stays a child and when eventually dies, if ones parent has died, one is known as he who was the child of his parent. There is nothing amazing about that. Many scientific books would help you Ron to understand it and it's very important that we not get confused, because that in this context is the meaning of a child. It is not in this context extended to be restricted to someone who is below the age of 18, 16, 12 or any other number of years. Thank you.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Thank you for the lesson. Now can we get back to the Bookmakers Amendment Bill. Mr Ion Robertson.

MR ION ROBERTSON There is one point that is fairly glaring in this and that is that the back benchers, as such, do not have access unless there are public servants also on the Assembly, to the files on Gambling and intially I had difficulty understanding why it is so important that they not have some interests in it, but anyway I will leave it at though for now and hopefully Mr Gardner will eventually adjourn this so we can think some more on it.

ACTING DEPUTY SPEAKER Thank you Mr Ion Robertson. Is there any further debate.

MR SMITH Mr Acting Deputy Speaker. I think we have go to look as it is for what it is. I remember in our initial days or months, I suppose it was with this Assembly, we talking about interactive home gaming and we had a person, I think it was David Barbootoo, come and gave us some advice. We were looking at setting up a Board at that particular time and I think it was David Barbootoo who said that we should have any Members standing well clear of any gaming intiatives, purely for their own protection, but also for the protection of the integrity of the Legislative Assembly or the Government, because if one assumes there is large amounts of money involved with gaming and one wouldn't want ones Members to be tempted by trying to persuade a decision on something to do with gaming, by the fact that there maybe an enticement from a gaming licensee or a prospective licensee. I see this really as a protection for the Member himself, him or herself. I am interested in one of John's comments about a

particular person and his child. You are working on the assumption that that person, the child will apply for a Bookmakers license. At this point in time, I don't know whether that child has a Bookmakers license, so it wouldn't disqualify Bill in the current circumstances if he did and maybe it does make a difference, but I don't think we can presume before the event. Maybe you can clarify that in legal terms for me John. But I think we have got to be a little careful that we protect the integrity of the Assembly with something like this and to that degree, from what the Minister for Health has talked to me about this particular Bill and the Gaming one which is coming up in a couple of, very shortly, it has the same thing. It's the integrity of the Assembly in dealing with gaming that is the important factor. It's not who, I don't think, whether a Member thinks they are going to be badly done by this, I'm not to sure. From that angle, that is where I am coming from, is the protection of the integrity of whoever the Member is, in any Assembly, to be standing well clear of any gaming things where they may well be able to have an influence of it and that is what we were advised right at the very beginning. I don't know if other Members remember that, but that is what I remember being told.

ACTING DEPUTY SPEAKER Thank you Mr Smith. Mr Brown.

MR BROWN Mr Acting Deputy Speaker in terms of preculanary interest it might be helpful for me to declare my situation. I do not have any connection with any person who has an application before the Gaming Authority for a Gaming or Bookmaking license. I do not have a connection with any person who intends to do that. I do have a connection, in that I provided legal services, to someone who carries out gaming in a total different jurisdiction, totally different, nothing that is done in Norfolk Island, in terms of Legislation, is going to cause me 1 cent of difficulty or 1 minute of concern, I don't care about it personally. But in terms of my position as a Member of the Legislative Assembly, in terms of thinking of other people who might want to apply for a Gaming license and other people who might want to seek assistance from someone who might happen to be a back bencher at the time, I think this is undesirable. I have advised the particular person, for whom I do work, that he should steer clear of the Norfolk Island jurisdiction and continue to do his work in the jurisdiction where he is presently doing it and I understand that is what he intends to do. If he ever decides to apply for a license in Norfolk Island, I will certainly not be providing with advice in relation to that. Thank you.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Is there any further debate. Mr Gardner.

MR GARDNER Thank you Mr Acting Deputy Speaker. I think Ron was quite right in referring to what he did in relation to John's presentation, in that article that was sent around and trying to compare, I guess, Members of the Government and Members of the Assembly, there relationship as compared to a relationship on the mainland. The activities of a Cabinet on the mainland and the influence that a Member of Parliament has over the actual operations of Cabinet on the mainland. I think it is different to here. Certainly the way I see it. George was quite right, that early in the development of gaming and internet gaming, interactive home gaming on Norfolk Island, when advice was provided on early drafting requirements and earlier bits and pieces, Mr David Baabooto a Gaming consultant, his services were retained and that earlier advice, as George says, mentioned exactly this that we are trying to deal with today and the conflict and the arms length that the Government and the Members of the Assembly need to have from gaming activities on the Island. For some reason in early 1997 this particular part of the Legislation was left out of the drafting instructions and I'm still not sure as to the reason for that. We need to consider that what we are dealing with her with internet home gaming, is a new industry. We like to think that we are at the forefront of that industry and provisions like this may not exist anywhere else in any other jurisdictions Legislation, but there is a few things that we need to consider. We need to consider our size and as I have said to Members all the

way along, since I have had carriage of this matter. What I am about is trying to maintain the integrity and the creditability of Norfolk Island as an international gaming jurisdiction, because I believe we only get one shot at it and if we were to be tarnished, as Queensland has been tarnished with the activities that occurred there, we will lose that creditability. Our integrity's gone out the door and I don't think that we will be in the future market for gaming activities. This issue, as far as what we are talking about today, was raised again with the Executives earlier this year and we had a fair amount of discussion on this subject prior to me visiting the mainland, sometime on or about June of this year for about 3 or 4 weeks. We came back, I'd toured the Queensland establishment and their gaming activities up there and in the back of my mind was the relationship that the political fear has with gaming activities in Queensland in particular. I had no idea what was about to blow up in Queensland, but sure enough, not long after getting back to the Island, Queensland faced it's difficulties and hence they had a knee jerk reaction to the problems that were caused and moved very quickly to pass some Legislation to cover the problem there. This isn't a knee jerk reaction. It's been around for a couple of years. It's been discussed. It's been discussed by all Members of the Assembly at different times. This is about ensuring that we remain out in front as a leader in the development of Gaming Legislation and being able to facilitate interactive home gaming and bookmaking from Norfolk Island. Mr Acting Deputy Speaker, I'm sure that every Member around this table is aware of the difficulties that are faced by Members of this House regarding your local domestic type matters and often it's brought up that somebody's got an interest in that, there's a difficulty there with that, there's a conflict. It happens all the time, certainly with domestic matters. That's an area that need to be dealt with at some time, we need to clarify that. Ric's taken the initiative's to try and establish some sort of committee to look into conflict and resolutions to those conflicts and how they are best dealt with by the House. That is happening with domestic matters. We experience the muddying of the water in some of those matters and I don't want to see the migration of the muddying of the waters to our activities in the international field. That is the purpose for this Legislation. It is not directed at Mr Brown. It is not directed at Mr Saunders. It is not directed at anybody else. It is not an attack to try and prevent any of those people. It is basically giving them the choice and then I'm sure having the understanding and certainly to be able to support the Government initiative to try and increase or be able to extract a new revenue source through using the Legislation and our particular arrangements with the Commonwealth, to be able to generate more income for the benefit of the whole community. Certainly, Mr Deputy Speaker, as I said before, we can't afford to let ourselves to be burdeoned with the tarnished name that our colleagues in Queensland have ended up with. We don't get another chance at it. Thank you.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Is there any further debate. Mr Robertson.

MR ROBERTSON Just one point, whilst I don't disagree with this, Mr Brown I felt has raised one issue and that is the brother, mother, sister situation, which we are dealing with the spouse and so forth we seem to have forgotten about and if you are going to look at Mr Brown, I know he does have a brother called David who comes to the Island and so if you are going to cover one then I think you should probabely look at covering the rest. The intent has been here for as, has been minced and deliverd to by the Minister for a long time and David Babootoo, I can remember him standing in this very room talking about the fact that you need to make sure that you are squeaky clean and this obviously is something which is addressing that. It's not a knee jerk and I agree with the Minister, but there is a point raised by Mr Brown, I think, which needs to be looked at. Thank you.

ACTING DEPUTY SPEAKER Thank you Mr Robertson. Mr Brown.

MR BROWN Thank you Mr Acting Deputy Speaker. I would just like to say that I disagree with both George's and Geoff's recollection of history. Whilst Mr Babootoo certainly was urging us to ensure that the management of our gaming industry was at the highest standard, he did not recommend to us what is being proposed today and what is being proposed today may have been spoken of in terms of the Government, during the course of the last year, during which time I was not a Member of the Government, but certainly it is only in very recent times that it has been spoken of by the Assembly. To put everything in context, although I have assisted someone who is carrying out gaming in another jurisdiction, I have not charge 1 cent of fees and I am somewhat behind in the terms of costs of my phone calls and fascimile charges. So there is nothing coming out my pocket as a result of this Legislation. My objection is not due at all to my own pocket, but I am quite happy with whatever decision the Assembly makes about it.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further debate. Mr Smith.

MR SMITH Thank you Mr Acting Deputy Speaker. I think I have to disagree with Mr Brown's comment about the David Baabootoo thing, about being as it referring to Ministers, because I think the issue that was raised at the time, actually Mr Buffet was the administrative person dealing with the leading up to the gaming stuff and it was raised in not that context where we were looking at who should constitute the Board and I think he was coming from, in that point in time, saying that even there is no doubt with David's integrity, but because he was a Member of the Assembly that that's where that comment had come from. So maybe I recollect slightly different from what John remebers, but other Members have already said what they thought. But the other thing to consider with this Bill too, is that it may affect any of us as Members, if we ever want to be in the Assembly, any of us may have the opportunity and it's a protection for people who you don't, Mr Brown has suggested that maybe it's referring to him or one of his friends, but it could be referring to anyone of us that has actually done time in the Assembly. So it protects us as well in that sense. Thank you Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Further debate.

MR BROWN Mr Acting Deputy Speaker. George is quite correct in his recollection that Mr Babootoo suggested that it was inappropriate for a particular member of the public service, who was also a Member of the Assembly at the time, to be the gaming authority. He certainly said that, but that is as far as it went. Beyond that, what he was saying was, you need to have an authority which needs on balance to be independent, because you should not have a situation where a Member of the Assembly is being pressured to vote in favour of a particular license being issued. Now I have a pretty clear recollection of this, because I was involved in this at the time, but I don't think that that is relevant for today. Safe to safe, that my recollection is very different to that of both George and Geoff as to what was spoken of during Mr Baabootoo's visit. Thank you.

ACTING DEPUTY SPEAKER Further debate. Mr Gardner.

MR GARDNER Thank you Mr Acting Deputy Speaker. I move that debate be adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting.

ACTING DEPUTY SPEAKER I put that question.

QUESTION PUT
AGREED

I think the ayes have it. Debate is so adjourned and the resumption of debate made an Order of the Day for a subsequent day of sitting.

TELECOMMUNICATIONS AMENDMENT BILL 1999

MR SMITH Thank you Mr Acting Deputy Speaker. I present the Telecommunications Amendment Bill 1999 and move that the Bill be agreed to in principal.

ACTING DEPUTY SPEAKER Mr Smith.

MR SMITH Thank you Mr Acting Deputy Speaker. This one should not take very long. It is not a controversial Bill as far as I know and I do intend, at the appropriate point, to adjourn the debate until the next sitting, after I have outlined what the Bill is about. The Telecommunications Amendment Bill 1999 amends the Telecommunications Act 1992 to provide that the administration and its employees are immune from liability from loss arising from failures in respect of the supply of Telecommunications services or equipment. The Act follows the form of similar exclusions in the Electricity Supply Act 1995 and the Gaming Supervision Act 1998 and if Members with bear with me I will just go through the Clauses for the sake of Hansard. The commencement date would be the day on which notification of its assent is published in the Gazette. Insertion is Clause 3, this Clause inserts a new Section 56(a) which provides that the administration and its employees are not liable for certain losses arising out of the failure of Telecommunication services and equipment. Proposed Subsection 1 provides that the administration is not liable for loss resulting from an interruption of supply of a Telecommunication service, disconnection of a Telecommunications service, a delay in connecting or reconnecting a Telecommunications service, a failure, variation or defect in any facet of the Telecommunications service or equipment failures. Subsection 1 also provides that no action may be brought against the administration in respect of these matters and propose Subsection 2 provides a mirroring exclusion in respect of acts done or admitted to be done by administration agents or employees. Proposed Subsection 3 provides that the exclusion from liability does not apply to loss arising from acts of remissions in bad faith. And I will Table a copy of the Bill and at the appropriate time, Mr Acting Deputy Speaker I will move to adjourn it.

ACTING DEPUTY SPEAKER Thank you Mr Smith. Is there any further debate. Being no further debate. Mr Smith.

MR SMITH Then I so move that the adjournment of the debate, that the debate be adjourned until the next sitting of the House which is in December.

ACTING DEPUTY SPEAKER The question is that the debate and resumption of the debate be made an Order of the Day for a subsequent day of sitting.

QUESTON PUT
AGREED

I think the ayes have it. Debate is so adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting.

GAMING AMENDMENT NO.2 BILL 1999

MR GARDNER Thank you Mr Acting Deputy Speaker. I present the Gaming Amendment No.2 Bill 1999 and move that the Bill be agreed to in principal.

ACTING DEPUTY SPEAKER Mr Gardner

MR GARDNER Thank you Mr Acting Deputy Speaker. For the sake of not wanting to bore my colleagues and the community with repetition, this is almost identical in nature to the Bookmakers Amendment Bill that we dealt with a few minutes ago and I will be moving at the appropriate time, Mr Acting Deputy Speaker, that debate be adjourned and that resumption of debate be made an Order of the Day at subsequent day of sitting.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Further Debate. Mr Brown.

MR BROWN Mr Acting Deputy Speaker. I repeat all of my earlier comments.

ACTING DEPUTY SPEAKER Thank you Mr Brown for being so brief. Further debate. Mr Robertson.

MR ROBERTSON I guess that my comment would also apply.

ACTING DEPUTY SPEAKER Further debate. There being no further debate, Mr Gardner.

MR GARDNER Thank you Mr Acting Deputy Speaker. I move that debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. I put that question.

QUESTION PUT
AGREED

I think the ayes have it. Debate is so adjourned and resumption of debate is made an Order of the Day for subsequent day of sitting.

CUSTOMS AMENDMENT NO.3 BILL 1999

MR SMITH Thank you Mr Acting Deputy Speaker, I present the Customs Amendment No.3 Bill and move that the Bill be agreed to in principal.

ACTING DEPUTY SPEAKER Mr Smith

MR SMITH Thank you Mr Acting Deputy Speaker. I am dealing with the Customs side of this, Mr Robertson the Minister for Tourism and Commerce has been dealing with the substantial part, not of the Bill, but of the processes. The Customs Amendment No.3 Bill amends the Customs Act 1913 to provide for a reduced rate of duty in respect of the processing of precious stones in a bonded warehouse under Customs control. If such stones are exported without undergoing such processing they will be dutied at the normal rate of 10%. Precious stones entered for home consumption following processing will also be subject to a 10% rate. Starting at Clause 4, this Clause amends Section 1(c) of the principal Act to provide that duty is payable on precious stones imported for processing under Customs control in accordance with Section 2(b)(a)(a). Clause 5, *the insertion*, this Clause inserts a new section to be a 2(b)(a)(a), that's duty on precious stones imported for processing under Customs control. That proposed Section provides the duty rate for precious stones imported for processing under Customs control is a ½ % or the other rate as prescribed. Clause 6 amends Section 2(b)(b) of the

principal Act consequential on the conclusion of proposed Section 4(a)(c)(b). Clause 7, relates to import entry, this Clause deals with Section 4(a) of the principal Act so that it provides for the making of an import entry specifying that precious stones are imported for processing under Customs control. It provides that unless the import entry for a consignment of precious stones indicates that the stones are entered for processing under Customs control, the consignment will be taken to be entered for home consumption. Clause 8, this Clause substitutes paragraph 4(a)(b) of the principal Act and the existing paragraph works on the basis that an import entry indicates that goods are entered for home consumption. The actual position is that goods are to be taken for home consumption unless the entry provides otherwise, amended paragraph b. reflects that position. Clause 9, this Clause inserts the proposed Section 4(a)(c)(a) and 4(a)(c)(b). Proposed 4(a)(c)(a) - *Import entrance clearance*, precious stones entered for entry under Customs control, parallel Section 4(a)(b). This sounds all very technical, Mr Acting Deputy Speaker, but it's important and Section 4(a)(b) actually deals with the entry of tobacco products for special warehousing. The proposed Subsection 1 provides that the collector must pass an entry under this section, if an entry has been delivered to the collector in relation to goods that are precious stones, the entry indicates that precious stones are entered for processing under Customs control, the collector is satisfied about the value of the goods and the duty payable on them and the importer holds a warehouse license providing for the processing of precious stones under Customs control. Proposed Subsection 2 provides that the owner of the goods must comply with the collector's written directions about movement, storage, handling and security of the goods and accounting for the quantity of the goods from time to time. Subsection 3 provides that precious stones so entered must not be exported unless either the collector has certified that it has been subject to significant processing or that the stone has been subsequently entered for home consumption. Failure to comply will have a maximum fine of \$2000. Under Subsection 4, if the stone is exported in contravention of Subsection 3, the importer will be taken to have requested the collector of Section 4(a)(c)(b)(2) to enter the stone for home consumption. Subsection 5 provides that the collector must certify that a precious stone has been subject to significant processing, if that processing has led to the value of the stone increasing by not less than 10%. However, this does not limit the circumstances in which the collector can certify that a precious stone has been subject to significant processing and proposed Section 4(a)(c)(b) *Precious Stones – Converting, processing under Customs control and entry for home consumption*, provides for the subsequent entry for home consumption of precious stones entered for processing under Customs control. Under Subsection 2, the collector may, on request by the owner of precious stones entered for processing under Customs control, revoke that entry and enter the goods for home consumption. Subsection 3 provides that the subsequent entry must be in writing. Subsection 4 provides that the owner's request will be taken for an entry for home consumption. Subsection 5 provides that duty will be payable on subsequent entries at the applicable rate of 10%. No provision is made for a refund of duty at the charged rate of .5%. Subsection 6 provides that subsequent entries for home consumption cannot be exempted from duty, under Section 2(a) or 2(b). Subsection 7 provides that the collector may refuse to enter goods for home consumption if the answer to a question asked by the collector in respect of the goods is outstanding. Clause 10 is about import entrance clearance and the deferral pending payment of duty. Clause 11 – *Customs control of goods*, this Clause amends Section 5(a) of the principal Act to provide that precious stones imported for processing under Customs control are under Customs control until exported or subsequently entered for home consumption and Clause 12 – *Goods on which drawback is allowed* and it amends Section 13 of the principal Act, to comprehensively prevent persons using the drawback provisions to take advantage of the Legislative changes and to provide that the drawback provisions do not apply to duty paid or payable under Section 2(b)(a)(a) in respect of precious stones entered for processing under Customs control. I thought it was important to go through those Clause's before Gary tells us what is the main thrust of what we are doing, those are in relation to precious stones being imported under Customs control for re-export.

ACTING DEPUTY SPEAKER Thank you Mr Smith. Further debate. Mr Robertson.

MR ROBERTSON Thank you Mr Acting Deputy Speaker and thank you Mr Smith. The members will be aware that discussions were held with Mr Warren Langman regarding the establishing of a diamond cutting facility on this Island. Not only a diamond cutting facility but the extension of that to train a couple of youth on this Island to become in the industry of diamond cutting, to get them tutored up, sent away, learn all about it and establish a small business here. To do that there was a necessity to compete with the diamond cutting countries of the world, in which diamonds are imported in their ore state, are not subject to duty, but once the stone is completed, if sold locally, then obviously whatever duties apply, but if it is exported out again it would allow a reasonable exporting business to get established. Bearing in mind that the original packet of diamonds that comes into the country is not the same by the time it's been cut or export, or if it's kept here then the normal rates of duties would apply. It might help members, because this is a fairly extensive piece of Legislation, which has been put together after extensive consultation with the controller of Customs and his 2 IC and it was only after those extensive consultations that this put together to enable this system to work in accordance with the best practices that were suggested by the Customs officials. I think it might be better if I circulate Members with documentation that is previously gone out, but with some other explanation as to what's happening now, during over the next couple of weeks, so they can get a better idea of how the industry is going, what's happening and how all this all relates to that. Thank you Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Thank you Mr Robertson. Further Debate. Mr Nobbs.

MR NOBBS I have a query on this Gary and on page 4 it says that Subsection 5 provides the duty will be payable on subsequent entries at the applicable rate of 10%, no provision is made for refunded duty charged at .5%. So does that mean that it will be charged, so they will have to pay 10.5%.

MR ROBERTSON This is on

MR NOBBS Subsection 5 in the general outline.

MR ROBERTSON I'm lucky I don't have one of those things. Excuse me Mr Acting Deputy Speaker, if you wish to continue on with anybody else while I just sort this matter out and I will get back to Mr Nobbs.

ACTING DEPUTY SPEAKER Thank you Mr Robertson. Any further debate on this matter. If there is no further debate we will just give Mr Robertson a chance to get back to us on that question Mr Nobbs. Mr Brown

MR BROWN Mr Acting Deputy Speaker the purpose of this Legislation, as I understand it, is to facilitate the establishment of a new industry on Norfolk Island. That facilitation is not really going to cost the Norfolk Island Government very much, because if we don't make some form of concession, of this type, it will simply not be viable to endeavour to establish the industry here. Establishing the industry will have the potential to provide employment and it will over time involve equipment being imported to the Island. It will also involve potentially people coming to the Island to look both at the industry itself and at the products which are coming from it. As I see it we are not giving away any existing revenue and as I see it, this is the type of the support which is valued for us to be giving to a new industry.

We have talked of doing it in other context, such as the coffee industry, I have no difficulty in supporting it in this case.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Mr Robertson.

MR ROBERTSON Thank you Mr Acting Deputy Speaker. In answer to the question that has been raised by Mr Nobbs regarding would they pay 10.5%, in actual fact yes. The discussions were held with the importer, or the manufacturer or what ever you would like to call it, the diamond cutter and for them to actually go through the procedure of checking to find out which stone is which and the actual physical effort, it was more difficult to access that than to actually worry about the ½ % and they have said in the end forget it, but it would take to much effort to work out that particular thing. It is easy just to say lets make it 10.5%. So there is no difficulties here at all. That has been agreed to.

MR NOBBS I just thought it had been put in there, well not put in there but overlooked because it dosen't encourage it at 10.5% as against 10.

ACTING DEPUTY SPEAKER Further debate. There being no further debate. Mr Smith

MR SMITH Thank you Mr Acting Deputy Speaker. I move that debate be adjourned and that resumption of debate made an Order of the Day for a subsequent day of sitting.

ACTING DEPUTY SPEAKER I put that question

QUESTION PUT
AGREED

I think the ayes have it. Debate is so adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting.

COMPANIES AMENDMENT BILL 1999

MR BROWN Mr Acting Deputy Speaker, I present the Companies Amendment Bill 1999 and move that the Bill be agreed to in principal.

ACTING DEPUTY SPEAKER Mr Brown.

MR BROWN Mr Acting Deputy Speaker, this is a private members Bill, but it is something which has been outstanding for quite sometime, it's actually something in relation to which I had asked the drafting instructions be prepared during the time of this Assembly when I held Executive office and what I have done on this occasion is to prepare a Bill and to present it to the House and I will now be asking the Legislative Council to review the drafting and to make any amendments. I will be providing an explanation to Members of the purpose of the proposed amendment and I will be hoping, in fact, that the Government will take the Bill over as Government Bill. To briefly summarise it, the purpose of the Bill is to enable the incorporation of a company to be transferred from Norfolk Island to Australia. In doing that there would be no adverse impact on the Australian purse, because the companie would be being transferred into Australia. In terms of Norfolk Island, there would be a potential adverse impact, in that Norfolk Island would cease to receive annual return fees, but on the other hand a company would only be being transferred if it was no longer a desire to retain it in Norfolk Island and the alternative is it simply liquidate the company. The draft has been based on the corresponding

Section of the Australian Corporations Law and that Section provides for the transfer of incorporation from one State to another in Australia. The Corporations Law also provides for the transfer into Australia of companies from other jurisdictions, but it necessary for the registrar in the place of incorporation to sign a certificate consenting to the transfer. There is debate as to whether the registrar needs to have Legislative support for his consent to a transfer or whether he can simply consent in the absence of specific Legislation. My own view is that it is for the registrars protection that it would be wise to have specific Legislation and it is for that reason that I have introduced this Bill. I propose to move it's adjournment at an appropriate time and as I said to then ask the Legislative Council to view the drafting of the Bill and to provide a more detailed memorandum to Members explaining the Bill and as I said I hope the Bill will then be taken over as a Government Bill.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Is there any further debate. There being no further debate.

MR BROWN I move the adjournment.

ACTING DEPUTY SPEAKER The question is that the debate be adjourned and resumption of debate made an Order of the Day for a subsequent day of sitting.

QUESTION PUT
AGREED

I think the ayes have it. Debate is so adjourned and resumption of debate made an Order of the Day for subsequent day of sitting. Honourable Members we move to Orders of the Day.

ORDERS OF THE DAY

GAMING SUPERVISION AMENDMENT NO.2 BILL 1999

MR GARDNER Thank you Mr Acting Deputy Speaker. Maybe it would be of some use to refresh Members thoughts on this matter. It basically deals with an administrative matter and maybe also to keep Mr Bates happy on the attached costs of Bills introduced into the house, there seem to be negligible costs in association with this, it purely an administrative type matter. The Gaming Supervision Amendment No.2 Bill 1999 deals with the issue of protection from release of information provided by law enforcement agencies and follows the form of similar controls in the NSW Casino Control Authority. This protection is necessary to ensure the co-operation from various law enforcement agencies in assisting in investigations and pro-abetting of prospective licensees and their close associates. The Amendment also includes a further provision restricting actions against the administration or authority a person engaged by those bodies or any person performing any power or function under this or any prescribed Act arising out of the cancellation, suspension or variation of Gaming Licenses. Section 25 of the Gaming Supervision Acts 1998 is repealed by this Amendment.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. The question is that the Bill be agreed to in prinicipal. Is there further debate. There being no further debate then I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Bill is agreed to in principal. Honourable Members we know move to the detail stage. Mr Gardner I look to you to move your detail stage amendments dated 19th October 1999 as previously circulated.

MR GARDNER Thank you Mr Acting Deputy Speaker I move that detail stage amendment dated 19th October 1999 be taken as read and agreed to as a whole.

ACTING DEPUTY SPEAKER Debate, Mr Gardner.

MR GARDNER Mr Acting Deputy Speaker the purpose's of these detail stage amendments, it was not thought a good idea to allow the parties to whom information relates, the right to authorise the release of that information. Such parties could use this as a means to get access to law enforcement agency intelligence information about themselves to which they would not otherwise have access. Basically Mr Acting Deputy Speaker, the other Clauses deal with drafting issues.

ACTING DEPUTY SPEAKER Thank you Mr Gardner. Further debate. Mr Brown.

MR BROWN Mr Acting Deputy Speaker this is a fairly significant thing that we are proposing to do. We are proposing to deny someone the opportunity to find out what has be said adverse to him in the event that he is wanting to appeal against a decision, or at least that is the way I understand it. That's very significant, it's big brother stuff, it's saying that we will make a decision and we will not tell you why we have made the decision and we will not allow you to find out. I don't have difficulty in supporting that if the Minister can tell us that that is standard legislation in other places, on the other hand if it is further legislation that will be unique to Norfolk Island, I think we should at least think about that before we pass it.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further debate. My question is that the details stage amendments is, Mr Brown.

MR BROWN I haven't heard anything from the Minister, I will be voting against it if I don't hear anything,

ACTING DEPUTY SPEAKER Well it's up to the Minister if he responds. Any further debate. Then I put the question that details stage amendments be agreed to.

QUESTION PUT

Would the Clerk please call the House

| | |
|-----------------|-----|
| MR SMITH | AYE |
| MR BUFFET | AYE |
| MR BATES | AYE |
| MR ROBETSON | AYE |
| MR GARDNER | AYE |
| MR ION ROBINSON | AYE |
| MR McCOY | AYE |
| MR NOBBS | AYE |
| MR BROWN | NO |

MR BROWN And could you please note that I have done so because I believe it is a denial of natural justice and basic rights that someone be denied the opportunity to obtain that information.

ACTING DEPUTY SPEAKER Thank you Mr Brown. The next question is that the detail stage amendments are agreed to. The question is that the Clauses as amended be agreed to.

QUESTION PUT
AGREED

The ayes have it. Clauses as amended are agreed to. Final question is that the remainder of the Bill be agreed to.

QUESTION PUT
AGREED

The ayes have it. The remainder of the Bill is agreed to. I now seek a motion that the Bill as amended be agreed to. Mr Gardner.

MR GARDNER I so move Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER I put that question

QUESTION PUT
AGREED

Do you wish the House to be called.

MR GARDNER No thank you.

ACTING DEPUTY SPEAKER The ayes have it. The Bill as amended is agreed to. Honourable Members we move to Order of the Day No.2.

PUBLIC SECTOR MANAGEMENT BILL 1999

MR SMITH Thank you Mr Acting Deputy Speaker. This is the Public Sector Management Bill 1999, Member will recall that in the last sitting of the House we adjourned the debate to this sitting for various reasons, because some Members had some queries in relation to the Bill as it was, including the Human Resources Policy. One of the reasons that was given for adjourning at that particular time, was because we really didn't have a proper comment from the Federal Department or the Minister in relation to the Bill. We now do have that and I have the letter here from the Office of the Administrator to confirm that they have, they don't actually consider the differences to be so great in our Bill to justify recommendation that assent would be refused. So we do have that, the other part of the reason for adjourning was to allow further work to be done by some of the Members who wanted to make some more changes, who had felt that we hadn't finished the processes which I at the time thought we had. Since the last sitting we have had various opportunities for, not only Members of the Assembly but also Members of the Public Service Association and also the Chairman of the Public Service Board to have discussions with us. Mr Acting Deputy Speaker we have been through those processes now to a point where I have the Bill, the last version of the Human Resources Policy and we have listed on today's program a number of amendments that are going to be proposed by Members around the table, including some by myself, and I think it is now at the stage where we have gone as far as we can and I think we are at the stage where the Bill can be agreed to. I still say that maybe some people are not totally happy, but I think that the government is happy with it and I hope that most Members are and in saying that in the process

of getting the Bill into action, because it won't come into action today of course, that if there is any other minor changes that we need to make we can probably do that at the next sitting and still do that before the Bill actually comes into being. So at that point I will leave off to see if there is any other further debate and then we will move to the detail stage which is where the amendments will be made. Thank you Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Thank you Mr Smith. The question before us Honourable Members is that the Bill be agreed to in principal. Is there further debate. There being no further debate. There being no further debate I will put the question, sorry Mr Buffet

MR BUFFET Mr Acting Deputy Speaker, could I just say I just made some brief mention when this was last on the table and if I could just make some brief words again before we get to the first stage of voting. The Public Sector reform package has two parts and we all understand that, it has a legislative part and it has a Human Resources Policy part. The bit that we are looking at today is the Legislative part, the Public Sector Management Bill. The efforts are good in bringing forward this legislation. It endeavours to bring into being a greater accountability in the service. It endeavours to bring in a greater flexibility, flexibility in the deployment of people who work in the service. It has introduced some modern provisions, that weren't there before, such as appeal provisions and those things are good in the efforts of it being brought forward. The way it has done it is to move significantly the authority for employment from a neutral body, if I can use that term, which is the Public Service Board, more into the political arena into the Legislative Assembly area and that's quite a significant change, but it does give effect to some of those things, it does bring into account the accountability arrangement and there are some other provisions, it does give flexibility in deployment of people, that's more in the role of the CAO or the CEO as it is now described in the piece of legislation that is in front of us and I have already mentioned some of the appeal provisions that weren't there before. My examination and discussions have shown that as far as this component is concerned, that is the legislative component, there are some adjustments that can be helpfully made and that is reflected in a number of amendments that we will consider shortly, from a number of people on the floor of the House and they are worthy of looking at. I wouldn't want to claim that this piece of legislation with that adjustment is a perfect piece of legislation. I think it still has some significant difficulties, but it is difficult to test how difficult or whether some of them are not difficulties at all, it is difficult to assess at this stage and so when we come to the detail stage I will be endeavouring to bring forward some amendments in company with others to, what I consider, to improve what is in front of us at this moment. Can I now just turn briefly to the other component, the second part of the package which is the Human Relations Policy. You will understand for the package to be complete and wholesome, these two components need to be both present and upheld together. The Human Resources Policy is significantly incomplete, indeed in its present stage, I think if we are trying to bring forward a package, that it gives people comfort around the table and in a wider sphere, that it is as yet unsatisfactory and so I need to say that until that component is tidy then the package itself has grave difficulties with it. I'm not saying that they can't be tackled and remedied and brought to a fruitful end. I am just trying to identify at this point that there is that grave deficiency in the packet. I think that is all I need to say in an introductory sense at this moment.

ACTING DEPUTY SPEAKER Is there further debate Honourable Members. Mr Brown.

MR BROWN Mr Acting Deputy Speaker I have listened with interest to what Mr Buffet has said. Members will recall that I have had extreme difficulty throughout much of this matter at the Chief Minister assuring Members of the service that there were going to be no changes made to the terms and conditions of employment or to any other aspect of their employment as a result of this legislation and most of us had previously understood that the

whole purpose of the legislation was to actually reform the public service. The Chief Minister told us that it was very important to have the Human Resources documentation completed before the legislation was finalised and we are now told that the Human Resources documentation is in fact incomplete. That concerns me greatly because of the fact that I understand that most of us think this is going to bring about reform in the public service and the Chief Minister thinks it's going to entrench past practices. Unless the Chief Minister can convince us that the Human Resource Policy's have been completed in a proper and professional fashion and that are going to stand any scrutiny and that they do achieve the aims that were there original aims I would have difficulty in supporting the matter proceeding today. Thank you.

ACTING DEPUTY SPEAKER Further debate Honourable Members. The question before the House is that the Bill be agreed to in principal. Chief Minister.

MR SMITH Thank you Mr Acting Deputy Speaker I pick up on what Member Mr Brown has just said. I would be really, really surprised if Mr Brown doesn't support this today, actually it would be quite ironic, but the fact that this thing has been around on the table for so long, a matter of months and we have discussed it at many MLA meetings, I have given all Members the opportunity to come and talk with myself and other people, including the PSA, have done a sterling job in keeping up with all of this, in particular Members that have been involved. If Members don't understand what has been said all along, that's not my fault, I've got to say that. Mr Buffet is correct, that there are things that aren't, that need adjusting, but that is part of the process. It is exactly what we have been talking about all along. The Bill and the HR Policy go together, once we get into that we make the adjustments to the HR things then. They may be out of date and need some adjustment, that can have agreement from within the service or the Government or the Assembly and that's a process that we still have to go through. I can't see what the concern there is, unless we want to throw the whole thing out and start again, I certainly don't want to have to put people through that process again, but this is what we have been saying all along in many forums and many forms. Mr Brown is correct that have said through this whole process that I expect peoples terms and conditions will remain the same, if there is going to be changes that are made to those, that's up to the negotiating process that will come in with the new Bill and the HR Policy. There should be no doubt in any Members minds that that's what were on about, as David would say. I think we are that stage where we really need to deal with it, if we are going to get into discussion about delaying or not supporting today, as Mr Brown has said, I would be declined to want to withdraw it all together and I think that would be a total waste of the resources that has gone into developing this Bill and the support of reforms that are intended with it. Particularly within much of the public service, not all of the public service, I agree. Members around the table here have shown support in a lot of ways and I really, really would have thought that by today, if members still had any problems, they would come up with amendments, which members have done or have nothing else to say on it. I don't mean that in a sense that nobody should say anymore about it, I welcome any more comment, but I am sure that we are at the stage now where we should get serious about it and get into it and pass it today.

ACTING DEPUTY SPEAKER Thank Mr Smith. Mr Buffet

MR BUFFET Mr Acting Deputy Speaker, there isn't a question that we have to start again. What is a question as to whether we continue to give it the thrust that we are now giving it, to complete the package. It's not a matter of having to start again, it's a matter of continuing with some vigorous attention to those areas and there are significant areas in the Human Resource's Policy that are just black holes, there just gaps. The question is whether we give vigorous attention to tidying that package and when we have tidied that package then we give the nod or otherwise to that total and complete package. At present, as I have just

mentioned, there are significant holes and my preference is, I make no bones about it, that everybody would be better equipped in this whole arrangement to know what the totality of the package is and therefore know and be comfortable as to what it can achieve. We have all made mention of some of the things that we want to achieve in it and I think that they are laudable things to endeavour to achieve, but some of them are quite, there are big gaps. It's been repetitive now but I have made the point.

ACTING DEPUTY SPEAKER Thank you Honourable Members, the question before the House is that the Bill be agreed to in principal. Further debate, Mr Nobbs.

MR NOBBS Thank you Mr Acting Deputy Speaker I just, I would firstly like to commend George and his assistance on progressing it to the stage it is, but to be quite honest with you I provided a motion in some two or three meetings ago, I think when it was now, and because I didn't believe that we would get to this stage, get this thing through, or having a possibility of getting it through before next year and I just wanted to make that point clear. What started the whole deal was John Howard and associates report that's cost us a heap of bread and made a number of recommendations. Now whilst it said that this thing, the package is not complete, we have gone a fair way to accept all, most of the recommendations by Howard in relation to the Public Service and the operation of the Public Service Board and those sorts of things. I think what we did in the Human Resource Policy was to put, I think what has been put in there hasn't it, that all the existing conditions are retained and that if there are going to be changes there will be a need for a negotiation. Now this will go on and on infinita. I mean it doesn't stop here and I don't think that, in all due respects to Mr Brown, that we should stop the process now because everything is not in place, that maybe thought of as being appropriate and there have been some things that have come out and we were given a document the other day, which listed a matrix of activities or changes that are required. Well these are part of the negotiation process, I believe, and what we need the framework in which to operate it. As far as the loss that Mr Buffet refers to, I don't think it's a loss actually and as I've said before if I was in the position to be employed, I wouldn't mind being employed under this system, no problem at all and as far as the old system versus the new, I still think that the CAO used to pretty well run the show whether he liked it or not, but he was very influential on the Public Service Board and that's nothing new. I don't think anybody will say against that and there was nothing wrong with his influencing the Public Service Board in his position on the Board. So I mean, what we have got now is a clear responsibility that the CEO, as he or she is to be called, is to be called, is the one, he's the man or the woman and he can't hide behind the Public Service Board or whatever it is and now and most important, I believe, and David did refer to it, was that you have in place an appeal process and I think it is most important that that has, I've got some amendments following, an amendment which I hope will improve things, but I've got no problem in supporting the Bill going ahead today. Thank you.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Is there further debate Honourable Members. Mr Bates.

MR BATES Thank you Mr Acting Deputy Speaker I have no difficulty in proceeding with the Bill being agreed to in principal, but there are some pretty heavy amendments, came in Mr Nobbs, I saw this morning for the first time it may have been available last night and I've quite, I think they make a lot of sense. There are some amendments by Mr Buffet that have been around for a couple of days, but really as far as public exposure goes, none of those amendments have really have any. I'm a little bit nervous about passing it right through to it's final reading today with substantial amendments not being public knowledge and not having a good public hearing. I've got no idea what other members around the table think about some of these, I've got none at all. I suppose I'll find out during debate, but I think it is a bit of a

shame that if you have a Bill around for a few months and then suddenly you have substantial changes to it with no public consultation or no chance of public consultation or debate. I think it makes a little bit of a mockery of the total process, but that is just my feelings on it. I am quite happy to agree to it in principal, I intend to agree to it in principal, but I'm a little bit nervous about taking it through to it's final reading without those amendments having proper public exposure.

ACTING DEPUTY SPEAKER Thank you Mr Bates. Further debate Honourable Members. Mr Nobbs.

MR NOBBS Thank you, I will just make one comment on that. In relation to these amendments, following the last meeting we had a, George has arranged a couple of meetings with the Public Service Association as well as representatives of the Public Service Board. This amendment that I propose came out of a meeting on Monday, which all MLA's could have attended, if they so desired, and that was sort of agreed to at the time that we should progress something along the lines that was suggested and I think David had some which he was going to work on and on it went. So I don't know Brian, I would have thought, well my amendment has had a bit of airing. It has been a part of a discussion before.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Further debate Mr McCoy

MR MCCOY Thank you Mr Acting Deputy Speaker. When this Bill was originally tabled or this Paper was tabled, I did have concerns with it and I've had many meetings or participated in the meetings that all Members could have been at. I've had discussion with the Chief Minister, Mr George Smith. I've also had discussion with legal draftsman, James Williamsom, who has spent hours and hours putting this together and as Mr Nobbs indicated, yes we had another meeting with members of the PSA on Monday after the Members meeting and we did discuss certain amendments that may be fruitful to, well relieving some of the problems that I saw with the Bill and these amendments are all now here before us and believe me the amendments that will, hopefully will get up this afternoon, will alay some of the fears of that I had. That this particular Bill was creating a situation where we had political appointments in the management area of the Public Service and it also appeared that we would finish up with a committee type situation running the service. But yes, as Mr Buffet indicated, there are still some holes, in particular the Human Resources Policy, but the discussion that had been around earlier on, when the original Bill was tabled and we would not support it until we saw the Human Resources Policy. Well the Human Resources Policy is here, we are trying to set up a management group to implement the Human Resources Policy. So on those principals I will support the Bill.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Further debate Honourable Members. The question is that the Bill be agreed to in principal. Mr Robertson

MR ROBERTSON Thank you Mr Acting Deputy Speaker. I support the Bill. When the Human Resources Policy was first tabled, I did have some concerns and I expressed those concerns at a meeting and nominated that there are a few anomalies and went through them page by page, be told at that time that they were well aware of those situations and that there would be a series of discussions, meetings, whatever over the next 6 to 7 months, which would address those anomalies and rectify them and I notice that of course, that Ron has already eluded us to, is this Human Resources Policy and procedure document which has been set out, indicates which concerns will be expressed, at what time and what there priorities are. Which then covers my concerns, as to where I was a bit worried about things that were tending to be there and that needed to be changed. As far as the amendments go, which have been tabled or given to us, over

the last two days. I don't see any major problems with those, there is one deasy one coming in and I will be speaking to that at the time, but the rest of them I don't find to many problems, most of it is correcting drafting areas and other bits and pieces and tidying up some of the areas of concern that have been raised. Quite frankly I don't have to many problems with them, but we will discuss them when the time comes.

ACTING DEPUTY SPEAKER Thank Mr Robertson. Further debate Honourable Members. Mr Smith.

MR SMITH Not wanting to say to much more about it, I think what is coming out from around the table today, is there is some Members do have some concerns, but I think that some of the amendments may fix the concerns that had been around before. There will be things that will need to be adjusted in the Bill, as we do all the time with other legislation. The HR Policy, I think David's point with that, quite rightly so, is that we can't just let it just stop tomorrow and not get on with the job of doing things that need to be done with that and that's very important that we start work on that side as soon as we can and I'm happy to carry on in the vein that we have been going to achieve that. I am pleased to hear that most Members are showing general support now, because it's important, not only to the Assembly, but to the Public Service if we were going to be taking all different directions in this. It would show that we are not showing the leadership that we need to show to the service in dealing with something like this. I've been apprehensive about the thing, I've been quite honest about that right from the start, but I've got to the stage now where I'm reasonably, I'm comfortable with almost everything in there. But I won't be surprised if people come to me tomorrow or in the next few weeks and say hang on this is not right, can we fix this before it all comes into place and I would be happy to do that. I think I will leave it there Mr Acting Deputy Speaker, so we can get on with the amendments.

ACTING DEPUTY SPEAKER Is there further debate Honourable Members on the question that the Bill be agreed to in principal. There being no further debate I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Bill is agreed to in principal and we move to the detail stage and Mr Smith, Mr Buffet, Mr Nobbs and Mr Brown have all four shaded detailed stage amendments. I look to Mr Smith first to move his amendments.

MR SMITH Thank you Mr Acting Deputy Speaker, I move the detailed stage amendment dated 15th November 1999 be taken as read and agreed to as a whole.

ACTING DEPUTY SPEAKER Thank you Mr Smith

MR BROWN Can I move an adjournment. If I could just speak briefly to it. We have approved the Bill in principal, we are now done to the stage of looking at the various amendments. Mr Bates is quite correct in that the amendments have not had public circulation. It may well be thought to be a proper course to adjourn at this stage and to circulate the amendments in view to finalising the Human Resources Policy and finalising the amendments at our next meeting and that's the reason that I have moved an adjournment.

ACTING DEPUTY SPEAKER Thank you Mr Brown. I put that question Honourable Members. That debate be adjourned and made an Order of the Day for a subsequent day of sitting

QUESTION PUT

Would the clerk please call the House

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|------------------|-----|
| MR SMITH | No |
| MR BUFFET | Aye |
| MR BATES | Aye |
| MR ROBERTSON | No |
| MR GARDNER | No |
| MR ION ROBERTSON | Aye |
| MR McCOY | Aye |
| MR NOBBS | No |
| MR BROWN | Aye |

The result of voting Honourable Members, the ayes five the noes four the motion is agreed that the debate be adjourned and made an Order of the Day for a subsequent day of sitting. Honourable Members we now move on to Order of the Day No.3.

STATUES AMENDMENT – PUBLIC SECTOR MANGEMENT BILL 1999

ACTING DEPUTY SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principal. Chief Minister you have the call

MR SMITH I don't know if I want it. Mr Acting Deputy Speaker this is the Statues Amendment – Public Sector Management Bill, I've got to admit it's flawed me, I don't know where I am at the moment. We have some amendments to the Statues Amendment detail stage, ah yes, this refers to the provident account, the Provident Act and I think Members shouldn't have any difficulty with this one, because we have said all along that we won't make any changes to that at the request of the members of the Provident account, but we have had to make some changes, of course, to take up some of the new things that are in the Bill. Since the last sitting there has been some changes proposed, some minor amendments really to fix up a couple of problems that were forseen in the Bill and so we have some amendments, I have amendments that are to be proposed at the detail stage. Thank you Mr Acting Deputy Speaker.

ACTING DEPUTY SPEAKER Thank you Mr Smith, the question before the House is that the Bill be agreed to in principal. Further debate. Mr Bates.

MR BATES Thank you Mr Acting Deputy Speaker I think I would just like to put it clearly for the Members benefit that I see here on the blue sheet that it says some detailed amendments were my amendments. Members will recall that when I saw the first draft of the Statues Amendment Bill, it was through my work and my involvement with the problem over many years that I saw some administrative problems with those amendments that had gone through the way they were. I didn't see that there was any great change in policy involved in them, purely administrative. There is a small change in policy that came out of it and I didn't go into that. It was simply changing the Members contribution to 5% rather than 5cents in the dollar or part thereof. It's not much different, all it means is if your salary is \$1 you contribute 5cents, if it's \$1.01c you contribute 10cents, so right down the line the person was contributing more cents than the administrations equivalent of 5%. It was always less than 5 cents, it was always a very small amount because of the odd amount of salary and I have no difficulty with that but there were some things that, I thought would put more workload in the accounts branch when it came under pays and I didn't think that was intended by the legislation and because of

that I got myself involved as the internal auditor with talking to Mr Williamsom and trying to just overcome those difficulties and I think that is where a little bit of confusion has come in that some of these amendments might be mine. They are certainly not mine as an MLA. I tried very carefully not to influence the Policy in any of those. There was one part that was in it that may have bordered on the policy and that was with the Executive Member being able to approve investments. The Provident fund has never envisaged in the past any investments other than those that, in which the principal remains in tack and earns interest. Never envisaged or never had in the past envisaged investments might be in shares, where the principal could be eroded away or whatever and I did suggest to James that it would make a lot of difficulties with the rest of the administration of the Act if an Executive Member were able to invest in other than straight out interest bearing, things like bank, IBD's and Government Bonds those type of things. So to the extent that that was a policy change in there, I did try to influence that the Executive Member could not come in and say invest the money in AMP shares or something like that and run the risk of the principal being eroded away. But other than that there are things that James has been very good on that, I am pretty sure that the amendments that appear in there as though they are my amendments have been the work of the draftsman and purely relate, as I have tried to explain it to the Members of this house.

ACTING DEPUTY SPEAKER Thank you Mr Bates. Is there further debate Honourable Members. The question being that the Bill be agreed to in principal. There being no further debate I put the question.

QUESTION PUT
AGREED

I think the ayes have it. The Bill is agreed to in principal. We move now to the detail stage and Mr Bates I look to you to move the detail stage amendments, but having taken notice of what you have just said possibly pass those over to the Chief Minister and those detail stage amendments are dated 16th November 1999 as previously circulated.

MR SMITH Thank you Mr Acting Deputy Speaker I didn't hear what Brian said, but I think I can see what he was saying and I would like to move that detail stage amendments dated 16th November 1999 to the Statues Amendment – Public Sector Management Bill 1999 be taken as read and agreed to as a whole.

ACTING DEPUTY SPEAKER Thank you Chief Minister. Debate Chief Minister

MR SMITH I have little more to say on this one. The simple changes that have been made in these detail stage amendments are on the advice of Brian and the legal draftsman of course and I don't think it creates any problems, well it won't create any problems and sooner we move off this one the better.

ACTING DEPUTY SPEAKER Further debate. Mr Brown

MR BROWN Mr Acting Deputy Speaker to such as extent as this provides assurance that neither this Legislative Assembly nor any future can raid the piggy bank of the Provident fund then I think that is a good thing and I am happy to support it.

ACTING DEPUTY SPEAKER Further debate Honourable Members. There being no further debate I put the question. The question is that the detail stage amendments be agreed to.

QUESTION PUT

AGREED

I think the ayes have it. The detail stage amendments are agreed to. Question before us Honourable Members is that the Clauses as amended be agreed to. Is there debate Honourable Members. There being no debate I put the question.

QUESTION PUT
AGREED

The ayes have it. The Clauses has amended are agreed to. Honourable Members the question that now arises is that the remainder of the Bill be agreed to. I put that question Honourable Members. Is there debate. There being no debate Honourable Members I put that question

QUESTION PUT
AGREED

I think the ayes have it. The remainder of the Bill be agreed to. That motion is agreed to. I now seek a motion, Honourable Members that the Bill as amended be agreed to.

MR SMITH I so move.

ACTING DEPUTY SPEAKER Thank you Mr Smith. Honourable Members I put that question.

QUESTION PUT
AGREED

The ayes have it. The Bill as amended is agreed to. Thank you Honourable Members we now move on to fixing of the next sitting day. Mr McCoy.

MR McCOY Thank you Mr Deputy Speaker, I move that the House at it's rising adjournment to Wednesday 15th December at 10am.

ACTING DEPUTY SPEAKER Thank you Mr McCoy. Is there any debate Honourable Members. Mr Smith.

MR SMITH Thank you Mr Acting Deputy Speaker I will do the same as I did in the same area of debate in the last sitting. I would propose that we change that sitting date from the 15th to a closer time to get on with getting the Public Sector Management Bill passed. Last time I ended up agreeing that we delay for a whole month so that Members could have the opportunity that they requested in relation to problems that they had with the Bill. One of the primary reasons for delaying today is in relation to the new amendments that have not be circulated in the community and I'm sure that we can get that all done in one week and I propose that we meet again in one weeks time.

ACTING DEPUTY SPEAKER Further debate Honourable Members. Mr Brown.

MR BROWN Mr Acting Deputy Speaker, a meeting in one weeks time would, quite personally, be inconvenient for me I've arranged my schedule for the next month around what I had expected we would doing and I'll be a long way from Norfolk Island this time next week.

ACTING DEPUTY SPEAKER Further debate Honourable Members on the question that the House at it's rising adjourn to Wednesday 15th December at 10am in the morning. Mr Smith

MR SMITH It has been pointed out to me that next Wednesday is Thanksgiving day anyway and I don't think we would get any Members, better not get any Members round the table on that Wednesday so Mr Brown didn't indicate when

MR BUFFET I hope you would accept the alternative, Chief Minister, to sitting next Wednesday. Which means attendance at church.

MR SMITH Yes.

MR BUFFET Good.

MR SMITH Absolutely. Well I would propose the same week, lets see what Members think of that.

ACTING DEPUTY SPEAKER I'm sorry Chief Minister. You proposed a date.

MR BROWN I think the Chief Minister is proposing 2 weeks from today.

ACTING DEPUTY SPEAKER The 1st December. Wednesday 1st December.

MR SMITH That is what I am proposing

ACTING DEPUTY SPEAKER Mr Robertson

MR ION ROBERTSON Acting Deputy Speaker I believe that at least you and I will be in Canberra and probably Mr Buffet during the 27th till about the 3rd or 4th.

MR BUFFET I propose to stick to the date that is on the Paper. Otherwise that we will be here all day and we won't make much achievement.

MR ION ROBERTSON One Wednesday left we can

MR BUFFET I propose Mr Acting Deputy Speaker that the question be put

ACTING DEPUTY SPEAKER Thank you Mr Buffet. I put the question. The question is that the House at it's rising adjourn until till Wednesday 15th December at 10am. Is there any further debate on that Honourable Members. There being no further debate I put the question

QUESTION PUT
AGREE

The ayes have it. Honourable Members we know move onto the adjournment. Mr Brown.

ADJOURNMENT

MR BROWN Mr Acting Deputy Speaker I move that the House do now adjourn

ACTING DEPUTY SPEAKER Thank you Mr Brown. Is there any adjournment debate Honourable Members. No debate Honourable Members, therefore I put the question that the House do now adjourn.

QUESTION PUT
AGREED

The ayes have it. This House stands adjourned until Wednesday 15th December 1999 at 10am.

