



**NORFOLK ISLAND LEGISLATIVE ASSEMBLY  
13<sup>TH</sup> NILA HANSARD – 1 FEBRUARY 2012**

**SPEAKER** Good morning Honourable Members, on this our first Sitting Day of 2012, we commence with the Prayer of the Legislative Assembly.

**PRAYER**

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

Thank you Honourable Members. Gentleman please feel free to take off your coats on this warm day, and at the same time turn off your mobile.

**CONDOLENCES**

**SPEAKER** Honourable Members we commence this morning with condolences, are there any condolences? Mr Snell.

**MR SNELL** Thank you Madam Speaker, Madam Speaker it is with regret that this House records the passing of **Alice Maude Buffett**. Maude was born in Sydney in August 1917. Together with her parents and older brother Cliff, Maude came to Norfolk as a young child. Cliff and Maude, together with their Dad were brought up under the watchful eye of their Aunts and whilst life without their Mother had its challenges it was the making of two very strong characters. Maude was definitive, well respected, strong, often tough but always fair! She was also very loving and family focused, all principles that she instilled in her own children. Maude was an excellent cook, winning many prizes in the local show. Her talents in this arena also shone in her role as cook to a number Administrators, many of whom remained in contact with her long after they left the Island. At Government House this afforded Maude the prestigious honour of cooking for both Governors General and the Queen on her visit to Norfolk Island in 1974. Most importantly on the home front her cooking was definitely a love language for her family. Her traditional Norfolk pies were a speciality, and she knew what each of their favourites were. One of Maude's greatest loves was travel and over the years she literally travelled the world, visiting many countries more than once, with England being her favourite. This also added to many conversations around the kitchen table as each new generation travelled the world, returning home to share their experiences over a cuppa in her kitchen. At home, Maude enjoyed being surrounded by friends and family both immediate and extended. She loved being part of the Island's close knit community, and particularly enjoyed catching up with dem sweet sullen down "Gods Country". Picnics, Sunday drives and Sunday roast dinners were all savoured. Maude looked forward to visits from her grandchildren, nieces, nephews and family friends that lived on the mainland, and no doubt they left with a jar of porpay jelly. When Maude finally accepted that it may be time to retire, a new challenge was sought and it seemed Bowls was just the ticket. "Lordy Maudie" as she was affectionately known on the green, took to bowls like a duck to water and she cleaned out the prizes cupboard as week after week she enjoyed both the games and the laughs that she had amongst friends at the Bowling Club. When no longer able to play herself she enjoyed watching games on TV. Maude entered her 95<sup>th</sup> year, a great grandmother, still living at home and very much under her own steam, strong, active and

sharp as a tack. Maude passed away on Wednesday 11<sup>th</sup> January 2012. To her children Allan and John, to their families and many relatives and friends this House extends its deepest sympathy.

Madam Speaker it is also with deep regret that this House records the passing of **Ross Evelyn Westwood** in December last, just seven days short of his 91<sup>st</sup> Birthday. Ross was born in Sydney, the first of two children to William McCracken and Rona Quintal. His father was a ships steward for the McIlwraith McEacharn Shipping Line. For reasons unknown McCracken deserted his family when Ross was about three years old and his sister Betty just a baby. Rona then decided to return to Norfolk with the children to look after her widowed Aunt Elanor Buffett at Simon's Water. The property was later sold and the family purchased their Aunt Maude Mallett's place at Pine Avenue which moved them back into original Quintal country. Ross and his little sister spent a happy childhood with a lot of time spent at their grandparent's house. Sarnim, Fletcher Quintal, owner of Sarnim, had fought in the Boer War and was also a World War 1 veteran; he was injured at the landing at Gallipoli. Ross attended Middlegate School either walking or riding a horse via the many shortcut tracks that there were in those days. After Ross had finished high school he was formally adopted by his Aunt Emily and her husband Jack Westwood who had built their home next door to Sarnims. Following the outbreak of World War 2 they moved to Sydney and shortly afterwards Jack and Ross both enlisted in the Royal Australian Air Force. After a short induction training period at Richmond, Ross was sent to Point Cook to complete a wireless operator's course. The speed at which operators send and receive messages in Morse Code was incredible. As a qualified wireless operator he was then sent on detachment with the United States Air Force to Indonesia and was based in Java when the Island was overrun by Japanese forces. Ross and his colleagues were lucky to escape. It was dark and total mayhem had broken out and their B17 got bogged taxiing out to the runway which took considerable time and effort to get free. Finally they got airborne and headed for Broome arriving in the early hours of the morning. Unbeknown to everyone at the time this was the day the Japanese had chosen to bomb Broome. Ross discharged from the Royal Australian Air Force in December 1945 and together with one of his wartime friends set up and operated a service station at Mona Vale Junction selling petrol and doing mechanical repairs. Whilst operating the service station he met Jill and in November 1947 they were married. In early 1948 Ross joined the Department of Civil Aviation (DCA) as an apprentice mechanic. With credits for engine and generator plant maintenance in the RAAF he completed his apprenticeship in two years at Mascot airport in a workshop building that DCA shared with Qantas. DCA took control of the Norfolk Island Airport from the Royal New Zealand Air Force in 1948 and in 1950 they required extra staff to maintain the Norfolk Airport equipment. Ross applied for the junior mechanics position and was selected, transferring home in June. Burt Holt was the senior mechanic and when his term finished he returned to Sydney and Ross was promoted. He remained in this position until he took an early retirement package in 1980 after 32 years service. With Ross's dry sense of humour and quick wit he enjoyed a good yarn or story, often roaring with laughter which would usually start from the stomach and work its way up. Ross had a close call in 1978 when he fell ill and required an urgent medivac. The Royal Australian Air Force C130 and medical team arrived to find he needed immediate surgery before flying out to Concorde Hospital. Always a caring father and grandfather who was satisfied with the basic necessities he would get things for his family before toys for himself. Ross had many interests, including fishing and boating always with his mates Boo Boo Christian and Bill Pumper Adams then later with son Robert. He enjoyed photography, gardening, and propagating fruit trees. A true craftsman mechanic using the proper tools, there was nothing that couldn't be fixed or made to work. Ross enjoyed the challenge of repairing things that others had given up on. In his lifetime on Norfolk he saw; the first car, the first plane, the first outboard motor, the 'Resolution' being launched, the boom and bust of Bananas and Bean seed, passionfruit, Lemons and Palm seed, he read notices on the Tree of Knowledge, left behind a Pine Avenue and departed by ship, came back to an airport that would be his livelihood, arriving by air. He was involved in the community by being, the main

ambulance driver, DCA ambulance 1950 to 1970. Main after hours driver for hospital ambulance when it arrived in 1970. DCA fire service auxiliary fireman, Magistrate from 1977 to 1990. Chairman of the Criminal Justice Committee, on the Legal Aid Committee, Deputy Coroner, on the Working group for draft Employment Act, Bicentennial historical photograph project, and Polling Booth attendant, just to name a few. To his son Possum, his grandchildren Kirk and Marguerite and to Ross's many friends this House also extends its deepest sympathy. Thank you Madam Speaker.

**SPEAKER** Thank you Mr Snell. Honourable Members it is with great sadness that I record the passing of **Mr Frederick Cain**, Clerk of the Parliament of Nauru, a long time colleague of Mrs Evans, Chief Minister and myself. Mr Cain passed away in Brisbane on the 23rd January. He was the longest serving Clerk in the region, having served from 1977 until his death. His knowledge of Parliamentary practice and procedure in Nauru was unmatched, and he will be greatly missed in the halls of Parliament both in the Australian Region, including Norfolk Island and the Pacific Region. Freddy was a very popular Clerk and most of those who travelled from Norfolk Island to attend parliamentary conferences would know him well. This House extends its deepest sympathy to his parliamentary colleagues in Nauru and to his family and friends. Thank you Honourable Members, may he rest in peace. Honourable Members as a mark of respect to the memory of the deceased, I would ask that we all stand in silence.

#### **LEAVE OF ABSENCE**

**SPEAKER** Thank you Honourable Members. Honourable Members first item on the Agenda, leave of absence, I don't believe there are any, we are all present today.

#### **PETITIONS**

**SPEAKER** Presentation of Petitions, are there any petitions for presentation this morning? No petitions this morning.

#### **GIVING OF NOTICES**

**SPEAKER** Giving of notices, are there any notices to be given this morning Honourable Members? No Giving of Notices.

#### **QUESTIONS WITHOUT NOTICE**

**SPEAKER** Questions without Notice, are there any questions without notice this morning? Mr King.

**MR KING** Thank you, thank you Madam Speaker, a question for the Chief Minister if I may. Chief Minister given that the Notice Paper is completely and totally empty of any Government business, can you inform the House and the community what value the community has received from the \$25,000 salary paid to the Government over the past two months?

**SPEAKER** Chief Minister, I am just consider the questions imputations.

**MR BUFFETT** Madam Speaker is the first thing to mention is of course, whilst the Sitting of the House is an extremely important part, it's part of legislative process, it is not the only activity of members of the Government. Members of the Government are administering their portfolios everyday of the week, including weekends, they are involved formal activities of the Government including Executive Council when that occurs, weekly Cabinet meetings, also attends the Members Meetings, when

Members meet weekly, Mr King, who asked me that question of course, doesn't always attend all of those activities, that is his choice of course, but that doesn't mean that other Members are not about their business. Particularly their activities that relate to the Roadmap and the difficulties that we face at this time, and there will be some statements and announcements about some of those things, as to how they have progressed, I am just trying to illustrate Madam Speaker, that whilst the Parliament is an important part of the process, it is not the only part of Government business.

MRS GRIFFITHS Thank you Madam Speaker, my question is for the Minister for Health. Minister what are the early indications of the Stop Smoking Campaign, has there been good take up?

MR SHERIDAN Thank you Madam Speaker, and thanks Mrs Griffiths for the question. Madam Speaker the Quit Smoking Campaign was introduced around the middle of January and it's just in its early days you might say, it is planned to run until the end of the Financial Year, in June. And the first indications that there are a lot of people in the community who have taken up this initiative, in discussions with the Hospital Director on the first week of this Quit Smoking Campaign, they had over a dozen consultations with the Doctor as part of the process in regards to participating in this campaign, so Madam Speaker I believe that the program is going well, but I will get an update from the Hospital Director and inform Members within the next week or two.

MRS GRIFFITHS My question is again for Minister Sheridan, Minister at the last meeting you undertook to provide me with information as to whether or not the National Parks had applied for, under the Norfolk Island Planning Act, to build the Broadwalk within 50 metres of the Captain Cook cliff. Do you know have a response?

MR SHERIDAN Thank you Madam Speaker, I did follow that up Madam Speaker, and I believed I did forward that to all Members that response, I see a few nods of the head around here, so Mrs Griffiths hasn't got it, I'll ensure that she does. I'll just have a look through my papers and see whether I do have it.

MR KING Is the Minister not able to give a summary to the House?

MR SHERIDAN I can, but I don't want to be misquoted you might say, but in essence, it was deemed, if my memory serves me correct, it was deemed an activity that was able to be carried out under the Planning Act and so therefore approval was given, but like I say Madam Speaker, I did get some information from the Planning Officer and I will follow that up for Mrs Griffiths.

MR KING Thank you Madam Speaker, a question for the Minister for Tourism and Norfolk Air. It is it the intention of Norfolk Air in these closing weeks of its operation to curtail or reduce its ability to take bookings, or perhaps put another way, is Norfolk Air continuing to provide a full range of facilities for the taking of bookings?

MR NOBBS Thank you Madam Speaker as far as I am aware with the last flight being the 26<sup>th</sup> of February, the bookings for available seats on the plane for those flights that are Norfolk Air, are able to be taken, but no bookings are accepted by Norfolk Air for any of the flights when Air New Zealand commences on the 2<sup>nd</sup> of March.

MR KING A supplementary, Minister does that mean that the arrangements for bookings sought by wholesalers are still in tact?

MR NOBBS Thank you Madam Speaker, I will take that on notice, but as far as I am aware, the arrangements continue until the 26<sup>th</sup> of February in normal operating parameters.

MR KING In the nature of supplementary, it is certainly about those closing arrangements of Norfolk Air, could I ask the Minister whether arrangements are properly in place to ensure full refunds to those holding Norfolk Air tickets who haven't, or aren't able, or likely to complete their travel by the cessation of operations?

MR NOBBS Thank you Madam Speaker thank you Mr King for the question. There have been a number of communications out there to enable people to reschedule their travel, we have consultants engaged to ensure that this transition is handled in the best possible way, if someone has an issue with a reschedule, they need to make contact with Norfolk Air. Without knowing the exact parameters I am not able to commit to answer to the question that you have asked Mr King.

MR SNELL Thank you Madam Speaker, I am surprised Mr Nobbs at your response to the question regarding the ongoing provisions, that are hopefully being made, that all bookings, tickets, and so forth from Norfolk Air will be automatically transferred over to Air New Zealand, and I would be certain that such an arrangement, should have, if not already, have been made, to transfer those enquiries, bookings and ticketing and so on. Minister could you at your earliest, assure us that that ongoing arrangement has been finalised?

MR NOBBS Thank you Madam Speaker, I certainly can confirm Mr Snell that there has been a transition program that has been coordinated between Norfolk Air, the engaged consultant and Air New Zealand and where appropriate the Qantas code-share partner. The transition process has been given dedicated focus to ensure the smoothest transition for all those pre-booked passengers and to give them the best options available.

MR KING I'm not sure if I can couch this in concise terms, but I will attempt too. I'm seeking confirmation that those people who currently hold Norfolk Air tickets who are unable to complete their travel by cessation of operations, will either have a refund available or their ability to travel with the substitute airline will be guaranteed.

MR NOBBS Thank you Madam Speaker I get the context of the question, and the context of the question is, if those people are unable to travel on Norfolk Air prior to the cessation of Norfolk Air and the commencement of Air New Zealand on the 2<sup>nd</sup> of March, if that is the case, then they would have already been entered into the transition process, they would have already been allocated the next available day, or the same day of travel, if it applied to the new schedule of Air New Zealand and they would have already have been contacted as far as I am aware to advise them of the change and to ask them whether that is satisfactory.

MR SHERIDAN Just in regards to the first question from Mrs Griffiths, I do have an answer.

SPEAKER Further response, thank you.

MR SHERIDAN I have found that information from the Planning Officer, and in regards to the Captain Cooks Monument, it did not need Development Approval under the Planning Act, but did require Building Approval under the Building Act, and as a result, a Building Application was submitted and approved.

MRS WARD Thank you Madam Speaker, my question is to the Minister for Tourism. At the December meeting last year of this House, the Minister said that a Port Working Group, was assessing whether or not containerisation would result in lower freight handling costs, has that happened, and what was the outcome?

MR NOBBS Thank you Madam Speaker, thank you Mrs Ward for the question, the Ports Working Groups assessment of that information is actually still ongoing, I have had some informal feedback at this point, but until it's all finalised, I'd rather be able to present it to Members when I've got all the detail.

MR KING Thank you Madam Speaker, for the Minister for Community Services, can the Minister advise the House of the regularity of which licensed premises are inspected under the Sale of Food Act, and whether and what regularity spot inspections take place, as apart from annual inspections.

MR SHERIDAN Thank you Madam Speaker, I will have to take that question on notice, of course I'm not sure, as to the Administration's Policy in regards to that Department that monitors the Sale of Food Licenses as to the regularity and doing checks etc, so I'll have to get back to Mr King.

MR KING Perhaps a very brief supplementary, can the Minister inform the House whether it is the practice to conduct spot checks that is unplanned, irregular checks?

MR SHERIDAN Thank you Madam Speaker and Mr King, yes I acknowledge the question and I will get that information for Mr King.

MRS GRIFFITHS Thank you Madam Speaker my question is for the Chief Minister. Chief Minister in a December addition of the Norfolk Islander, there was a notice regarding the purchasing of Bulk Fuel, does this mean that the Government has developed a Policy position in relation to competition with the private sector, if so, what is it? Minister Nobbs!

SPEAKER I look to Minister Nobbs to respond.

MR NOBBS Thank you Madam Speaker, and thank you Mrs Griffiths for the question. Yes, in effect what I had commenced was an evaluation of the cost of delivery of these fuels to ensure that our pricing was in line with all the normal costs of infrastructure and the delivery costs associated with and man power. So certainly it is in line with the principles you talk about there.

MR NOBBS Are you telling me that the Government has developed a Policy position on this, and where can we find this position?

MR NOBBS Thank you Madam Speaker in terms of a policy positions on it, there is no policy paper that I've detailed at this point in time, what I have asked the Service is, to evaluate the cost of delivery of a number of these services.

MR KING Not necessarily a supplementary Madam Speaker, but given the nature of the previous question, it might be opportune to ask of the Chief Minister, what consideration has been given by the Government, generally, in the light of current economic and financial circumstances and in the light of general acceptance reflected in the Commonwealth Funding Agreements, that further and vibrant private investment is essential to Norfolk's economic survival, to the divestment of current public sector commercial activities?

MR BUFFETT Madam Speaker there are a number of factors that relate to this particular question, one is the report of the Public Sector, in the Public Sector Review, which is to examine whether or no, the Public Service should continue to run the breadth of businesses that it might do now, that is one factor to be taken into account, and that is presently being evaluated, I do expect that when we receive the Economic Development Study and Action Plan, that it too may have something to say about that

particular subject, and when we have those, then we are in a better position to evaluate what should be a core business. Whether it should only be core business, whether it should be wider than that given the fairly isolated situation that Norfolk Island operates in. They are logical questions to ask, they will be considered in that process.

**MR KING** A supplementary, yes, thank you Madam Speaker, I was interested to learn what extent the Government had considered the question of divestment of commercial activities. And I'm still seeking a response to that, I understand the nature of the Chief Minister's reply, but I would like to understand what consideration has been given, has discussion taken place on this issue? And I would imagine, if discussion had taken place, to what extent it had taken place, and led to the position that you have just described. That was a bit skew whiff Madam Speaker, what level of consideration has been given to the general question.

**MR BUFFETT** Madam Speaker I endeavoured to say, that in respect to the first, there is consideration going on at the present, because that is what is happening with the Public Sector Reform Report, the other report is yet to be delivered, the other report is yet to be delivered, the reality is that one needs to see those together, they may not all say the same thing for example, we don't know that yet, but they are important examination processes that we need to see. Madam Speaker the Minister's in their evaluation to date on various matters and the three Minister's have been involved in the matter that was just referred to and answered by Mr Nobbs, but in the wider process to things as to where Norfolk Island is now, in the conduct of the variety of businesses, have been ones that have grown up, so to speak, in the peculiarity of this place, they have mainly grown up because there have been others unwilling to be able to do, invest, or whatever in the various facilities that are now provided by the Government, in earlier times, there were not people who wanted to put money into the generation and the reticulation of electricity and if that was to be provided to the community, then the Government needed to get on about it in those times. The same is said about Telecommunication arrangements, and a range of other activities, there have been examples where the Government has, in the past, has divested itself in such activities, for example, the Administration used to run the Crusher at one time, but divested that and it is now run privately, so there are examples where they have been commenced in Government hands and progressively divested, and what we have now, given the state of play in Norfolk Island, are two major reports that will address such factors, and they are the ones that I have just referred to a moment ago, and what I am saying now is that we should see them both, one is yet come, see them both, to make further evaluation as to whether there is a continuation as is, or whether there should be a program of divestment. The Public Sector Reform arrangement talks about some divestment, but that is one report to date.

**MR SNELL** Thank you Madam Speaker, Madam Speaker I direct a question to Minister Nobbs, Minister Nobbs, can you give any information on the progress or otherwise, on the Maritime Reserves Bill, that has been intended to apply to Norfolk Island?

**MR NOBBS** Thank you Madam Speaker, thank you Mr Snell for the question, this is obviously referring to the Bio-Regional Marine Planning Assessment that was commenced, and the 90 day consultation period for Norfolk Island, involved us having some officers visit around the 1<sup>st</sup> and 2<sup>nd</sup> of December to meet with MLA's and to also provide consultation process through the community and the stakeholders, which included the Norfolk Island Fishing Association. The most recent update which I have received, which I received last night at about 7 o'clock, which was that the end of the consultation process has been defined as the 21<sup>st</sup> of February, so that enables the stakeholders and Government and various other bodies to provide written or documented input into the process, perhaps what I should do this weekend is put that contact information and the closing date and consultation process in the newspaper, so that it

makes it easier for those people who would like to put a submission in, so I will endeavour to do that, but in real terms what it means is, that the 90 day consultation process comes to a close on the 21<sup>st</sup> of February.

MR SNELL Thank you Madam Speaker, Madam Speaker I ask a question of the Minister responsible for the importation of fruit and Community Services. Minister is there any further progress on the importation or otherwise of fruit into Norfolk Island that you are aware of?

MR SHERIDAN Madam Speaker I have a question on notice in regard to that, and I've prepared a response there so that will satisfy Mr Snell there.

MRS WARD Thank you Madam Speaker, my question is to the Minister for Tourism, is it a fact that the Norfolk Island Government is pursuing a new SPIN proposal with the Commonwealth Department, and if so, is there a business case attached?

MR NOBBS Thank you Madam Speaker, certainly we have had discussion with the Department regarding fibre optic connectivity, that is not specifically aligned to the SPIN Cable or the South Pacific Island Network Cable, however it does outline the costs parameters of provision of levels of acceptable bandwidth in both a satellite distribution scenario and a fibre optic scenario, and I must point out it quite clearly indicates that fibre is the more productive and cost effective way to go ahead to move on economic opportunities for Norfolk. Those discussions and documents have been provided to the Department, I've also provided input to the rural review for Telecommunications on a similar basis.

MRS GRIFFITHS Thank you Madam Speaker, my question is to the Minister with responsibility for Commerce & Industry, Minister do you have any updates on your alternate energy initiatives.

MR NOBBS Thank you Madam Speaker, thank you Mrs Griffiths for the question. I did get communication from Redemptech in January of this year, to indicate that they are now committing to have the equipment on Island within the first half of this year, they are currently working through the finalisation of their insurance arrangements, their documentation and other aspects with relocating to Norfolk Island, we've had a our Legal Services Unit also working on those parameters and the other aspect that Redemptech's working on is the finalisation of the independent reports, so, although this is like push starting a bulldozer, I think...

MR KING ...Point of Order Madam Speaker on repetition, this is the same answer he gave two years ago!!!

SPEAKER Thank you Mr King. There is no point of order. Mr Nobbs, continue.

MR NOBBS Hence my point for saying that this is like push starting a bulldozer, I won't let it go, it has potential to do good things for us, and that's where it sits at the moment, thank you.

MR SNELL Thank you Madam Speaker, Madam Speaker I note that questions 322 from Mr King to the Minister for Community Services makes question on some immigration matters, Madam Speaker, but I would like to ask in addition to that of the Minister, could you please Minister advise whether there are regular checks are being done to ensure that Temporary Entry Permit Holders are complying with their permits, particularly when it comes to the number of hours worked.



MR BUFFETT What was the last sentence, particularly when it comes to?

MR SNELL The number of hours worked.

MR BUFFETT Madam Speaker, we live in difficulty...

SPEAKER I take it this isn't pre-empting questions on notice, it's another issue? It's temporary entry permits, otherwise I would wait until responses to questions on notice, this is about immigration? Not about Workers Compensation, so Chief Minister, it is in order.

MR BUFFETT Yes, that is as I understood, and I thank you Madam Speaker, Madam Speaker, in terms of the question, that is about Temporary Entry Permits and hours of work, people who are engaged in the Island and who seek a Temporary Entry Permit, do need to enter into a contract of engagement, and that usually specifies the hours, but I do need to explain this, that given the difficult times that we have been in, we have had for some time, approaches by employers and employees, employers and employees, who have sought to seek some tolerance of the number of hours worked so that they may be able to retain some of their employees notwithstanding on reduced hours, against a time when that fluctuates to better days and they are not in a process to gain additional people, train additional, they are retaining those who have shown expertise in their particular industry and the immigration processes have taken account of that, not that they are not in work, but there are some instances of less hours.

MRS GRIFFITHS Thank you Madam Speaker, my question is for the Minister for responsibility of policing, can the Chief Minister inform this House whether community policing, education or experience is a pre-requisite prior to taking up a position on Norfolk?

MR BUFFETT Madam Speaker I can't answer that exactly, but I can make some enquiries about it, as you will know at Ministerial level Minister's are not involved in terms of the daily engagement of police.

MRS GRIFFITHS I am happy for the Chief Minister to take it on notice Madam Speaker.

SPEAKER I will leave that to the Chief Minister to decide.

MR BUFFETT But what I am able to say is that once people arrive here, they are engaged in such programs, and I in fact have a question on notice here which will allow me to give some elaboration, the police at this moment are offering, especially those who are engaged as Special Constables, that is local employees, elements of training, and it may well be in this sphere that may not have been available on earlier occasions, and on that I offer compliments to the service.

MR ANDERSON Just to let you know I'm still here! A question for the Minister currently responsible for the Airline, and following on from the questions in fact that Mr King asked. Given that the Airline is not taking bookings beyond the end of February, do you know, or can you tell us, are the enquiries coming to the website end, or to the telephone call centre, are they being directed to Air New Zealand, or are they being directed to the local Travel Agents?

MR NOBBS As far as I'm aware they're being redirected through to the Air New Zealand booking agencies.

MR ANDERSON A supplementary, in the nature of the same area, does the website to your knowledge, indicate, through the booking engine, that they should contact Air New Zealand, or is it in the nature of Qantas' current website which says after the end of February there are no seats available to go to Norfolk Island.

MR NOBBS It is my understanding that there is a linkage from the Norfolk Air site which allows you to travel across to the Air New Zealand site.

MR ANDERSON So we are not encouraging the local travel agents. New question, again to the Minister currently responsible for the Airline, in the nature of forward thinking, there is a lot of conjecture in the community in relation to the Air New Zealand using volumetric freight rates, I believe there is a freight rate on the Air New Zealand site, perhaps you could clarify for the community your understanding of Air New Zealand's intentions on that regard.

MR NOBBS Thank you Mr Anderson for the question, I would love to clarify, however I will take that on notice, so I would have significant detail.

MR KING Thank you Madam Speaker, Chief Minister two months ago, you announced an initiative to conduct a series of weekly or fortnightly radio talks to keep the community informed on Roadmap progression developments. Can you advise how many such radio talks have taken place?

MR BUFFETT Madam Speaker the radio talks are sparse because there has been little to report during that period of time, especially over the Christmas New Year Period. I have some statements to make today, and hopefully, our hope is, that there will be some advancement in terms of the reports that have been delivered, that will have some news, the real big benchmark that we are to look forward to next is the Economic Study. Well I will make a statement about it when I come to it, but that will provide some information which I will be very happy and would want to promptly let the community know about.

MR KING Thank you, a further question for the Chief Minister, at the last meeting the Chief Minister announced, perhaps stated, if there's a difference, that a bid had been made for funds in the 12-13 budget to establish a new public sector positions, Community Health Officer, has the job description for this been fully defined, and if so, can Members be informed, if not, how can funds possibly be sought without knowing what tasks, skills and qualifications are in play?

MR BUFFETT Madam Speaker, that is in my colleagues bailiwick and I'll turn to him for the moment please.

MR SHERIDAN Thank you Madam Speaker and thank you Mr King for the question, the issue of the Community Health Officer Madam Speaker has been raised in a couple of forums, the Women's Forum being one, and in the yet to be received, Children's and Family Services Review being undertaken at this current time, the report is yet to be received. But the initial indications are that a position such as that would be supported. But the initial ask for the position came from the Women's Forum area, which I partook in, and the figure that was put into the budget, was based a long a salary of a similar position in Australia with some forecasting of what resources a person such as that would need to carry out the job for a 12 month period, at this point in time a full position description has not been fully developed, that is still a work in progress, but upon confirmation that that initiative will be in the next budget, that position description and the way forward will be fully developed Madam Speaker. We have gone so far, we are now waiting to see whether the funds will be made available, if not, it will cease, and if it is, then that process will continue.

MR KING Thank you Madam Speaker, a question for Mr Nobbs, Minister Nobbs I'm sorry, is the Minister prepared to conduct a survey of Radio VL2NI listeners to determine whether requirements and expectations are being met and to assess whether the expenditure in that area is justified in terms of community expectations.

MR NOBBS Thank you Madam Speaker, thank you for the question Mr King. We did discuss the surveys that are carried out through the normal operating parameters of the radio station, I guess I'm mindless, I mean mindful, there's a quote! I'm mindful of the cost of going into an extensive survey, but certainly could explore with the radio station manager how they might go about getting this sort of feedback or perhaps even one of the online surveys that we may be able to make available to community members and radio station listeners.

MR KING Can I request in the nature of a question, whether I might be privy or have some input to the questions asked to the survey that might be made.

MR NOBBS Thank you Madam Speaker, well perhaps a way to do that, will be to commence a discussion at an MLA's meeting where all Members can throw around their ideas. Madam Speaker I could also email out some information to encourage input as well.

MR KING Thank you Madam Speaker I may be a little out of order with these questions because I'm not really au fait with the current requirements for financial reporting, but reflecting on the previous requirements, and if there is a delay in the publication financial accounts for 10 and 11, can the Chief Minister explain why that is the case?

MR BUFFETT Madam Speaker there is a program to have publication of monthly accounts.

MR KING No, I'm talking about yearly accounts for 10-11.

MR BUFFETT I'd have to take that on notice to see where we stand that with that.

MR KING I wonder, as a supplementary, can the Minister advise if he is aware if the external auditor has signed off on the financial accounts for 10-11.

MR BUFFETT Let me check on that, I could check and let you have an answer before we conclude today.

MR KING Thank you, question for the Chief Minister, Chief Minister doesn't the use of the internal auditor in an Acting Chief Executive Position represent a clear conflict of interest?

MR BUFFETT Madam Speaker there needs to be care in this process, and that is being taken, so that the work of somebody working in the Deputy CEO post is not audited internally by themselves. Care is being taken to ensure that that does not happen.

SPEAKER Supplementary Mr King, being mindful of Standing Order 72A please.

MR KING 72A, yes Madam Speaker. Chief Minister, are you saying then that when the current occupant of the Acting Chief Executive Position returns

to the former role of Internal Auditor, she will not audit the tasks that she has performed in the higher position? Other arrangements will be made? Thank you Madam Speaker.

MR BUFFETT Mmmm. Thank you.

SPEAKER Further questions without notice? There being no further questions without notice, we will move now to answers of questions on notice.

### QUESTIONS ON NOTICE

SPEAKER And the first one Honourable Members is Question on Notice 305, Mr King to the Chief Minister.

MR BUFFETT Madam Speaker, 305, it is Mr King to me as the Chief Minister, at the November meeting the Chief Minister cited an increase of some 300% in criminal activity and some 140% increase in police activity over the past 5 years. 1. Has the government formally considered these statistics and adopted a policy position? 2. What is that position and what meaningful response can the community expect? Madam Speaker the first thing I do is acknowledge that it is a challenge to perform policing in an isolated and remote Island community with limited resources and capacity, but it does remain a key priority of the Government and of the Police Force. The efforts on the part of the Island police in recent times, include these, in terms of operational policing improvements, rostering changes to ensure greater coverage over peak times, additional staff are being deployed during peak and holiday periods, and targeted operations, particularly in terms of road safety.

MR KING I would like to make a Point of Order Madam Speaker with respect the Chief Minister is not focussing on the questions that are being asked. The questions are the consideration by Government on those statistics and the policy position adopted, not in relation to a range of police activities that are undertaken.

SPEAKER I'm not going to accept that there is a Point of Order here, as by convention, answers given by Minister's in the Parliament, lies within their province, and it's entirely up to them whether they provide an answer. If you are raising a Point of Relevance, I don't think that we have reached that stage that there is a Point of Order on relevance. I will ask you to continue Chief Minister.

MR BUFFETT Thank you Madam Speaker. Those who are in Ministerial roles Madam Speaker will know from time to time that there are certainly Members who would want to dictate questions, they would equally want to dictate answers, in this particular instance, I am endeavouring to provide the answer that I think is appropriate to the question. I've mentioned the number of activities that the police are upon, which respond to the situation that has been described by my statement in November, and in terms of the Government's arrangements, those addresses by the police are seen to be appropriate addressing of these problems at this particular stage, but there is a further bid that goes on here, that will further address that matter. I mention those activities and I mention also that there are other initiatives in developing a sustainable and a proactive community policing model. It is about developing community engagement programs, I had an earlier question about community programs, and one of the initiatives is to develop such programs, there are some that are continuing and have been for awhile. With both adults and with youth, the blue light foundation for example, the Duke of Edinburgh Award Scheme, are two examples within that context. And also some crime prevention programs working with key stakeholders, such as the School, service groups and some business groups. I think in addressing all of those problems that it is important for me to say this, that we do have support from the Australia Federal Police, increased capital improvements at no cost to the Norfolk Island Government through gifting of key infrastructure and equipment, a new backup generator at the Police

Station for example, three gifted police vehicles in the last 12 months that we have not had to fork out for, and some capital improvements, and training, and training again, I had a question about training. Training and assistance through the AFP, and those have been at no cost to the Norfolk Island community, and in the last two years, the figure there is something like \$300,000, so there has been sizeable investment given the range of things that the police need to address, been assisted by the AFP. But I additionally say this, that given the situation that I described in November, Norfolk Island has the development and delivery of a new service level agreement with the Australia Federal Police and there are discussions continuing with that, and from our perspective we would want that to be finalised, sooner than later. And that new arrangement will address the level of crime identified by the various statistics from time to time.

SPEAKER Moving along now to question on notice 316, Mr King to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, in December Minister Nobbs said in relation to the proposed marine bioregional plan that within one month he should be able to provide a clear Norfolk Island Government perspective on how the plan will operate. Could the Minister clarify his December statement and can he now provide to the House, and read into Hansard, a clear statement of the Norfolk Island Government's position in relation to the plan? Thank you Madam Speaker, Madam Speaker the Norfolk Island Government Policy and position on this matter remains unchanged from my response in December and that is to ensure the ongoing usage, and the traditional usage is not impaired. We are also very mindful of the environmental aspects and we are certainly endorsing the parameters of the bioregional plan in that regard.

SPEAKER Moving along now to 317...

MR KING May I ask a supplementary in clarification.

SPEAKER Mr King.

MR KING Is the Minister saying that the Norfolk Island Government does not have a clear position as foreshadowed by yourself, on the plan itself?

MR NOBBS Thank you Madam Speaker, thank you Mr King. That is our clear position, our clear position is that we endorse the environmental aspects of the plan, however we want to ensure the ongoing usage and traditional usage is not impaired.

SPEAKER Thank you Minister Nobbs, we move along to 317, Mr King to the Chief Minister. Chief Minister.

MR BUFFETT Thank you Madam Speaker, the question Mr King to the Chief Minister, given the apparent Government involvement in the private publication entitled Norfolk Island Community Economic Transition Plan dated September 2011, will the Chief Minister now outline to the House the extent of Norfolk Island Government participation, the cost of such participation, whether the publication is now an official Norfolk Island Government document and the extent to which the plans outlined in the publication will replace existing policy and plans? Madam Speaker, this report referred to, the Norfolk Island Community Economic Transition Plan of September 2011, is not an initiative of the Norfolk Island Government, nor funded by the Norfolk Island Government, that of course doesn't mean that there may not be some valuable things in it, but I just need to put that into perspective. Norfolk Island Government supports the NICHE program, and the NICHE program has had an approach to it, by a NSW Government

authority to undertake this plan that has just been referred to here, at their cost, at their cost, not to our cost. And that happened, and participants in that program came to the Island conducted a series of meetings and programs and the result was the publication of this report. It's not an official Norfolk Island Government document, and of course the plans outlined in that publication are not designed from the Government's point of view to replace any existing policy and plans, however it does need to be identified that there are some useful pieces of that plan that may well dovetail with those plans and projects that the Norfolk Island Government has in terms of its Roadmap and various accompanying arrangements, so it has importance, but it is in that context that I have endeavoured to describe to the House.

**SPEAKER** Thank you Chief Minister, moving along to 318 Mr King to the ask the Minister for Community Services, Minister Sheridan.

**MR SHERIDAN** Thank you Madam Speaker, the question reads, and this is doubling up on the Question without Notice Madam Speaker, in December last Minister Sheridan said that he couldn't table regulations to enable the importation of apples as they were still "in the process". Can the Minister advise if he is to table those regulations today and if not, why he has been unable to meet this undertaking? Madam Speaker no, I can not table the regulations today, but just a bit of information to go with that, at the time of the previous Assembly Madam Speaker, an attempt was made to pass regulations to allow for the importation of fresh apples from Australia, those draft regulations adopted a Tasmanian Government's plant quarantine manual. The Federal Minister did not assent to these regulations because of a lack of justifications for seeking to adopt the Tasmanian rule to Norfolk Island. Madam Speaker a key issue raised by the Commonwealth is the need to determine Norfolk Island's pest status for quarantine purposes. Any justification for the adoption of quarantine measures, would be largely dependent on Norfolk Island having a properly assessed pest status. Defining the territories pest status would ensure that quarantine measures have not applied to pests already on Norfolk Island and that any new measures are implemented to address only those pests which could virtually affect the territories economy and environment. This is a fundamental obligation of the World Trade Organisation Agreement on the application of sanitary and phytosanitary measures, the SPS agreement for which Australia is a signatory. Madam Speaker we all have heard this from me before, it's just rehashing a bit, Madam Speaker a pest and disease survey has not been carried out on Norfolk Island in recent years, it is therefore difficult to provide an authoritative list on all the pests and diseases that are already present on Norfolk Island. And therefore it is also difficult to provide a comprehensive list of the pests and diseases that are not present on Norfolk Island and which could represent a threat to Norfolk Island's environment. The Administration has made enquiries in recent weeks with Apple and Pear Australia Limited, the peak industry body representing apple and pear growers in Australia, also the Commonwealth Department of Agriculture, Fisheries and Forestry, and with reference to the integrated pest management for apples and pears and the industry bio security plan for the apple and pear industry in Australia. Madam Speaker in an attempt to have fresh apples allowed into Norfolk Island, I have had the service re-investigate the issue, but it is becoming very clear that through these enquiries there is no quick fix. Creating regulations that will, a) establish a framework to eliminate all pest and diseases threats to Norfolk Island in the context of apple imports and b) satisfy the Commonwealth's concerns that the regulations need to be justifiable in terms of specific relevance to Norfolk Island. Madam Speaker the list of pests and diseases endemic to Tasmania is not identical to the list for Norfolk Island. The Administration has not completed its investigations yet, but a report on this subject will be completed within the next couple of weeks, one action that would greatly assist in the preparation of relevant regs is a comprehensive pest and disease survey and the Norfolk Island Road Map includes an action by both Governments to complete an AQIS Pest and Disease Survey and the Norfolk Island Government is continually discussing the need for this survey with the

Commonwealth when this issue has been agreed, I will inform the community of such an undertaking.

SPEAKER Thank you Minister Sheridan, moving along, Question on Notice, 319, Mr King to the Chief Minister, Chief Minister.

MR BUFFETT Yes, that is in Mr Sheridan's hands, thank you Madam Speaker.

SPEAKER Minister Sheridan.

MR SHERIDAN Madam Speaker, the question reads, can Minister Sheridan explain how the public sector procurement and tendering processes and the Commonwealth Finance Minister's requirements for open and effective competition and fairness and equity in dealing with tenders, were satisfied in relation to the procurement of services to develop a strata title white paper, when, as explained by myself, at the December sitting, the Norfolk Island Government amended the tender specifications, failed to provide those amended specifications to all tenderers, negotiated with one tenderer to the exclusion of others and ultimately awarded a contract to that tenderer? Madam Speaker three things are paramount in the choice of a supplier for this and any other project, 1) that the awarding of the contract is in accordance with the Administration's Policy on the procurement of goods and services, 2) that the offer most capable to carry out the required task is chosen, and 3) that the offer is within budget limits. In this case Madam Speaker, it was deemed appropriate to seek expressions of interest rather than tenders, an approval for proceeding in this manner was granted by the Corporate Management Group, as required by the Administration's Policy on the procurement of goods and services. A call for Expressions of Interest were published in the Norfolk Island Gazette on the 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup> and the 30<sup>th</sup> of September last year, the call was open for more than 21 days and open to any interested parties to submit offers as required by the Administration's Policy on the procurement of goods and services. Three offers were made and these were assessed by the Tender Evaluation Group, it was determined that only one offer was deemed suitable, which had been submitted by a team that demonstrated extensive experience and a high level of competency in advising Government's around the world on the subject of property law reforms. This team comprised professionals who had spent their careers to date examining property law and reforms and in particular strata and community title legislation, it was therefore recommended that this team would be highly capable in completing a white paper on Strata Title. The Corporate Management Group and the Tender Committee endorsed this recommendation and instructed the Administration to negotiate with the preferred supplier, as being deemed the only supplier and it must, I'll just add into here Madam Speaker, that the alteration to the tender specifications only happened after it was deemed that there was only one suitable supplier available to negotiate the price of the offer as it exceeded the budget for this project, as is normal practice in any commercial business or practice Madam Speaker.

SPEAKER Thank you Minister Sheridan.

MR KING A supplementary Madam Speaker?

SPEAKER Mr King.

MR KING Did the Minister just say to the House that the arrangements for the conduct of an arrangement for Expressions of Interest is a means of circumventing, circumventing the processes set down for procurement and tendering and the Commonwealth Finance Minister's orderings, for an open and effective competition and fairness within the public sector? Succinctly put, is Expressions of Interest a means of circumventing those processes?

MR SHERIDAN

Madam Speaker, no.

SPEAKER

Thank you Honourable Members, moving along to question on notice 320, Mr King to the Chief Minister. Chief Minister.

MR BUFFETT

Thank you Madam Speaker, at the December meeting the Chief Minister attempted to explain that the public sector recruitment freeze is not really a freeze on recruitment but an employment process which follows an evaluation by the public service itself, using some guidelines to determine whether or not the service provided by a particular position is essential to the community or not. 1. Can the Chief Minister advise how the public service is able to make that assessment without policy direction from the Government? 2. If such policy direction has been given about what service is essential and what service is not essential, can the Chief Minister provide that policy to the House? 3. If no such policy direction has been adopted can the Chief Minister endeavour again to assure the House that a public sector recruitment freeze has been a well-reasoned and serious measure to address, in the Chief Minister's words, the "economic climate and frugality that we are observing at this time"? Madam Speaker the Government hasn't made a conscious decision to curtail major services within the Island, indeed that's the basis from seeking funding from the Commonwealth, so that the Norfolk Island Government can continue to provide basic services to the community, so there isn't a list of things that we are not going to provide. What is being done is to recognise that we are in an economic climate of frugality and that we are observing measures to ensure that we are as economical about how we go about our business, and so, when a position becomes vacant, somebody leaves or the like, then there is an assessment by the Service itself, whether it can carry out beyond that situation, otherwise they really need somebody at this time. Now the assessment is that you can sometimes carry on for a period of time, a period of time, in more straightened circumstances, it doesn't necessarily mean that you can carry that job or group of jobs indefinitely in that context. Managers are required to make an assessment about that, and there are examples where there have been people not had their job filled, and there have been examples where the jobs have been filled. It is unlikely that there will be new jobs, but that is not absolute also, but it is less likely that any new jobs will be created in the present climate, and that's the evaluation that is going on in in the terms of in the word that has been used, freeze. Probably could use other words if you wanted too, I'm not going to argue about the words, I just wanted to explain the substance to you.

SPEAKER

Thank you Chief Minister, the next question on Notice... sorry, Mr King, a supplementary?

MR KING

Yes Madam Speaker, is it therefore a fact by supplying the Public Service in this matter with an ill defined policy or direction, that the end result is that there is no employment freeze, recruitment freeze?

MR BUFFETT

Madam Speaker I think Mr King must argue about the word freeze, I'm not going to argue about that, I've explained what the score is.

MR KING

(unclear on recording) ...that is the word spoken by the Government when they implemented their so called freeze.

SPEAKER

Further questions? I think that you have answered the question. Moving along now to Question on Notice 312, Mr King to the Minister for Community Service, Minister Sheridan.

MR SHERIDAN

Thank you Madam Speaker the question reads, what monitoring and assessment takes place of damage to the roadways caused by the protruding tow bars of tour buses and other vehicles, and what measures are taken to



ensure the public purse is adequately compensated for this damage? Madam Speaker no specific monitoring takes place by the Public Works Department on the damage to road surface caused by vehicles whether it is the tow bars of tour buses, tow bars on other vehicles, boat trailers, heavy machinery or the like. The Public Works Department is responsible for assessing and fixing damages to roads and the only time the public purse is compensated for road damage, including damage to road side infrastructure, would be due to an accident where the driver of the vehicle is made responsible for the cost of repair or where it is obvious that the damage was caused intentionally. Madam Speaker the Administration charges fees for licences and a fuel levy, for which in part goes towards the maintenance of the roads on Norfolk Island, which would include the minor damage caused by tow bars, etc.

MR KING Sorry, just supplementary, was the Minister not aware that a practice was previously in place whereby those operators of large vehicles who continually tore up the road with protruding tow bars were called upon to compensate the public service, the public purse?

MR SHERIDAN Madam Speaker I am unaware of that, the Service didn't give me any indication that that has ever been the case.

SPEAKER Thank you Minister Sheridan, moving along now to 322, Mr King to ask the Minister for Community Services, Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, the question reads, what checks and balance are in place to ensure that employers are meeting their obligations to workers compensation levies for their employees and what was the result of these checks being undertaken before the Government decided on a 50 per cent increase in the levy? The answer Madam Speaker, currently there are no statutory checks and balances conducted on workers compensation levy returns made to the employment office, the system has always been based on the honesty of the employer and there is limited ability under the Employment Act for the Employment Officer to ascertain as to whether or not the returns accurately reflect the employers liability. Checks are made when a claim is made against the Workers Compensation Scheme to ensure that the claim is in line with the information provided on the levy returns. And these cases the employee is paid the wage benefits based on the average hours on the levy returns, not necessarily what is on the claim form. Information provided by the Employment Officer indicates that he is confident that the majority of employers do correctly meet the obligation as to the Workers Compensation Levy payment, the Government's decision to increase the Workers Compensation Levy from .20 cents to .30 cents per hour work was a result of the recommendations contained in the Milleman Report into the Health Care Scheme and the Workers Compensation Scheme, other recommendations to make this Scheme more effective with adequate checks and balances will be progressed in the first part of this year, areas under consideration include better management of claim information, employer advice of claims, independent review of claims, subrogation, safety assessments, increasing deductible, reinsurance, levy increases in line with inflation and the look of how medical expenses are apportioned between the Scheme and the Employer.

SPEAKER Thank you Minister Sheridan, moving along now to Question on Notice 323, Mr King to ask the Minister for Community Services, Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, the question reads, what number of prosecutions have taken place under the Employment Act 1988 against employers for failure to provide an annual holiday or public holiday entitlement and if the answer is 'none', does the Government then conclude that all workers are receiving their lawful entitlements? Madam Speaker the answer reads, information provided to me by

the Service has indicated that they are not aware of any convictions under the Employment Act for failure to provide annual holiday or public holiday entitlements in recent times. As is the process, any aggrieved employee is referred to the Employment Conciliation Board with the view to resolve the dispute by conciliation between the parties. If this is not possible, then the employee can refer the matter to the Employment Tribunal. This is, of course, a civil proceeding between the employee and the employer and the Employment Officer, nor the Government necessarily are provided with advice on the outcome. Advice from the Chair of this Board has indicated that besides the referral of a claim which escalated to the Employment Tribunal, but was settled upon conciliation, there have been no other complaints made in regards to an employer failing to provide annual holiday or public holiday entitlements. There is also one matter before the Tribunal at this moment of which I can not comment on, on the process or potential outcome. Madam Speaker one can only conclude then that the majority of employers pay their employees their entitlements as provided for under the Employment Act.

**SPEAKER** Thank you Minister Sheridan, moving along to Question on Notice 324, again Mr King to the Minister for Community Services.

**MR SHERIDAN** Thank you Madam Speaker, the question reads, what further consideration has been given by the Minister to a ban on the importation of plastic bags into Norfolk Island and will the Government be placing the issue on its agenda for policy development? Madam Speaker the answer is at the last sitting, I undertook to see if there was any information anywhere within the Service regarding the potential banning of plastic bags within Norfolk Island. To date I have been unable to find any file or documentation that considers this issue, the Norfolk Island Municipal Waste Stream Feasibility Study prepared for the Administration prepared in 2008 did not make referral to this issue, nor does the Natural Resource Management Plan of 2008. The issue of plastic bags I would presume is in regard to identified environmental problems encountered elsewhere with plastic bags, but the issue may be greater than as various items are provided in plastic bags or plastic bindings, i.e. sliced bread bags, beer can bindings, etc. Madam Speaker until it is demonstrated that these items are a problem for Norfolk Island then it would be my intent to hold a watching brief on this issue to ascertain as to whether or not it is a problem. I do note that in other areas, initiatives such as a ban on a certain item, or an attempt to use an item that has been driven by the community sector, and or major businesses, such as charging for a plastic bag at the supermarket to encourage persons to bring their own environmentally friendly bag for their goods. These are issues I would support until documentation can be gathered or provided to support the total ban of certain items by Government.

**SPEAKER** Thank you Minister Sheridan. The next question on the Notice Paper is directed to me as the Speaker and I thank Mr King for his question. Mr King has asked, in light of the publicity given to Mr Harry Jenkins' speech upon his resignation as Speaker of the House of Representatives wherein he said that his participation in policy and debate would be incompatible with his continuing in the role of Speaker, do you as Speaker intend to table in this House for debate, the recently circulated paper which guides Madame Speaker in her participation in debate in this House? Mr King I see no relevance between the resignation of Mr Harry Jenkins as Speaker of the House of Representatives and the practice and procedures in the Norfolk Island Legislative Assembly that have been in place for 32 years. There are no documents to table today, because the documents which guide me, are the Standing Orders, adopted by this House in 1979 and subsequently amended throughout the years, and the unwritten practices and conventions of this House since 1979. Yes, I did circulate at a Meeting of Members on 15<sup>th</sup> November, a paper documenting the new practices in the Legislative Assembly of NSW which showed clearly that they were moving towards our practices Mr King, but that is the only relevance of that document. Thank you.

MR KING Does Madam Speaker not see a nexus in our Standing Orders, at General Order One, with that of the House of Representatives of the Commonwealth?

SPEAKER In short Mr King, no. What I have tried to demonstrate is this, for 32 year we have evolved a practice and procedure which is accepted normal practice in any parliament. Perhaps it might be helpful to you if I take you back to 1979 on the 10<sup>th</sup> of August.

MR KING It is not necessary Madam Speaker.

SPEAKER Thank you. Moving now to Question on Notice number 326, Mr King to the Chief Minister, Chief Minister.

MR BUFFETT Thank you Madam Speaker, Madam Speaker the next two questions are to me, the first one is about additional census data, I did mention very briefly to Mr King on coming into the Chamber this morning, that I would value some further elaboration for him about that, so that I can then respond to it, so I will leave that for today. The next one, which is about percentage of court fines, I have some interim information, but I have sought some further information, and I will leave that until I have it, until the following sitting when we come together Madam Speaker.

SPEAKER Thank you Chief Minister, okay, we will move along to 328, Mr King to ask the Minister for Community Services, oh, he is not in the House just at this minute at time.

MR BUFFETT He will be in a minute.

SPEAKER He will be in a moment, so I'll move along then please to Chief Minister to 329, Mrs Ward to yourself.

MR BUFFETT Thank you, the question from Mrs Ward to me, in relation to a revised arrangement for KAHVA as detailed in Schedule 2, Section 16 of the latest funding agreement: a) has a preferred model of management been finalized and what does it entail; b) what is Norfolk Island's position in relation to future governance arrangements for KAHVA; c) have recommendations been put forward by the Federal Department in relation to a future governance model for KAHVA, and will the wider community be given opportunity to explore all recommendations; and d) is the Norfolk Island Government committed to working cooperatively with the Department, in order to meet the 30 June 2012 timeline, as set out in the September 2011 Funding Agreement? Madam Speaker in response to that, the last meeting of the KAVHA Board, and we are talking about September last year, the Board agreed that both Governments, that is the Commonwealth and the Norfolk Island Government should advance their thinking in terms of a future governance arrangement for KAVHA. It also said that it should try and get that up before the next meeting of the Board, the next meeting of the Board has not been had, I might say at this stage. We nominated two officers, but I might say that the Commonwealth has appears not to have advised us about the nomination of their officers at this time, but notwithstanding all of that, we have put to the Commonwealth for their initial discussion, a preferred model, which is an arrangement which will have Norfolk Island Statutory Standing and we sought that they should make some comment on that so that when both parties have had an opportunity to see it, and an opportunity also to put their views forward, then that can be displayed, locally, to the Norfolk Island community, we have not reached that stage yet. So there will be an opportunity for everyone to have a look at it and see. The Government obviously, the Norfolk Island Government in the context is committed to working with Department to meet the 30 June deadline, and that is set out in the funding arrangement. But it does require the Department to respond to that which we have put forward, that at this stage has not happened, and there has not

been a further Board meeting as I have described to your earlier, since that in September of last year. Thank you.

**SPEAKER** Thank you Chief Minister, turning now to Question on Notice 328, Mr King to ask the Minister for Community Services, Minister Sheridan.

**MR SHERIDAN** Thank you Madam Speaker, the question reads, will the Government commit to a thorough investigation of claims that a large establishment in Norfolk Island has engaged in unlawful conduct in the disposal of asbestos material into the ground thereby posing unacceptable health risks to the community and in doing so directly placed the health of staff at risk through a failure to provide any protective garments? Madam Speaker under the Waste Management Act 2003 it is illegal to dispose of asbestos by any means other than by an approved delivery to the Waste Management Centre. Penalties apply for unauthorised dumping of asbestos. Asbestos delivered to the Waste Management Centre must be correctly packaged and anyone handling asbestos must be correctly protected, as set out in the Waste Management Regulations 2004 and the Guidance for the Safe Disposal of Asbestos as published in the Gazette on 10 July 2009. Madam Speaker the Administration cannot investigate alleged unauthorised activities unless an officer happens to observe the activity being undertaken, or unless a member of the community actually reports the allegation to the Administration. Any such claims should be brought to the attention of the Administration, either through the customer complaint procedure or to an Administration officer, for example the Planning Officer or Building Inspector and Compliance Officer. If a matter is reported, the Administration will investigate. Madam Speaker, as aside, I have had just yesterday received a formal complaint in regard to this question and the process has commenced to thoroughly investigate the claim made.

**SPEAKER** Thank you Minister Sheridan moving along now to Question on Notice 330, Mrs Ward to the Chief Minister, Chief Minister.

**MR BUFFETT** Thank you Madam Speaker, the question, Mrs Ward to me, in relation to Norfolk Island's participation in the Australian taxation system, as mutually agreed by both Governments under a Memorandum of Understanding and the Road Map: a) why has no community consultation taken place by either Government regarding taxation; and b) why was no attempt made to facilitate dry run tax returns for Norfolk Island residents in June last year? Madam Speaker I am really unable to answer why there's no community consultation and why there has been no attempt by the Australia Taxation Office, I can only say that we continue to press, through the Department of Regional Australia, that the undertakings made in the earlier Roadmap arrangement for a commencement of registration and dry run arrangements, that they be brought into fruition. They haven't happened at this stage. What I do need to clearly say is, that joining the Australian taxation regime is a key element in the provision of funding for long term sustainability for Norfolk Island. Nobody likes tax, I understand that, and it's a difficulty, but we can't expect have a long term sustainable arrangement and draw from a bigger pool unless we make our modest contribution to it. We can expect no long term financial benefit unless we contribute to the pool, and that remains the view of the Norfolk Island Government.

**SPEAKER** Thank you Chief Minister, moving now to Question on Notice 331, Mrs Griffiths to the Chief Minister, Chief Minister.

**MR BUFFETT** This question Madam Speaker is Mrs Griffiths to me, what is the rate of depreciation on the fire trucks at the airport? Madam Speaker, the estimated life of the fire engines is 20 years, thus the depreciation rate has been set at 5%. Each fire engine was valued at 1.2 million and when they were added to the Asset Register in October 2008. And on that basis the fire engines should be fully depreciated by September 2028.

SPEAKER Question on Notice 332, Mr Anderson to the Minister for Tourism, Industry & Development, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, the question reads, what is the time frame for the completion of the task allocated to the Minister's subcommittee on ports and infrastructure as outlined at the last meeting in response to a question about freight containerisation and cruise ship disembarkation facilities? Madam Speaker the time frame is to be contained within the 12-13 budget period, there is a further question from Mr Anderson and that reads, has this committee's terms of reference been reduced to writing and are the terms available for Members to peruse? No Madam Speaker, but the sub-committee has agreed the scope of port requirements and I'll read the scope into Hansard, 1. The agreed scope of the port requirements are to be: capability of handling cargo vessels by along side discharge containers by either roll on/roll off or crane, from 75-91 metre length overall (loa), beam 13-15 metres, drafts of 3.5-5 metres, the ability to safely discharge cruise ship passengers by ships launches and 2. The infrastructure costing in the Roadmap funding matrix was discussed and it was agreed that the objective would be to progress to port development in two stages, with the first stage to be moving towards containerisation by self propelled container barges, the objective being to move to containerisation within two years, it was agreed that the proposed feasibility study for containerisation would also consider the feasibility of fitting passenger transfer capability to the barges. It was agreed that the feasibility study for containerisation will be included in the 2012-13 budget submission, and lastly Madam Speaker, what is the priority and budget allocated to this task and is professional assistance being engaged to prepare the business case? The work to improve Norfolk Island sea freight, port facilities and economic diversification through Cruise Ship Tourism, is of the highest priority, recognised by the Norfolk Island Government, by the Committee, by the Federal Minister and his Department, by Carnival Australia and prioritised within the Roadmap. The proposed 12-13 budget allocates \$160,000 to economic feasibility studies. The professional assistance will be engaged throughout this process.

SPEAKER Thank you Minister Nobbs, moving to Question on Notice 333, Mr Anderson to the Chief Minister, the Minister with responsibility for the police.

MR BUFFETT Thank you Madam Speaker, the question from Mr Anderson to me is this, in previous budget presentations, the Norfolk Island Police proposed a fee for service regime to cover costs of services provided by the Police. Given the Commonwealth's emphasis on Norfolk Island expanding its own sources of revenue has this proposal been progressed and what stage has it reached? Madam Speaker there have been proposals about cost recovery, the provision of services such as drivers licence testing, service of civil summons', facilitation of late liquor licence, conducting criminal history checks and other regulatory functions, that are currently provided by the Norfolk Island Police Force, without cost recovery. The Government's attitude to date is that it needs to balance the benefit of non-cost recovery there to the community with the current economic climate in the Island and that the cost, if imposed, might give to local residents. But without a doubt, there needs to be a continuation of evaluation of that, and the Government is doing so.

SPEAKER Thank you Chief Minister, moving to Question on Notice 334, Mr Anderson again to the Chief Minister, Chief Minister.

MR BUFFETT Thank you, the question here Madam Speaker, Mr Anderson to myself, in answer to a question during the last Sitting in respect of the appointment of the Commonwealth Financial Officer the Chief Minister said he had no detail on what was happening with the filling of the position. Does the Chief Minister have

any advice as to whether there has been an appointment, and if so who has been appointed, where will they will be located and how soon will they arrive on Norfolk Island to assist with the Commonwealth reporting responsibilities? Madam Speaker it is my understanding that the Commonwealth Government may have appointed a CFO, but I have received no formal advice as to when the officer might arrive in Norfolk Island. It's interesting that I point out that I was advised in writing by the Minister, that is Minister Crean, on the 25<sup>th</sup> of October 2010, that was about the time of the passage of the Territories Law Reform Bill through the Australia Parliament, that once passed, discussions had taken place with the Finance Minister and the CFO would be on Norfolk Island within a matter of weeks, well that was some 15 months ago at this time. But I have this current indicator from the Commonwealth Officers, that the position of CFO is one established under the Norfolk Island Act 1979, that is a Commonwealth piece of legislation and recruitment of that position is underway by the Department of Regional Australia and is well advanced. As a Commonwealth Statutory Officer Holder, the final terms and conditions of the position are determined by the Commonwealth Remuneration Tribunal, and that process is now underway. You will be kept updated as further information comes to hand. I report what I can upon it, and that's it.

SPEAKER Thank you Chief Minister, Mrs Griffiths, supplementary.

MRS GRIFFITHS May I ask the Chief Minister when he received that advice?

MR BUFFETT I received it, I think it was yesterday, it doesn't mean the advice was despatched yesterday, it may have been some days in that context, what I can say is it is recent advice, if that is what you are after.

SPEAKER Moving along to Question on Notice 335, Mr Anderson again to the Chief Minister, Chief Minister.

MR BUFFETT Thank you, 335, Mr Anderson to me, has the Commonwealth Auditor-General been approached as yet in relation to assuming the role of Norfolk Island auditor? Given the Commonwealth undertaking to provide the services of the Auditor-General and to pay the costs of the audit for at least the first three years will the Auditor-General be doing the audit for the 2012/13 financial year? It is my understanding that that will be the case, there is reticence about confirmation of some of this. But there we are. May I just respond to an earlier question, just interjecting it into this, the question was asked, I think it was Mr King, about the Auditor, external Auditor. It hasn't been signed off for the year that you asked about at this stage. I just have that on a text message, so the detail is not with me at this moment, but I just let you have that information. Thank you.

SPEAKER And the final question, oh no it's not, I need to turn the page! Question on Notice 336, again from Mr Anderson to the Chief Minister, Chief Minister.

MR BUFFETT Mr Anderson to me Madam Speaker, given the generational change to the law of property security that was introduced by the Personal Property Security Act 2009, Commonwealth legislation, that commenced operation on 30 January 2012, the day before yesterday, and extends to Norfolk Island, has the Government received a briefing on the impact of the new law on Norfolk Island and will the briefing be made available so the community can assess its impact on them. Madam Speaker I confirm that this Personal Property Security Act on the 30<sup>th</sup> of June in the main extends to Norfolk Island. The Act impacts on a number of Norfolk Island Acts, and they have been identified and Personal Properties Securities implementation bills have been given some preparatory arrangements within our sphere here. It is recommended when

assessing that they will come forward in due course, they have not come to me at this time, but they will come forward in due course. It will be recommended that there be three bills, because the legislation amendments will cover the three schedules of powers, there will be some schedule two matters, there will be some schedule three matters and there will be the balance, the retained functions, and so it is recommended to us at this stage, that there might be three pieces of legislation. I am also advised that it wasn't necessary to make those amendments prior to the commencement of this Bill on the 30<sup>th</sup>, however, the major problem that this all presents, that is the implementation of this legislation, and one that needed to be addressed before commencement, was the Companies Act, extending company fixed and floating charges, and that has not been tidied at this moment, but I am advised, that therefore, the particular legislation, Personal Property Security Act, in its extension to Norfolk Island will not cover the corporate legislation in Norfolk Island until that has been tidied, and that is being pursued with AG's and other instrumentalities within the Commonwealths sphere. As soon as I have the Bills that I have referred to, I will be bringing them forward, I do project that we will be able to do that at the next Sitting, but they will be brought forward so that Members will see it before then, I think that is where we are at with that particular piece of legislation.

**SPEAKER** Thank you Chief Minister, moving along to Question on Notice 337, again Mr Anderson to Chief Minister, Chief Minister.

**MR BUFFETT** 337, Mr Anderson to myself, at the last Sitting the Chief Minister indicated that the switch over to the new accounting system that would allow consolidation of Administration accounts onto one account for individuals or families was possibly starting that day. Can the Chief Minister provide an update of how far the project has progressed and what are the timelines for its completion? Well starting that day was hopeful! But here we are, I did make that statement in the Assembly, in good faith of course, the change over continues, as with installations of all new systems, there are issues that arise, and that has been the case, I think with spades, in this particular instance, but it is a big and difficult project. There have been problems in processing electricity accounts for the first time to come onto that system, but it is expected that those accounts will be in consumers post office boxes within a week, and you will know that the healthcare levy when sent out, was in the new format. One of the things that is yet to be done, but will be done in February, where there will be a Post Office Box drop, to ask individuals and families, how they would like to configure their accounts; one or not so, so then the accounting scheme can be tailored accordingly in terms of individuals.

**SPEAKER** Thank you Chief Minister and the final Question on Notice today Honourable Members is 338. Mr Anderson to the Minister for Community Services, Minister Sheridan.

**MR SHERIDAN** Thank you Madam Speaker, the question reads, in employing doctors at the Hospital as either locums or on a time based contract what background checks are undertaken by the employment agencies and/or the Director of the Hospital to establish the credentials of the applicants and to confirm the right to practise as a medical practitioner? Are there any specific checks conducted with registration bodies in Australia or overseas? The answer is this Madam Speaker. Prior to any Medical Practitioner being employed either as a locum or permanent employee at the Norfolk Island Hospital Enterprise a series of checks are made through their Australian or New Zealand Registering Authorities to confirm their right to practise as a Medical Practitioner. Prior to registering as a Medical Practitioner on Norfolk Island the Director accesses their registration details either through the Australian Health Practitioners Registering Authority or the New Zealand Medical Council. The Registration details from these authorities provide: the name of the Practitioner, the Sex, spoken Languages other than English, Qualifications, Principal Place of Practice, Registration Details including Profession, Registration Type, Registration Status, Conditions or Undertakings on Registration, Registration Number, Date of First Registration, Expiry Date of the

registration, Endorsements, any suspensions, Conditions on Practise, Undertakings, Reprimands, Notations. Under the New Zealand Medical Council, they indicate the name, Qualifications, the District, the Scope of Practise, Practising Certificate Dates, and the Conditions of Practise. Madam Speaker a Criminal History Check is done, either by requesting the Medical Practitioner to obtain their own or through the Norfolk Island Police plus probity checks. Both registering authorities, that is in Australia and New Zealand, undertake their own checks prior to registering anyone including a Criminal History Check, in deciding whether a health practitioner's criminal history is relevant to the practice or their profession, and a Recency of Practise Registration Standard, to ensure that they are able to practise competently and safely, medical practitioners must have recent practice in the fields in which they intend to work during the period of registration for which they are applying. And Madam Speaker I do have a handout on those standards if Mr Anderson would like them. The Director is also required to ascertain that the person has the physical capacity, the mental capacity and the skill required to competently practise, have sufficient communication skills, is of good character and Madam Speaker contact with the Australia and New Zealand Registration Authorities to ascertain whether there has been any concerns/complaints in regards to the person.

SPEAKER Mr Anderson a supplementary?

MR ANDERSON Yes, in the nature of a supplementary to the Minister, thank you Madam Speaker, is the same criteria applied to your knowledge to, for example, the appointment of the Counsellor's or the Medical Technologists?

MR SHERIDAN Thank you Madam Speaker, as far as I am aware the probity checks are undertaken, if there is a requirement for them to be registered off-shore those checks will be taken through that board of registration, so yes, the answer would be yes.

MR ANDERSON A further supplementary thank you Madam Speaker. Just to the extent which you are aware, is there a recruitment process that the Director follows and is there a panel that considers applications when these positions become available?

MR SHERIDAN Thank you Madam Speaker, yes there is a recruitment process, and it is very much along the same as the normal HR Practice, you advertise and you get your applications in, and depending upon the number of applications, they are vetted by the Director, and if there is a need for a Board to sit to select an applicant, then that Board is erected, but in the main, we are lucky to get only a few applications for each position, so the process is fairly limited you might say in regards to the selection.

MR ANDERSON So can I take from that that the Director makes most of the decisions to employ?

MR SHERIDAN Madam Speaker, yes the Director has the ability to employ people under the Norfolk Island Hospital Act, but he does consider the opinion of the Norfolk Island Advisory Board, all these matters he does work the process of his Advisory Board.

SPEAKER Final supplementary Mr Anderson.

MR ANDERSON Thank you! This will be very useful information though! Has the East Sydney Medical Officers been considered to fill any of these positions or to assist with the appointments, and will this be discussed with them when they visit the Island in about two weeks time?



MR SHERIDAN Thank you Madam Speaker, yes, certainly the South East Sydney Local Health District, has indicated that their HR Department is available to assist us in these matters, and at this point in time we are utilising their services, the Director's position at the Hospital becomes vacant in May, advertisements will be in the paper locally this week, they will be in the Medical Journals in Australia this week also, and we have utilised their HR services in formalising the position, just to make sure everything is in accordance, the qualifications etc, that are required, so yes, we already are utilising their department, their HR department in regards to that, and yes we will be having further discussions when there is a need to fill a vacancy in a medical professional sense, whether it be Doctor's, Dentists, Pathologists, whatever, Radiologists. Thank you.

SPEAKER Thank you Minister Sheridan. Honourable Members we move now to Presentation of Papers.

### **PRESENTATION OF PAPERS**

SPEAKER Are there any papers for presentation, Chief Minister.

MR BUFFETT In accordance with statutory requirements Madam Speaker, I table the virement arrangements which have been undertaken since our last Sitting. Thank you.

SPEAKER Thank you Chief Minister, further papers for presentation this morning? Minister Sheridan.

MR SHERIDAN Thank you Madam Speaker, Madam Speaker in accordance with Section 41 of the Interpretation Act 1979 I table the Traffic Amendment No. 6 Regulations 2011.

SPEAKER Thank you Minister Sheridan, further papers for presentation, Minister Nobbs.

MR NOBBS Thank you Madam Speaker, I table the Norfolk Island Fishing and Marine Report dated January 2012. This report provides an overview of activities that support and advance the Norfolk Island Fishery Management Policy 2009 and the Memorandum of Understanding with the Australian Fisheries Management Authority. In brief, a few of the key areas covered within the report include, provision of historic and current catch data for the fishery, work carried out by NIFA to address Fishing Association licensing and safety, establishment of the working group to develop a marine safety white paper for consultation, a communication plan to assist in the consultation and Bill development process, information regarding Norfolk Island Fishing Association and Norfolk Island Government attempts to commence commercial fishing licensing arrangements, temperate east marine bioregional plan information and discussion, attachments include: Norfolk Island Fishing Association Notice of Resolution, the Draft Fisheries and Marine Activity Bill, this paper was developed to commence discussion across the broad areas of marine activities and should be viewed as a preliminary to a white paper for consultation. The Explanatory Memorandum is attached, as is the draft communication plan, draft Marine Safety Discussion Paper, Norfolk Island Fishing Association Annual Report 2011, Norfolk Island Fishing Association Catch Data 2010-2011. I would like to take this opportunity to thank the officers who have assisted in compiling this report and the members of the Working Group for the work so far completed in these areas. But I would also like to thank NIFA, the Norfolk Island Fishing Association for their continued efforts and communications on these matters, and I might also highlight that some of the most recent feedback from my meetings with Norfolk Island Fishing Association, has been included within the report, in particular the reference to a Harbour Board arrangement, as opposed to a Harbour Master. I share their view that expanding the expertise in responsibilities in this area will benefit all stakeholders, readers

should be aware that the attached policy discussion paper pre-dates the Harbour Board proposal I am referring to, and as such refers to a Harbour Master. Thank you Madam Speaker.

SPEAKER Thank you Minister Nobbs, further papers for presentation Honourable Members? There seems there are no further papers, we move now to Statements of an Official Nature. Chief Minister.

### STATEMENTS OF AN OFFICIAL NATURE

MR BUFFETT Thank you Madam Speaker, Madam Speaker in October on the 5<sup>th</sup> of October, the House resolved on a matter of protection of Norfolk Island's Cultural Heritage, that I should write to Minister Crean, I have so done, and I have a response from Minister Crean which I will read and table. It says this: Dear Chief Minister, Thank you for your letter of the 7<sup>th</sup> October 2011 concerning protection of Norfolk Island's Cultural Heritage, I apologise in the delay in replying. The Australia Government places great importance on the preservation and promotion of Australia culture, and as Minister for the Arts I have responsibility for the development of a new national cultural policy. As you are aware, I respect and advocate Norfolk Island's importance as an integral part of the Commonwealth of Australia. I also appreciate the significance of Norfolk Island's cultural heritage to the Legislative Assembly and the Norfolk Island community. Thank you for advising me about the motion passed in the Norfolk Island Legislative Assembly on the 5<sup>th</sup> of October 2011. While I appreciate the suggestion that an eminent person be appointed to oversee the Norfolk Island reform process, I do not think it appropriate, given the need for an importance of localism and community ownership. The views of all members of the Norfolk Island community need to be heard in the reform process and I encourage you to provide opportunities for the Norfolk Island community to put forward views. Yours sincerely Simon Crean. And I table that letter Madam Speaker.

SPEAKER Thank you Chief Minister, that paper is tabled. Further statements this morning of an official nature? Chief Minister.

MR BUFFETT Madam Speaker, I have here the Norfolk Island Public Service Review, this is a review of some 96 pages, at the end of its time, it sets out 12 recommendations. The report in itself is quite hard hitting, it says a number of things that will be disagreeable to a number of people. But it does culminate in 12 recommendations. This report is not new in me tabling it today, it is available on websites, and I've announced in earlier times that that is the case. But I wanted to present it today so it is clearly seen in the context of this Assembly. The recommendations, the 12 recommendations, that it sets out are these: 1) adopt a modified version of the local Government option of the Roadmap, the Island Government option. 2) the Norfolk Island Government and the Australia Government to agree and develop and deploy a strategy for moving to the new governance structure. 3) Employ an external capacity building team to fast track the change process. 4) Norfolk Island Government and the Australia Government to agree a governance arrangement, which provides the capacity building team (CBT) with appropriate authority and safeguards to enable it to carry out its tasks effectively. 5) Implement a specific capacity building program for the Norfolk Island program. 6) Replace the Public Sector Management Act 2000 and the Human Resources Policy and Procedures Manual. 7) The Norfolk Island develop a long term vision and strategic community plan for Norfolk Island. 8) Implement an organisational integrity development program, for MLA's and public servants. 9) Restructure the Administration to improve policy advice, management control and productivity. 10) Introduce a program of functional reviews. 11) Restructure the Legal Services Unit. And 12) Undertake a program of legislative review. You will see Madam Speaker that these are wide ranging recommendations and whether or no, one would like to argue about some of the discussion in the report the Government is of the view that it

should endorse those principle recommendations of the report. And the sequence of the activities that they have set out in the report. The next question of course is, what about the doings of it, that needs to now be talked too, as one of the recommendations here, it sets out two things; 1) A method of Island governance, and then it says the two Governments to develop, agree and deploy a strategy for moving into that governance arrangement. All of the others are in fact support machinery matters to actually achieve that. I think it deserves saying that the Island Government option needs to be seen in context. The Norfolk Island Government has already put up a model, a Territories Government model, we had a public meeting about that, and that has been despatched to the Commonwealth. This report is talking about an Island Government option and maybe I should just set out, in broad terms, because it deserves discussion to get to the final detail, but the broad terms of all of that means, that the local Government, three tiers of Government, that is one experiences in the Commonwealth and in Norfolk Island. In terms of local Government activity, Norfolk Island runs those things and continues to run those things. In terms of State Government things they would, in the main, but not exclusively, be brought in for those functions to be performed, we do that to a certain extent now, we buy in educational arrangements, we buy in our police force, and so you will that they're things that we do of that nature. The real difference is that we pay for it at this moment, except for the police, which has a 70/30 funding arrangement. And in a general sense that the Commonwealth things should be performed and paid for by Commonwealth. Now there are things that need to be adjusted because the reports to date state that we need to take account of the peculiarities of this place, of its smallness, its isolation and those things, and it might require some adjustment in those broad areas, but they are the broad areas, that is how we interpret that this report is speaking and that is how we interpret our own recommendation in terms of the model of governance that we have earlier sent to the Commonwealth Government, so I just make that comment in terms of the first, and as I've already said, the second is, we need, between the two Governments to work out how we get there. It is important and vital that this be said, and it says it in the report, that it requires the co-operation of both Governments, unless that happens, it won't happen, it can't happen. It needs the commitment by both, we are endeavouring to make our commitment, we are endeavouring to make our commitment. Now the Commonwealth will need to assess their position as well. My aim is to present it in that formal sense and to put it on the table to again reiterate that it is publically available on public websites and the like, for those who would like to have a hardcopy it's available from my office or office of the Legislative Assembly. Thank you Madam Speaker, I table that report.

SPEAKER  
Further statements?

Thank you Chief Minister. That paper is so tabled.

MR KING  
noted.

I move that both the paper and the statement be noted.

SPEAKER  
King?  
King?

Thank you Mr King, the question before the House is that the paper and the statement be noted, debate Honourable Members? Mr King. Mr King?

MR KING

I have nothing to say at this stage thank you.

SPEAKER  
Griffiths.

Right, is there any debate Honourable Members? Mrs Griffiths.

MRS GRIFFITHS

Madame Speaker, we've finally got our public Service Report! And before I comment on the recommendations themselves, I'd like to make some general comments. Let's start at the beginning, the terms of reference. Point three is about examining the capacity and appropriateness of the existing public sector structures to provide strategic resourcing, policy and direction setting advice to the Norfolk

Island Government. I don't believe this report does that; it's taken the easy way out. It doesn't examine the Ministerial portfolios that exist, where there is no body or department within the Public Service to provide strategic resourcing, policy and direction setting advice to the Norfolk Island Government. I'm talking about the portfolios for culture, heritage and traditions. I'm talking about the strategic planning portfolio which is the responsibility of the Chief Minister; I'm talking about primary industry including and fisheries and agriculture; I'm talking about education, it is not the schools responsibility to provide resourcing, policy and direction to the Government; what about employment? We conduct a census but we don't use that for education or labour market purposes. No wonder this report comments incessantly on the lack of capacity on the Island. I believe that by saying our public sector managers are focused on service delivery and don't have the time or inclination to provide policy advice or conduct research that might inform policy advice discredits the abilities of our Public Service Managers. I know that's not true. I've seen those Managers come to budget submission meetings with policy proposals; albeit generally orally. They tell us what they could achieve and what they've been trying to achieve for years. If we had told the Managers for example that we wanted to raise revenue, then our Managers could have given us a number of policy options on how to do that. It would be through such an approach that we might drive a truly necessary policy and legislative program for the year ahead instead of the ad hoc approach we take now. It is our Government that has failed them. The report claims that Ministers are heavily involved in policy development; what policy development? I've seen little evidence of that. I would argue that Ministers are heavily involved in operational issues but then, the report states that too. It states that Ministers don't understand the importance of separation of Government and Administration, I agree. I would argue that that comes about from a lack of training. It is not enough to provide any newly elected MLA with a copy of Standing Orders, a presentation by the public sector Managers, and a tour and expect them to know how to perform best in the job. It doesn't matter how good you are or how noble your intentions. The report claims the Human Resource policies are incomplete and require a complete over haul and that the HR function does not adequately support the organization and that the HR policy and procedures manual is poorly structured and incomplete. I agree; and it's not a new problem. For this reason I can't understand why HR Policy development wasn't an essential skill in the recruitment process and a priority task when the HR Officer was recruited. Instead what we got was a very expensive learning program. The report claims that there are training and development opportunities that the Administration could explore. I agree. However I have to ask would we be training for the Public Service or would be looking at training and development opportunities for the Island in general? If it's the former, would this form part of the HR function? I believe to serve this community, it should be for the community and more appropriate in the labour and employment department I referred to earlier. One thing is for sure, we should be looking strategically at our labour market needs and establishing training and development opportunities from there. If we do need to train lawyers, managers and accountants as the report says, we should look at offering such opportunities for adults; the scholarships and bursaries currently offered is no use to any adult looking to better themselves. The report talks of performance management only applying to contracts. That's true but only because of the way performance management was introduced into the Service. I believe it is possible to review performance outside a contract by departmental planning. In the absence of a long-term vision and plan for Norfolk, I believe that every department of the Public Service should develop its own strategic plan based on the identified priorities of the Government for that year. The priorities might be as diverse as: generating revenue; protecting the environment; and/or developing social sustainability. With assistance from within the Service, plans and budget can be developed. This approach would increase accountability and avoid the changes in directions dictated by the Ministers that the report refers too. There is no need that this be evolutionary. With the right support, it can be achieved across the Service within 12 months. The department of the Assembly should not be immune from such planning. Plans for the Assembly might include: priorities for the acquirement of equipment and supplementary training for MLA's. Madame Speaker, if you'll bear with

me, I'll give my views on the recommendations. With your indulgence, I'll work backwards. Recommendation 12; Undertaking a program of legislative review, I couldn't agree more that a program of legislative review needs to take place. I was excited when the former Attorney-General claimed that this was going to happen in the life of this Assembly. I even offered to assist, however it's a big job hampered by the absence of vision and policy. As much as I agree that a legislative review process needs to take place, it's not the place to start. Recommendation 11: Restructuring the Legal Services Unit. The report says that that the drafting of legislation is seen as a principle means of policy execution. I agree, that's why we have the excessive legislation and inconsistencies that we do. Remembering that legislation enforces policy, I believe that's why we have an overburdened LSU, they've been trying to do two jobs at the same time in a reactive environment that has lacked vision. Having said that I do not agree that Norfolk should simply adopt legislation from Australia, the policy objectives of Australia's laws may not necessarily be the same as ours, once again, this report has taken the easy way out. I have to wonder if the Public Service improved their policy capacity what would be the impact on LSU. I also have to wonder if we were to outsource much of this work how much would it cost. How much oversight would we have? I'm open to such an idea but then again, it's not the place to start. Recommendation 10: Introducing a program of functional reviews. I agree wholeheartedly that a program of regular reviews take place on a department by department basis. I believe that every department should be reviewed, on a rolling basis every five years. These reviews would identify duplications and inefficiencies in every department. Recommendation 9: Restructuring the Administration to improve policy advice, management control and productivity. I agree that the policy advice that comes from this Government is reactive to political issues, particularly given the lack of a long term plan. I agree that we need to improve policy advice and productivity, however I cannot agree with this report that the only way to improve this function is through the divestment program that they've outlined. The way this report seems to me is that they've determined that everything should be divested first to the Commonwealth, then put everything in this basket without being innovative and actually coming up with solutions. This is one of its major failings. I know I go on and on about it, but policy making is the foundation of Government, it is what distinguishes it from the private sector. It's essential that any Public Service, including ours, has a strong policy development capacity. It has to be a continuous, learning process, not a series of one-off, isolated initiatives. A robust policy development program can avoid us getting caught up in short-term, reactive, crisis-oriented policy development. We have to build our policy capacity in every department to address crosscutting policy issues. We have to recognize the interdependence of policy issues and work co-operatively across departments to build stronger, more integrated policy responses. Recommendation 8: Implementing an Organisational Integrity Development program for all MLA's and Public Servants. I agree, I support building the capacity of the Assembly and Public Servants; however the report does not go far enough; It is not just about conflict of interest or probity. It's about knowing how we can best perform in the job. What we need to learn is how parliament and committees work; the role of the service, including the importance of separating government and administration; policy development, and how to deal with the expectations of the community, as well as ethics and gender sensitivity. Whatever forms this training takes, it has to be ongoing to avoid information overload in the early days of taking up the job or an electoral term. Recommendation 7: NIG to develop a long-term vision and strategic community plan for Norfolk Island. I agree with the report that this community and its leaders focus on the past and blame the economic decline and drop in tourism for our shortcomings. I have long and loudly advocated that we need to look forward. This is the place to start. What I find interesting is that this report claims that all the reviews and the Roadmap could all be integrated into one long term plan. I support that view particularly because the Roadmap has had no community consultation; it dictates the extension of Commonwealth legislation when we're not sure why or to what challenge in the community the proposed legislation would address. We must develop a long term vision and plan for Norfolk in consultation with the different Commonwealth departments. I note of the report notes the difficulty of divesting responsibilities to

Commonwealth agencies as they have not necessarily been involved in this review process. Goodness knows, many if not most, would not even know where Norfolk is, let alone know anything about us. I suggest that responsibility for developing such a plan be allocated to one Commonwealth representative; one Norfolk representative and one independent representative. Our long term plan could be encompassed under pillars. Short, medium and long term priorities should be addressed. One vision will give us one voice and that alone will address some of our social cohesion problems. It would also allow members of our community to position themselves to take advantage of our direction, confident of where we are heading. It would also give stability and direction to successive Governments and prevent Ministers changing direction and subverting resources as currently happens. Recommendation 6: Replacing the Public Sector Management Act 2000 and the Human Resources Policy and Procedures Manual. I agree, in fact I couldn't agree more. I only hope that our new HR Manager would bring to the position some HR policy development expertise and give us a good start. I wouldn't want to wait too long to see this implemented. Recommendation 5: Implementing a targeted capacity building program for the Norfolk Island Hospital. I was interested to learn, but not surprised, that the Hospital has no strategic planning processes and the current plan has rolled over since 2004. I also find their comment about sourcing appropriately skilled Doctors a dilemma. It's not an issue that can be fixed by capacity building alone. I think the Hospital is better off developing a relevant strategic plan that responds to the current challenges of the hospital, with capacity building being one of several components. Madam Speaker, I'll combine my comments on recommendations 1 to 4 as they are all about one thing, assimilation. While we think of assimilation as something that's confined to the history books on colonisation and colonialism, it seems to be alive and well today and is something we as Norfolk Islanders have long struggled against. It's no wonder we are suspicious. Let me give you an example, the French were masters of assimilation and they assimilated their colonies based on the idea of expanding French culture to the colonies outside of France in the 19th and 20th century. Natives of these colonies were considered French citizens as long as culture and customs were adopted. This also meant they would have the rights and duties of French citizens. Rest assured that is why we see incessant statements in reports like these about needing the same rights as Australians. The truth here, and it's in plain black and white in the Well Being Report that only 31% of our population identify themselves as Australians. If you combine the Pitcairn and Norfolk Islander together, you've got 50% of the population identifying themselves as Islanders. If we add the New Zealanders and other nationalities that have chosen to make Norfolk their home, then in reality you're talking about 69%. If the French example is too far-fetched to look to think about, let's look at Australian examples. In the mid 1950's, the Australian Government policy was about training Aboriginal Peoples so they could take their place within the wider Australian system, it was about equality with other Australians, with the same range of choices, freedom of action, and responsibilities. Does that sound familiar? What this assimilation policy really meant was radical change and the disappearance of most aspects of their traditional life. To prevent this loss of culture, the assimilation aim was officially modified in 1965 to give greater emphasis on traditional Aboriginal culture. For a time, this modified policy was called integration. Today the trend is towards self-determination. It doesn't mean that Aboriginal peoples cut themselves off from Australian society. It does mean that Aboriginal peoples should have opportunities to make decisions for themselves, with a wider range of meaningful choices, and more encouragement to develop their heritage. That's what Mr. Crean promised us and that is all that I will accept. Like many members of this community, I'm afraid this report will sit on the shelf or alternatively Australia will set about imposing and divesting. I would like to see action but I'd prefer that, we determine our vision for ourselves through a long-term plan, we create the right departments for our Ministerial Portfolios, we need Commonwealth help to build our policy capacity for both inside the Public Service and for community development in general. We ourselves need to create a Development Unit within the Public Service, a unit responsible for looking inside the organisation, a unit responsible for assisting the Chief Minister with his strategic planning responsibilities, a unit responsible for organising and facilitating annual work

plans and budgets for each department, assisting us develop our project management capacity, assisting us with streamlining our processes to improve performance, organising, facilitating a programme of functional reviews. Ideally this is where the current Internal Audit position should also sit. One thing is for sure, divesting and bringing in external capacity builders is not about building local capacity here. In closing Madam Speaker, I know that there are those in the community who will criticise my position and claim that I'm saying we've taken the Government's money, now get lost. That's not what I'm saying at all, I'm grateful for Commonwealth efforts to date. The information that has been provided to us through these reports is invaluable and overdue. What we need is a Commonwealth that continues to want what's best for us and recognises that that might not necessarily be the Commonwealth's way of doing things. I'm not resistant to change, I'm just proposing the best way forward without destroying the very assets that this community has. Thank you Madam Speaker.

**SPEAKER** Thank you Mrs Griffiths. Further debate Honourable Members? There being no further debate I put the question, Mr King? I apologise.

**MR KING** I am actually quite surprised that there is no additional debate, I think that the report is deserving of some wider discussion and comment, Madam Speaker I don't misinterpret Mrs Griffiths attitude and approach to this, I fully understand her attitude towards these things, and that her very dear regard for matters of culture and identity for Norfolk Island, so I don't understand that and I would encourage others to accept Mrs Griffiths comments with that understanding as well. I'm suspicious as well, but my suspicions are of quite a different nature, I'm suspicious in respect of some of this report because I can sense the heavy influence of at least two people in that report, in the findings and in the body of the report. I am not terribly happy about that, but never the less, having said that Madam Speaker, by in large, I am in agreement, in agreement with the findings of the report, I suspect perhaps that the group, whatever it was called, the Continuous Improvement Group, was given a brief to be hard hitting, to be brutal. And they probably did that for a reason which I would regard as being good, and that is to snap us out of the cocoon of self denial that we have been in for so long. I don't say that to denigrate the Public Service, or its members, but we never the less have experienced a decline, over a long period of time in respect of quality of advice, and capacity to provide policy advice and policy development, but we mustn't lose sight of the fact, or the reasons why, in my belief in any event, those things have occurred, and they haven't occurred just last week, or a month before or the year before the publication of this report. They have occurred gradually over a period of some 30 years. They have appeared Madam Speaker because we have, as an Assembly, a Parliament, has not provided, in my view, the proper political leadership which was required for proper operation of the Public Service. Gradually over a period of time commencing from the very early eighties, the provision for staff training in the budget was diminished right down to somewhere less than 1%, in fact it disappeared entirely over the past couple of years, it may have been resurrected in the last budget, and agreeably so, but never the less it has diminished gradually to a point of nil. Nil provision over a 30 year period, so we haven't ensured that there has been proper job rotation, we haven't ensured, and I'm not saying "we" Madam Speaker, I'm saying the Legislative Assembly, the Government's, over a period of 30 years when I use the term "we". So we haven't provided sufficient resources and funding for those departments and officers to operate adequately, we have watched budget after budget, year after year, struggling, departments and areas struggling with outdated and antiquated equipment, equipment with OHS issues. We have often seen a frequent rotation of executive leadership in the public service, we seem to have little capacity to hold onto professional public servants from outside, professional leaders from outside, we have decried them, we have pushed them out, we have cut short their terms of employment, we have a history of that. That has not provided stability, that comes down to the political arena. We have seen obscure and unfunded plans and little direction given. Mrs Griffiths spoke about policy development, I agree that there is an untapped capacity within the public service to provide policy direction. I agree that that is the case,

we, as representatives in this arena, particularly in executive ranks, have not provided them with the impetus to come forward with policy direction. I suggest Madam Speaker that the Government could count on one hand with half their fingers cut off, the number of policy papers that they have received from the public sector over the past couple of years. Any policy determinations appear to come from the executive area. Without, I imagine, without I suspect, proper input, or proper requests made of public service and various departments for input. It wasn't always like that Madam Speaker, my early days in the Public Service were, 30 odd years ago, 40, a long time ago, in the early eighties. In those days the Public Service was an attractive to live, to work I'm sorry, a very attractive place to work. There was some mechanisms in place to ensure that the value of their wages were maintained, their purchasing power of their wages were maintained, and that is an important element if you are going to attract, seek to attract, the right quality people to the Public Service. Over a period of the first nine years of self-government the purchasing power, the general purchasing power of Public Service wages diminished by some 45%, and along with that came a diminished attraction to Public Service of the right level or quality of people, but it wasn't always as it is depicted in this report Madam Speaker. And the political arena, the parliamentary arena, must bear a greater part of the responsibility for the things that have been depicted in that report. I never the less joined with the Government in endorsing those recommendations, as a positive means, and with an outcome for the Administration and Public Servants which can only be good. Thank you very much.

SPEAKER  
Snell.

Mr King, further debate Honourable Members? Mr

MR SNELL Thank you Madam Speaker, Madam Speaker, I don't quite agree with Mr King's analysis of the report, I take into account what Mrs Griffiths had to say, and compliment her on her determination of what the report means to Norfolk Island. My reading of the report also highlights that it appears that it is a bit of whinge fest by some, or some others within the Island making a point of view. But we can not lay the blame directly on this Government or previous Government's dating back to 1979 on the situation that we find ourselves in today. I think the report highlights many different reports that have been compiled to address certain matters here on Norfolk Island. Some of those reports have been acted upon, some have not, some have been subject to criticism, and it appears that this particular report has blamed the lack of consideration, adoption and consideration purely on the Norfolk Island Government, well I think the Federal Government has a lot to answer, they broke promises from 1979 onwards to probably the present day, they didn't follow up on promises that they said they would and the lack of training was a feature in those early days of our Public Service at that time. They became Norfolk Island Public Service in a matter of a day when the Commonwealth handed over the Norfolk Island Act 1979, there are many different aspects that have to be taken into account whilst the report is scathing in some areas, it gives very little solutions, except for the recommendations as mentioned by Mrs Griffiths, and she rightly points out that some of those recommendations may not be palatable to many around this table. The report I believe is a little too late, and it's disappointing in some aspects. But there are possibilities that we can benefit from what some of the recommendations are, and I agree with Mrs Griffiths there are some that we have to look at, and we have to take account of, but it is an ongoing process, today is not the day, we have noted the document and there will be further discussion at a later day I'm sure, thank you Madam Speaker.

SPEAKER  
Members? Mrs Ward.

Thank you Mr Snell, further debate Honourable

MRS WARD Yes Madam Speaker I was holding back to see if the Minister's, the other two Minister's were going to make comment, we had had some discussion on this at MLA's yesterday and I was particularly interested in what



recommendations may be able to be commenced straight away, as people are enquiring in the community. Minister Sheridan had mentioned something about health, but maybe I misheard him, so I'll leave it at that. I apologise if I did hear that and I have now recorded it. What this is all about, and I have listened to Mrs Griffiths view, and respect her views of course, but it is all about resources, capacity and funding, and we are basically insolvent, we know that, but as the Chief Minister said, but until the Commonwealth commits to this ongoing reform process, it's set to fail. If the Commonwealth doesn't commit, worst case scenario, we will look at privatisation, we will look at the selling off of public assets and we will look at job losses. Now the other fact is that 79% of this community are Australian citizens, whether we feel that we are connected to Norfolk through our Pitcairn heritage as my children are, whether we are New Zealanders who have converted or not to Australian citizenship, 79% deserve to see the ongoing commitment of the Commonwealth Government to create a sustainable Norfolk Island. So today I will support the Chief Minister's support of the principle recommendations, I would like to see further discussion, I agree with Mr Snell, there will be, on what recommendations may be picked up and carried forward by the Norfolk Island Government in the very near future. For example the Public Sector Management Act and Human Resources Policy and Procedures Manual to be replaced. I would like to see the Norfolk Island Government make moves to start developing the long term vision and strategic community plan, I think that is something that the community is asking "why can't we do that tomorrow"? But I think the Chief Minister has made it very clear, that until at least the first four recommendations are backed up by the Commonwealth, we can't move, we can't go anywhere, so I certainly hope to see that ongoing commitment as described certainly by the Federal Minister's Simon Crean. Thank you Madam Speaker.

SPEAKER

Members? Minister Nobbs.

Thank you Mrs Ward, further debate Honourable

MR NOBBS

Thank you Madam Speaker, I will be fairly brief, the Chief Minister has provided the Government's view on those recommendations and I certainly support him in his attachment to those, but also the attachment to the right processes that attach to those recommendations. We don't want to partially take a recommendation and partially use expertise and partially use whoever's available at the time just to make something commence, we want it to commence in the spirit of what is put in the recommendations process, that is part of that Public Service Review. The Chief Minister has also highlighted that we are waiting on the Economic Development Study, or the report, now that also needs to be taken into the context of this Public Service Review, there will be elements of that which reflect on revenue streams, on the Government Business Enterprises, on the various elements that come into play there, and that needs to be taken in the same context, there's an elephant in the room for me on this one, and that is that Norfolk Island's Government, and Norfolk Island as an entity itself, it's obligations have grown over the years, the obligations to the community have grown, the obligations as an external territory have grown, those obligations have consumed resources. They've consumed expertise and they have also stepped up the level of expertise in some cases that is necessary. So you need to put in the context here that as an external territory we have taken on obligations, or had obligations put on us that we have also had to fund, resource and try and do the best things we can within our capacities there, so it's not all one way traffic in this. With regard to the longer term planning, I think realistically there have been a number of medium and long term plans that have been worked on by the various Government's, one of the factors that has impaired a truly long term plan for Norfolk Island is that there hasn't been a clear long term plan that has involved the Commonwealth's view for Norfolk Island. As I've said in previous discussions about the Roadmap, what I see the Roadmap bringing is that long term stability, and I would certainly hope that it brings that long term stability because then that there settles some of our longer term stability for family, for economy, for investment, for tourism, for all manner of things. So just in closing I just further reiterate that this

report needs to be taken in the context of the Economic Development Report and we need to move forward on the context of the professional advice given. Thank you.

SPEAKER Thank you Minister Nobbs, further debate Honourable Members around the table on the question that the statement and the paper be noted? Any further debate? Chief Minister?

MR BUFFETT I would like to say some concluding notes if we are at that stage?

SPEAKER Any one else wanting to talk?

MR ANDERSON I am happy to add a short comment Madam Speaker. Thank you Madam Speaker. I welcome the endorsement by the Government of the recommendations, I appreciate it is only part of what's necessary, in my view the report says frankly what is already believed by what has been said over and over again in the past without any action being taken. The Norfolk Island Government in co-operation with the Commonwealth Government must act so that the process of reform is begun as soon as possible and can not be reversed or further delayed. I look forward to some positive progress as soon as the Commonwealth finds the funding. If they can not find the funding to provide the suggested assistance the problem will only get worse, and the end result will be a much greater cost to rectify. This parliament has been forced to take the hard decisions to ensure the survival of Norfolk Island and in my view, implementation of change as suggested by this report is another very necessary and difficult step in the right direction. I appreciate that we must wait for the other report and do it as a combined effort, but I just think we need to get on it with it as soon as we are able, and we need to put the pressure on the Commonwealth to provide the funding to ensure that we can get on with it, thank you Madam Speaker.

SPEAKER Thank you Mr Anderson, Chief Minister to conclude.

MR BUFFETT Thank you Madam Speaker, just a couple of things to conclude. Again, may I say, the various reports that we have been involved in, commissioned by the Commonwealth, paid by the Commonwealth in the main, have not been designed to be ones that stand alone, they are designed to be ones that dovetail, one with the other, so that they progressively equip us better to make decisions about the long term sustainability of the Island. That is how the Roadmap is framed, that is how the Roadmap is framed, so I just say it again. So we have this, but yet we do have, hopefully very soon, the Economic Development Study and Action Plan, to come to assist us further. The next thing that I would like to just emphasise in terms of the 12 recommendations, they come in a sequence, especially this sort of sequence, the first two give direction about how we travel, and then from 3-12 onwards, it makes a series of recommendations that assist that process. And that is extremely important, we talk about, a number have mentioned whilst we've been talking through some of these issues, that we need to have a long term vision, in fact the report itself is very critical of us, for not having, at this stage, a long term vision, our vision has been to survive at this very time. But in terms of this grouping of 12 recommendations, you will note that it talks about settling a method of Government, it talks about an Island Government, whether it's an Island Government, Territories model, or whatever terminology you like, I'm not trying to argue about that at this moment, but that does need to be tidied, we are getting closer to tidying it, but it's still a process. The reason I am emphasising that is, is that that needs to be tidy before we are able to tackle some of those other things such as a long term vision. You need to know what your resources are, and you need to have some idea of the framework that you want to adopt. Once you have got that, then you erect your long term vision with that information. If you don't do it, then your long term vision falls immediately if you determine a structure that doesn't fit with it, and one needs to dovetail with the other. I think I'm just using that as an example to show that there is a flow in terms of the

recommendations here, that I think are important. I just want to then, the third and final thing, is to add this, there are some things that we feel that we can tackle straight away, I've got to say that they are not the big things at this moment, but never the less, they are some things that we can. One relates to procurement policy and guidelines for example, the report talks about this. You know pages 6, 37, 38 of this report talks about this. I advised the House on an earlier occasion, somebody asked me a question, about the Commonwealth Minister's Financial Officer's order, officer and orders, with those new arrangements in place, how did they tick tack and dovetail with our policy and guidelines, and I indicated that I had given instructions to ensure that the two tallied, and that has been got about. But then we have this report, then we have this report, which equally talks about some of those, I have equally given instructions that those factors within this report should equally be dovetailed in the reassessment of our policy and guidelines about procurement. So that, not the biggest thing on the list, but I am just trying to demonstrate that there are some things that we are, and I have already instructed to be pursued, and got about. We continue to talk with the Commonwealth about an agreed method of implementation. Those discussions continue. I thank everyone for their contributions, and indeed I just turn to Mrs Griffiths, I would be pleased to have, because I saw that she had extensive notes, to have those, so that they might be useful in how we move forward, I thank all Members for their contributions Madam Speaker.

**SPEAKER** Thank you Chief Minister, I think from indicators that we have exhausted debate on the question that the statement and paper be noted. I put that question.

**QUESTION PUT  
AGREED**

That motion is so agreed. Are there any further statements to be made today? Chief Minister.

**MR BUFFETT** Madam Speaker I have a statement about the Administrative, the AAT. Members will recall that we had a visit arranged and undertaken by Mr Justice Downes and Mr Phillip Kellow, they were the President and the Principle Registrar respectively of the Administrative Appeals Tribunal. And there was an introductory talk amongst ourselves here, and in the community as well. And it was foreshadowed that there would be a further visit to commence the Tribunals jurisdiction, so I am happy to say that that is now coming to pass, and that those people will again visit to launch the Tribunal's jurisdiction in the week commencing 27<sup>th</sup> of February, so it's the end of the month that we are just commencing today. Again, Justice Downes, Mr Phillip Kellow, but also there will be the Australia Information Commissioner, that's John McMillan who we will know from earlier times, and the officers of the Commonwealth Ombudsman and the Attorney-General's Department, these are inter-related in a way, a number of these activities, and they are the ones that have been foreshadowed in the Roadmap to bring to fruition and I just wanted to report to you that these are getting along the track, and that's where they are at. And we can look forward to these people being here at the end of the month.

**SPEAKER** Thank you Chief Minister, further statements this morning Honourable Members? It would seem that there are no further statements this morning.

## **MESSAGES**

**SPEAKER** There are no messages from the Office of the Administrator to record.

## **PRESENTATION OF REPORTS STANDING COMMITTEES**

SPEAKER Presentation of Reports from Standing Committees, I believe there are none.

### **SUSPENSION OF SITTING**

Honourable Members I am mindful of the time, I am looking to the clock, I am going to suggest a luncheon break until 2pm if that suits Members? If there is no opposition to that, this House stands suspended until 2pm this afternoon. Thank you.

### **RESUMPTION OF SITTING**

SPEAKER Honourable Members, we resume our sitting with the substantive matters on the Notice Paper starting with:

### **NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ACT 1980 - APPOINTMENT OF MEMBER TO THE NORFOLK ISLAND GOVERNMENT TOURIST BUREAU ADVISORY BOARD**

MR NOBBS Thank you Madam Speaker I move that this House resolve for the purpose of Section 4 of the Norfolk Island Government Tourist Bureau Act 1980 that the Minister appoint Megan Honor Adams as a member of the Norfolk Island Government Tourist Bureau Advisory Board for two years.

SPEAKER Thank you Mr Nobbs the question before the House is that the Motion be agreed to. Debate

MR NOBBS Thank you Madam Speaker. I'd just like to point out that I value Ms Adams coming on board on the Advisory Board for the Norfolk Island Government Tourist Bureau. I think she has a wealth of experience and expertise in tourism for Norfolk Island and in particular she brings the element of touring representation to the Board, and so I welcome her in that capacity as well.

SPEAKER Debate Honourable Members. No debate then I put the question

QUESTION PUT  
AGREED

### **CITIZEN INITIATED REFEREDUM**

MR SNELL Thank you Madam Speaker.

MR KING I'd like to raise a Point of Order on a number of levels. Madam Speaker I'm reminded as I raise these Points of Order that the House and the Chair are guided in their activities not only by Norfolk Island's Standing Orders and precedent but also by the practice of the House of Representatives of the Commonwealth of Australia as set out in the general rule appearing in chapter 1 of our standing Orders. Madam Speaker will be of course well aware of this. According to the general rule where no relevant provision applies in our Standing Orders the practice of the House of Representatives will determine the procedure and conduct that this House will follow according to Madam Speaker as Norfolk Island Standing Orders make no provision of a Motion on Notice to suspend Standing Orders one is left to turn to the practice of the House of Representatives. I make that observation because Standing Order 244 refers to suspension of Standing Orders deals with a Motion without Notice to suspend Standing Orders,. So I repeat that as our Standing Orders make no provision for a Motion On Notice to suspend Standing Orders one is left to turn to the practice of House of Reps. Madam Speaker the construction of the Motion itself is in my view offensive to both our

own Standing Orders and the practice of the House of Reps. Madam Speaker is aware that Standing Order 58 provides that no reference shall be made to essentially any proceeding of the House of the past year. Now whilst I am aware Madam Speaker that the carriage or approval of the Motion seen to be before us would remove that obstacle, the Motion in itself is offensive in that it clearly makes reference to proceedings of the past year. In effect a very adroit meanings of alluding to previous proceedings before any suspension of Standing Orders takes place. Madam Speaker there is also considerable argument that the Motion as it is framed constitutes a contingent Motion under Standing Order 94 which of course prohibits any contingent notices of Motion appearing on the Notice Paper. I know that there could be arguments as to whether the Motion is a contingent Motion or not I can see that. It is a difficult area on which to rule, however in essence it is contingent in nature because if allowed to proceed and if successful in one thing would fall from the other. The substantive Motion is dependent on the procedural Motion to suspend Standing Orders. In the Commonwealth Parliament contingent Motions are unlike Norfolk Island are not prohibited and certain examples of contingent Motions are given at page 291 of the House of Representatives practice, one of which fits the description of what is occurring here and I quote from page 291. "A Motion which is regarded in the Commonwealth sphere as a contingent Motion that so much of Standing Orders be suspended as would prevent the Motion for the third reading being moved without delay". Slightly different substance but as Madam will see as in the case before us one Motion dependent upon and falling from the Motion to suspend Standing Orders. That is a contingent Motion with the Commonwealth sphere and I would submit that the same parameters apply here in Norfolk Island as expected by the general rule to which I have referred. Madam Speaker in close proximity to Standing Order 94 are Standing Orders 92 and 93 which together with Standing order 94 establish the authority of the Speaker to in the words of the House of Representatives practice page 292 the authority of the Speaker to scrutinise the form and content of Motions which are to become before the House, that is the task of the Speaker. Standing Order 93 calls on the Speaker to amend any Notice of Motion which is in the opinion of the Speaker too long or which offends against any Standing Order of the House. I argue already that the Motion as it stands offends against Standing Orders 58 and 94. I argue further that the Motion is too long. At the House of Representatives practice page 292 it states " it has been ruled that a Notice of Motion practically incorporating a speech cannot be given". In 1977 the Speaker referred to the form of Notices, noting that Notices which were inordinately and unnecessarily long continue to be given and that Members were tending to use such notices to narrate a long argument rather than put a concise proposition for determination by the House. The Speaker said that if Members continue the issue of procedure would have to intervene to have Member reform their Notices or to have the Clerks eliminate the argument and unnecessary statements". This is the important part Madam Speaker. "The view and direction put forward by the Speaker were adhered to and came to constitute the practice of the House". Now Madam Speaker in these terms the Motion that is intended to come before us is inordinately and unnecessarily long. It contains long argument and it lacks and concise proposition. A Motion simply seeking suspension of Standing orders to enable a substantive Motion in relation to seatbelts may well have sufficed. Such unnecessary and excessive words as appear in the Motion, the relevant Motion serve no other purpose than would appear political strategy. Madam Speaker in 2006 following a ruling by the Speaker in the House of Representatives which was seen at the time as a precedent the House of Representative Procedures Committee considered the desirability and the effect of combined Motions not contingent Motions but combined Motions. I raise this as aside from other issues I have raised because the Motion before us is very clearly a combined Motion in the nature of that which was considered by the Speaker in the Reps and subsequently by the Procedures Committee. The content of the Suspension Motion in 2006 is not important but what is germane to the matter before this House is that the Motion contains both the move to suspend and the substantive purpose of such a Motion. The Speaker had decided that and I quote "it was not necessary for a second Motion to be moved, that by agreeing to the suspension Motion in its combined form the House had supported the proposition contained within it".

That is a danger for us. In its subsequent enquiry the Committee considered the arguments for and against such combined Motions and noted that the general use was in relation to procedural or machinery purposes or if you like Madam Speaker housekeeping Motions. It said "the capacity for such Motions should not be disturbed but said that there were however qualitative differences in various suspension Motions which warranted different considerations by the Speaker was argued to the Committee that whilst there had been a practice of combining suspension of Standing Orders and the primary purpose they have been largely for matters relating to the routine and conduct of House business and not for matters as serious as condemnation of a member as was the case in the 2006 debate. In the situation before us the matter is particularly serious as it involves reflection on the conduct and vote of the House, that is a serious matter. It has been given separate and distinct attention by Standing Orders. There is no precedent for a Motion such as this in the Commonwealth Parliament. The Committee also noted the argument that debate on suspension Motion should focus on the urgency aspect rather than the subject matter which is the object of the suspension and a combined Motion makes that impossible. And just as a rider to that Madam Speaker a combined Motion such as that placed before us actually invites comment on the subject matter when such comment in debate would itself be indirect contravention of the House of Representative practice which states and again let me quote "that a Member debating a Motion to suspend Standing Orders may not dwell on the subject matter which is the object of the suspension. The Chair has consistently ruled that Members may not use debate by a Motion to suspend Standing Orders as a means of putting before the House or canvassing matters outside the question as to whether or not Standing Orders should be suspended". Of course I reiterate my view that the construction of the Motion is such that itself contains debate and argument within its words. Madam Speaker these are matters for serious consideration by the Chair and the House. Madam Speaker finally let me say that I understand that precedent plays in rulings from the Chair. I am aware that many Motions to suspend Standing Orders in this Chamber have been allowed in many forms and not just for procedural or machinery purposes. Unfortunately however Madam Speaker unlike the Commonwealth and other jurisdictions we do not have a precedent register to peruse and even if we did I would suggest that we be mindful of the words of the House of Representatives practice appearing at 187 where it says that the Speakers ruling quote "Speakers are able to give rulings which take account of new factors or considerations. In this way rulings may be given which are inconsistent with previous rulings and interpretations and which may be made in circumstances which do not allow sufficient opportunity for reflection even though such rulings may go unchallenged at the time it would be incorrect to say that they are binding of future occupants of the Chair". Having said all that Madam Speaker I call upon you to disqualify yourself from making a ruling on my Points of Order. I do so on the basis that you have by your participation in the preparation of the Motion before us and by convening a meeting of non Executive Members which has led to the Motion placed yourself in a position of predisposition. It is impossible in my view that the Speakers clear duties and responsibilities under Standing Orders 92, 93, and 94, duties which incidentally which cannot be ignored or delegated could possibly have been carried out impartially when you were so heavily involved in the lead up and the construction of this Motion. Thank you.

SPEAKER

Thank you Mr King I take on board all of those points that you have raised and as a matter of respect to the email that we did send around to all Members and that you had flagged a number of these issues, out of respect for your view I instructed the Clerk to take advice from the House of Representatives, and I read to you their advice. "In my view such a Notice would be accepted. It is true that the terms of the Notice contain references to the Assembly's decision in making changes to the Road Traffic Act and propose that a Bill to remove the provisions objected should be brought before the House. The terms of the Notice challenge the decision of the Assembly but if such a Notice were received here it would be accepted on the basis of that Members ought to be able to put forward Motions or Bills which propose changes to the law, even though there might be an implicit or explicit criticism of an earlier decision of the House.

Should such a Notice be given and called on for debate. I do not think that the provisions of Standing Orders 73 which is references to other debates or proceedings in that mirrors 58 or Standing Orders 74 which mirrors our Standing Order 79, those words are mine, reflections on votes of the House should be held to prevent it being debated. The first phase of Standing Order 73 provides, unless the reference is relevant to the discussion, if the Notice had been allowed and was brought forward for debate then reference to earlier debate or proceedings would be relevant to debate and they give House of Representative practice 5<sup>th</sup> edition page 498. Standing Order 74 bids that a Member must not reflect adversely on a vote of the House unless on a Motion that it be rescinded. The Notice such as you have is not explicitly a Motion for rescission. Nevertheless the practice of the House here allows Members to make critical references to legislation that has been past. A current example is the Carbon Tax. Many references have been made during question time and in other proceedings to this legislation which was past by vote of the House. No objection has been taken to self references because of the provisions of Standing Order 74 and even if objection were raised the Speaker would not likely uphold it and in the ?? view House of Representatives practice 5<sup>th</sup> edition page 505, accordingly if the matter rose here we would not see any necessity to suspend the Standing Orders to allow it to be considered". Having said that we'll just come back now to the question before the House the Motion refers to a citizen initiated Referendum by its very nature, by it's heading on the Notice Paper. There is no provision in the House of Representatives for a citizens initiated Referendum unless however the House by our Standing Orders, our conventions, our practices provides, allow me to finish please Mr King

MR KING  
my Points of Order

I would request that your leading up to a ruling on

SPEAKER  
Possibly Mr King, yes I am and I cannot. Because I have explained, because of the difficulties you have that you explained in your email to all Members it is for this reason I went to the House of Representatives which purely confirmed the opinion that I had and I see no problem with my agreeing with what the House of Representatives has said because it is confirming what our Standing Orders say and what is going to happen here now is that the House, not the Speaker will make a decision as to whether or not it will suspend its Standing Orders. It is not the Speaker, yes I will exercise my deliberative vote, that is my democratic right, it is my right

MR KING  
if your ruling on my Points of Order

With respect Madam Speaker your debate on Motion

SPEAKER

I make a ruling that the Motion

MR KING  
I reiterate and call upon you to disqualify yourself. I am not privy am not privy to what was put before the House of Representative but I maintain my very, but I'm not sure that the proper course of events was put before the House of Representative whether any commotion was asked about whether, and how the Standing Orders 92,93,94 could possibly be applied unbiased with no bias impartially by the Speaker when, how those duties could possibly be performed impartially by the Speaker when the Speaker was involved in the construction of the Motion. That is my point Madam Speaker, unless those matters were put before the person from whom you sought advice in the House of Representatives and I would reject what they have said to us. I cannot accept in any way, shape or form that it is appropriate for Madam Speaker to rule on this Point of Order

SPEAKER

I have so ruled Mr King, I have so ruled.

MR KING

Then I move dissent in your ruling.

SPEAKER That's an interesting point of view because if we go back to 1979 there is no power for dissent but however you have so moved that dissent against my ruling. I put that question.

MR KING I seek the floor to debate it

SPEAKER Certainly. I put the question that a Motion of dissent against my ruling.

MR KING Madam do I not have the opportunity

SPEAKER You have spoken at length

MR KING I've not spoken on that Motion when moved to dissent from your ruling Madam Speaker

SPEAKER There is no ability to raise a Point of Order on Motion of dissent. I am putting the question that Mr King

MR KING I object to that

SPEAKER Mr King has moved a Motion of dissent against my ruling under the Point of Order that he has raised. I put that question to you Honourable Members. Do you understand the question that I am putting?

MR SHERIDAN Might be worthwhile if you explain it there for me  
Madam Speaker

SPEAKER Mr King is dissenting against the ruling I have given on the Point of Orders that he has raised. I am looking to you as to whether or not you agree my ruling on the Point of Order that Mr King has raised. I put that question. I'll say it again. Mr King

MR KING Madam Speaker I raise another Point of Order. I'm sorry I don't mean to be obstructive. This situation is not of my making, it is an untenable and unsatisfactory situation which is not of my making. Now Madam Speaker I move a further Point of Order in the ruling that debate is not allowed on the Motion of dissent.

SPEAKER Mr King we are moving into an area where you are reflecting on the Speaker

MR KING I'm pursuing my rights Madam Speaker as a member of this House

SPEAKER You are equally under Standing Orders to reflect on a Speaker who has given a ruling you have an option and you have undertaken that option and that is to move a Motion of dissent. I am putting that Motion to the House to agree or disagree. That is where we are at in our proceedings. I have ruled on a Point of Order, Mr King does not agree with my ruling. I'm looking to the House to vote on the question whether you agree with Mr King's Motion of dissent against my ruling or you don't. I put the question before

MR KING There is another Point of Order before the House which must be dealt with

SPEAKER Mr King we are back at the beginning and we will no longer have Points of Order at this point in time because one is before the House



MR KING Well that's outrageous Madam Speaker that is absolutely outrageous, absolutely outrageous. Your refusing me my rights as a Member of this House

SPEAKER I'm not refusing you your rights Mr King, you have moved a Motion of dissent against the Speakers ruling. I am requesting the House to vote on whether or not you agree the Motion of dissent from the ruling that I have given and that ruling is, based on the House of Representatives advice that there is no reason actually to suspend Standing Orders but we're going to go with that because that is the Motion on the Notice Paper. As I have said I respect the points that you have raised and hence we went to the House of Representatives, they have confirmed my view that I've expressed here today. I can do no more than that Mr King, you do not agree with what I'm saying I cannot help that before the House....

MR KING I've simply taken my rights to move dissent from your ruling, I sought the floor to debate. I was told that debate was not allowed and the question had to be put. Standing Orders do not allow that here to put the question ahead of debate and there is ample precedent and in fact the House of Representatives practice speaks about the opportunity to debate a Motion to dissent from a ruling in the House and you have denied me that opportunity and you seek to put the vote on the earlier vote without allowing me that opportunity and I do not accept that.

SPEAKER Mr King I'll read to you from the House of Representatives practice, this is going back a few years now. Any Member may at any time raise a Point of Order which takes precedence until disposed of. I believe we've reached that stage. You would agree

MR KING You just asked me a question Madam Speaker

SPEAKER Order Mr King

MR KING Well you asked me a question and I'm answering it

SPEAKER Order please. That after the question of Order has been stated to the Speaker the Speaker shall give a ruling and I have given the ruling and if objection is taken to a ruling, such objection must be taken at once and that is case, and a Motion of dissent in writing that I'm not requiring you to do that shall be proposed and debated forthwith. It's the House of Representatives practice in respect of their Standing Orders 75. I'm going to step aside from this and seek leave of the House for Mr King to debate the question. Is leave granted Honourable Members. Is leave granted for Mr King to debate on the Motion of dissent.

SPEAKER Mr King the House has given leave and you can't ask for more than that.

MR KING Thank you Madam Speaker. I have attempted and I apologise for getting perhaps a little hot under the collar but Madam Speaker did engage me in conversation across her desk. Madam Speaker my dissent from your ruling is based on the House of Representatives practice I cannot quote chapter and verse and nor do I have in front of me as I might reasonably have expected to have in front of me the correspondence that you've had in relation to this matter. Since I wrote to you I would have thought that it would have been reasonable for you to have provided me with that information you got, so I can see what were the circumstances that were put to the House of Representatives. I'm not satisfied that the circumstances that were put to the House of Representatives regarding this Motion encompassed every aspect that I spoke about including the Speakers own involvement and the Speakers duties under 92, 93 and 94. I

am aware that the House of Representatives practice provides a Motion of dissent somewhere in the order of 20 minutes for the mover of the Motion of dissent to speak, 5 minutes each for other speakers and with normally a cap of a certain period of time on the total debate. In those circumstances Madam Speaker I'm thankful for that opportunity to move dissent in your ruling and for those purposes I've outlined in my earlier discussion and as just mentioned I reiterate my view that Madam Speaker should be disqualifying herself from ruling on the Points of Order that I have raised. It is simply not appropriate and it places the House in a very very bad judgement in the eyes of those who are looking upon us.

MRS WARD Thank you Madam Speaker. There is one point that I would like to pick up on that Mr King has raised. Like Madam Speaker I appreciate some of the technical issues with this debate and with this question but what I had to do was search my conscience to go back through and find the information on this allegation that the Speaker was part of the group that initiated this Motion. What I received was a phone call from Robyn Adams, that's Ms Adams, that's my colleague. Following discussion which was as a result of the Referendum I received an email from Robyn Adams [javendula@norfolk.net.nf](mailto:javendula@norfolk.net.nf) it confirmed the meeting

MR KING Point of Order Madam Speaker. Are we addressing the question currently before the House and that is that...

SPEAKER We are debating dissent against my ruling which includes your having said that I should disqualify myself because of the role that I played in the preparation of this Motion Mr King

MRS WARD And this is the reason I will not be supporting the Motion of dissent, that's what I'm trying to make clear because the email is very brief, gathering to discuss Referendum confirm that it will be at 4.30 at Lisle's place. It occurred to me that Michael might like to join us, cheers from Robyn, that's my colleague that's not the Speaker. Thank you Madam Speaker.

SPEAKER Further debate.

MR BUFFETT I move that the question be put

SPEAKER The motion is that the question be put and I do so

QUESTION PUT  
AGREED

SPEAKER I now put the question on the Motion of dissent against my ruling

QUESTION PUT

SPEAKER Could the Clerk please call the House.

MS ADAMS	Abstain
MR SNELL	NO
MR SHERIDAN	AYE
MRS GRIFFITHS	NO
MR BUFFETT	NO
MR NOBBS	NO
MRS WARD	NO
MR KING	AYE
MR ANDERSON	AYE

SPEAKER The Ayes 3, 5 No's and my abstention. I thank the House for it's support. I now look to Mr Snell to read the Motion that stands on the Notice Paper in his name.

MR SNELL Thank you Madam Speaker I move that so much of Standing Orders be suspended as would prevent this House from considering the following motion: "Whereas 1) On 21 December 2011 under section 6 of the Referendum Act 1964 a citizen initiated referendum was conducted on the following question: Do you agree with the Norfolk Island Legislative Assembly's changes to the Road Traffic Act 1982 (now consolidated as Traffic Act 2010), namely –

1. Compulsory wearing of seatbelts
2. "L" and "P" plates
3. The provisions applicable to "L" and "P" plates
4. Compulsory wearing of cycle helmets

and:

2. On 21 December 2011 one thousand and two electors cast a valid vote at the referendum and of those electors six hundred and thirty three electors cast a valid vote expressing their disagreement to the compulsory wearing of seatbelts,

Now this House – In acknowledgement that the electors have an expectation that the Legislative Assembly will respect the view they have expressed at the referendum on the issue of compulsory wearing of seatbelts, Resolves to bring before this House at the March 2012 sitting a Bill for an Act to remove all compulsion in the Traffic Act 2010 and the Traffic Regulations for persons on Norfolk Island 5 years of age and over to wear a seat belt"

SPEAKER Thank you Mr Snell the question before the House is that the Motion be agreed to. Debate Honourable Members

MR SNELL Thank you Madam Speaker. Since placing the Notice of Motion on the Notice Paper the Clerk as mentioned before has taken advice from the House of Representatives on whether or not there is a need to suspend

MR KING We weren't aware of it. I presume that advice will be circulated Madam Speaker

MR SNELL ... there is a need to suspend Standing Orders on this occasion. On the facts presented to the House of Representatives the answer is no and I believe that has been vastly covered this afternoon. However I had already placed the Motion on the Notice Paper therefore Honourable Members with the forgoing assurance from the House of Representatives it seemed that this House can take comfort in agreeing the Motion to suspend Standing Orders in this instance. We should also take note Madam Speaker we are part of a democratic society and the ability to make and discuss amendments to legislation is a right. The passing of this Motion will therefore enable debate on the results of a citizen initiated Referendum as foreshadowed. Passing a Motion to suspend Standing Orders will remove any doubt of the power of the House to hold such a debate. I commend the Motion to the House.

MR KING I wonder as my initial contribution I might ask if Mr Snell could advise me how it is that the House can resolve that the House bring forward a Bill, how does that work, how is that a function of the House bringing a Bill to himself.

MR BUFFETT Madam Speaker I just wanted to ensure that I have understood it correctly. I am assuming that we are debating a Motion about suspension of Standing Orders, not the substantive matter that may have been read in the fullness of this particular Motion. The debate is about suspension of Standing Orders and when we vote upon that it will be about a suspension of Standing Orders or otherwise and if in fact

the Orders are suspended then we will move to a debate on the Motion and substance and then vote upon it.

**SPEAKER** That is correct.. At which time Mr King quite appropriately can raise that question. Further debate Honourable Member on the question to suspend Standing Orders. No further debate.

**MR KING** Well I do not let the opportunity pass Madam Speaker. I regret that some Members of this House a privy to the information passed backwards and forwards between this House and the House of Representatives, that appears to have been under selective basis. On that basis and because I do not know the proposition that was put to the House of Representatives, I do not know what question was asked, I do not know the full terms and the full implications that this matter that was brought before the House of Representatives, I do not reject it but I will have little regard for it in what I'm about to say. Madam Speaker my view of the suspension of Standing Orders is a device which affords a Member a opportunity to do that which is not ordinarily permissible under Standing Orders, we know that. What is not permissible under Standing Orders and what it is that is thought to be circumvented in this case are the rules which prohibit the revisiting of a matter within 12 month, Standing Order 58 and the rule of course prohibiting reflection upon the House. House of Representatives practice says in my reading maybe I'm holding the book upside down when I read it Madam Speaker but in my reading of it revisiting the matter is that when a subject and I quote "when a subject is being, the House of Representatives says that 498 that the basis of the rule about the revisiting a matter is that when a subject is being debated and a determination made upon it, it must not be discussed by any means at a later stage". Section 59 provides the basis upon which a Member might revisit a matter and reflect on the vote of the House and that is by substantive Motion to rescind a particular vote of the House. That is the mechanism open to a Member of this House, not to suspend Standing Orders to move a further Motion to achieve the same result. So there is a mechanism, it was open to the mover of this Motion, to move a Motion to rescind the previous resolution of the House. That was his entitlement under Standing Orders. Whatever the means taken to achieve that result, the words of Erskin May seem particularly germane, let me quote May states "that the reason Motions to rescind a vote or resolution are rare is that the House (and this is the important part) instinctively realise that parliamentary government required the majority to abide by a decision regularly come to, however unexpected and that it is unfair to resort to methods, whether direct or indirect to reverse such a decision. The practice resulting from this feeling is essentially a safeguard for the rights of a minority in a contrary practice is not normally resorted to unless in the circumstance in particular case those rights are in now way threatened. Chapter 8 of the House of Representatives practice says in relation to the suspension of Standing Orders Madam Speaker says this "It is not unusual in the functioning of the House for it to be found necessary, and this is holding the House of Representatives book upright Madam Speaker with the limited education that I have, "it is not unusual in the functionings of the House for it to be found necessary to suspend Standing Orders or a particular Standing Order to permit certain action to be taken except that common instances are to grant unlimited or extended time for particular speeches to permit the introduction of particular Bills without notice and their passage without delay, the consideration of certain Bills together as one which will enable censure, to enable the introduction of new business after 9.30pm. that doesn't apply here and they may also affect the ordinary order of business. House of Representatives published guideline in relation to Standing Orders are more explicit. They refer to the same circumstances but add these words and I quote " in these cases the House may agree to suspend a particular Standing Order referring to those cases that I've just mentioned, in these cases the House may agree to suspend a particular Standing Order or Standing Orders for a particular purpose". Whilst I don't have a strict interpretation on these words I make the point that nowhere in the House of Representatives practice or procedural guidelines does it contemplate that Standing Orders may be suspended in circumstances such as those reflected in this Motion. I see no reason why we should act in a manner not

specifically provided for in our Standing Orders or in a manner for which there is no precedent in the House of Representatives or for that matter in a fashion that is already catered for by Standing Orders even though the Standing Order 59. Some may argue, have argued that results of the recent Referendum provide justification for the suspension of Standing Orders. I don't subscribe to that view. Standing Orders are constructed to provide an environment in which representatives as we are can represent our constituents in an orderly and ordered manner, an environment in which we are called upon to exercise our minds in relation to the pros and cons of the particular matter and to weigh up the relevant factors Madam Speaker. To agree to a suspension of Standing Orders to revisit a matter which has been decided without any additional unconsidered material being brought forward is tantamount to saying that I haven't done my job and I reject that.

MR SHERIDAN Thank you Madam Speaker if I could just say a few words and it's in regards to your comments and Mr Snell's comments that in actual fact there is no rule needed for Standing Orders to be put aside for this matter to be discussed and if that is the case then why have we continued to go down that path, why hasn't that portion of the Motion been withdrawn so that then a just a substantive Motion could be placed on the table in regards to a portion of the recently passed Road Traffic Bill or Act that was recently passed, a portion of that legislation that was passed to be revisited you might say. It's not the whole Bill being revisited or the whole Act it's only a portion of it, so if there's no need for Standing Orders to be set aside then why should it because as Mr King says and I can agree with him in this regard that those Orders are there for the protection of this House, and if we suspend them which ones are we suspending, so much of Standing Orders, which ones. If there are particular Order numbers shouldn't they be identified otherwise you could argue that if somebody tried to move a Motion to alter the Motion that is forthcoming you could say oh no there is no ability to do that because Standing Orders have been set aside. You could argue for and against in each way so I can't see the real reason what we're really debating about is all I'm trying to say. If there is no need for it don't put it on the Notice Paper.

SPEAKER Are you asking me to respond

MR SHERIDAN No I'm just trying to make comment, and I those circumstances I think I'd have to agree with Mr King.

MR SNELL Madam Speaker as I mentioned in my opening remarks the Notice of Motion had been placed on the Notice Paper prior to the Clerk receiving advice from the House of Representatives. There was no possibility of me having to be able to change that at that time.

SPEAKER Further debate. There being no further debate

MR BUFFETT Through you Madam Speaker of course address this in a semi question way to Mr King. If in fact this matter wasn't given notice of which seems to be part of the debate that it is given notice and maybe there's a provision to give notice in these set of circumstances would he be happier if Mr Snell the mover of the Motion then brought it forward without notice?

MR KING Sorry Madam Speaker I don't want to get into question/answer but let me say that I simply observe that the fact that our Standing Orders make no provision for a moving of such a suspension Motion with notice so therefore that the House of Representatives practice prevails I'm actually attaching more strength to what happens in the House of Representatives sphere rather than here because we don't have any provision for it and we are tied in by Standing Order No 1. So if nothing more than that just to give strength to my arguments about what happens in the House of Representatives.

MR BUFFETT Therefore Madam Speaker if in fact one didn't give notice of it would there be happiness if in fact the matter was brought forward not on notice.

SPEAKER Thank you further debate. I put the question that Standing Orders be suspended

QUESTION PUT  
AGREED

SPEAKER I ask that the Clerk call the House

MR KING Will you be abstaining Madam Speaker

SPEAKER No I've given notice of that already Mr King

MR KING I object to that Madam Speaker.

SPEAKER I acknowledge your objection Mr King however I do have a deliberative vote in this House which I am exercising

MS ADAMS	AYE
MR SNELL	AYE
MR SHERIDAN	NO
MRS GRIFFITHS	AYE
MR BUFFETT	AYE
MR NOBBS	AYE
MRS WARD	AYE
MR KING	NO
MR ANDERSON	NO

SPEAKER The results of the voting the Ayes 6 and 3 No's the Motion is agreed Standing Orders are so suspended. The Motion has been read, Standing Orders are suspended the Motion is now open for debate.

MR SNELL Thank you Madam Speaker. Let me say that I am pleased at the results of the last Motion and I thank those Members accordingly. Madam Speaker maybe it is timely to remind this House the Prayer that we recite at the start of every meeting. Part of that Prayer is direct and prosper our deliberations to the advancement of thy glory and the true welfare of the people of Norfolk Island. We are now there again to deliberate on what people have asked us to do. Madam Speaker the Motion speaks for itself but I wish to add several comments. After the results of the public initiated Referendum the matter of amending the legislation to accommodate the majority wishes of the people was asked of Minister Sheridan at a recent meeting of Members. He advised that he would not be taking any further action on the results that is in particular to the expressed views that the people do not want to have to compulsory wear seatbelts. Consequently some Members of this Assembly met in a casual unofficial manner on a number of occasions to discuss and determine how and what avenue would still be available to us and how should we respond to the wishes of the people. We acknowledge and appreciate the different points of view held by Members around this table but the people have asked us to rethink and act differently. The above Motion is the result. Madam Speaker Letters to the Editor of the Norfolk Islander makes comment about Referendums and that this one should be no different to ones that have been held, that is not so. Previous Referendums have been about choice and options. The Road Traffic Act as amended gives no choice, you buckle up or suffer the consequences which in this case could be gaol time if one refuses to comply. Much has been said in previous debate about safety concerns. It is my understanding after a recent vehicle accident the serious

expected injury of a ruptured spleen requiring medivacing off the island was a direct result of the patient wearing a seatbelt, and there are other instances, but we could argue this point Honourable Members until the cows come home. So what is at stake here? The stake here is a matter of principle, over 60% of voters have asked their Government to it is important that we as the peoples representatives take note of what they want. Many have come to this island and questioned our practices to name a few, our 15 year olds can gain their motorbike licence, men women and children, climb down seemingly inaccessible cliffs to collect hi hi and also to go fishing, to collect mu-uu to weave hats, and baskets. They climb up seemingly inaccessible cliffs and other areas to collect Whale birds eggs and of course the unloading of our cargo ships is a 21<sup>st</sup> century occupation health and safety nightmare. All these activities have been questioned time and time again. Are we to legislate these for the purposes of safety or do we allow our highly skilled people to make their own choice and that is what this is all about Madam Speaker, matter of choice. We should listen and obey what the people have asked us to do. I commend the Motion Honourable Members.

**MRS GRIFFITHS** Madam Speaker it's no surprise that I support this Motion. I support it because the community of Norfolk has let us know their wishes. It's not just a Referendum, it's a citizen initiated Referendum and there is a difference. For more than 30 years the people of this community have elected 9 representatives however how those representative perform depends on the belief they bring with them as representatives and while there are 4 main groups of representation there are really only 2 at play here in this Assembly. Mr Sheridan and his Ministerial colleagues are acting as trustee delegates. They consider they are representatives with formal responsibility for another's property or affairs. They see it as their moral duty to act in the interest of others. This approach is arrogant and elitist. It means they think they can and should exercise independent judgement because this community can't think for itself. What insulting is is that they don't think that this community knows what's in its own best interest. I prefer to think that we think of our representation as delegates, that is we are elected to act for one another on the basis of clear guidelines or instructions. I prefer to think that we act as conduits ? conveying the views of others even though this may mean that we aren't able to express our own view or preferences. Certainly we've heard many times around this table the people I represent, well these people have given you clear guidance all 633 of them. There is no room in this Parliament for elitists. We are a direct democracy, that is we are self governing and we have direct and continuous participation of our community in the tasks of government and while that may be a source of criticism for some or an aggregation of responsibility as it's been called it is a source of pride for me. I support this Motion.

**MRS WARD** Thank you Madam Speaker. I will come in at this stage because my views are aligned with Mr Snell and Mrs Griffiths so the Ministers decide to come through they can take note of all of our debate at once. This is very different in that it is a response to a citizen initiated Referendum. This is the first time in the life of this Assembly that we've had a solid mandated position from the community so I will respond to that. 633 votes is certainly what I would call a solid response and that is why I will agree to this Motion. Just to go back a step if we follow the Norfolk Island Governments argument about safety and risk management then you know I imagine the next legislation will have in front of us is to band smoking because that costs the community and that kills but we know that in this debate there just simply wasn't the stats and figures relevant to Norfolk Island so as Mr Snell has said what we're seeing is a debate about choice, and about risk management. We haven't seen an end to road accidents or related medivacs since July when the legislation was implemented. Putting that aside for a moment I would like at this stage to reserve the right to consider the other Referendum questions if this Motion is passed today. So I'll just put that on the table at this stage. Thank you.

MR BUFFETT

Thank you Madam Speaker. Without a doubt this is a delicate matter, it's been considerably debated. It's a matter of significance because it has been the subject of a Referendum. I have 4 brief points to make and I'll end with the 5<sup>th</sup>. The first is safety, the second is calling on the public purse, the third is about maturity and meeting the challenges of today's world and the fourth is about Governments responsibility beyond just being popular. Safety first. It obviously heads the list. There are studies and there are reports which demonstrate the safety benefits of seatbelts and responsible Governments just to name two closest to us in Australia and New Zealand recognise that need and they have progressed to ensure seatbelts are worn. People who live in the modern world recognise that these are needs. Indeed cars, some cars that are now being manufactured are automatically built in with seatbelts. You don't put them on you just sit in the seat and it surrounds you, it's another demonstration of the safety aspect and car manufacturers are meeting that demand. I'm not trying to overplay it I'm just trying to put it on the table. So safety is obviously head of the list. Calling on the public purse upon injury is next. In our particular instance here we have the Healthcare Scheme but the Healthcare Scheme also requires that we take precautions against injury and in other areas too but in terms of the motor vehicle arrangement the precaution against injury really means the seatbelt in one particular major aspect, it's a precaution. And if we do sustain injury it means that we call upon this fund called Healthcare and it's a fund that we contribute to, I contribute to individually, you contribute to individually and if we call upon it, it means that my contribution is called upon but also my neighbours contribution is called upon also, and that's an important fact. So it's not just a matter of saying an individual exercises a choice. That choice has an impact upon others who belong to this Scheme in terms of calling upon the public purse. It is also about maturity and meeting the challenges of today's world. We are no longer in horse and buggy days in this place Norfolk Island, we demand to have motorised vehicles of strength and of speed and yes we do have speed limits, but they are broken from time to time, not that we wish them to be broken and it's usually in those set of circumstances that we are more vulnerable, excessive speed means that you are more vulnerable that's one of the reasons for speed limits. And so just putting those two together, both modern machinery matters and modern financial arrangements within our community to meet the costs of industry. Again all of those things come into play which point out that it's not just one person deciding, it needs to be in a community context that such decisions are taken. Governments do have a responsibility beyond just being popular, it's one of the difficult bits about Government. The true measurement of a Government is its ability to take difficult decisions when its required for the benefit of a place or people, knowing that the decision may have unpalatable aspects. Can I just come to the fifth point which is about Referendum this particular one but also relating it to some others. Since 1979 we have had something like 15 Referendums, 6 of them have been citizen initiated. In respect of the television matter, this was in May 1986 the television one, it was a citizen initiated Referendum 489 said yes and 476 said no. It was a difference of only 13 votes there. So the yes really wasn't 10% of the requirement under the Referendum legislation but nevertheless television was introduced in this case. So we've got one example with that sort of result. Lets now turn to mobile phones, this also was a citizen initiated Referendum, this was in August 2002. 356 said yes for mobile phones 607, 607 said no but we do have mobile phones because the Government of the day considered that in terms of the financial viability of the ongoing arrangement for telecommunications in this place that needed to be part of the scheme of things and it happened. Whilst even before mobile phones people said I wish the phone wouldn't ring but they would not be without a telephone. They probably may say the same about mobile phones but the advantages it brought to the community needs to be certainly noted. Can I just go back to the Airport terminal building, this was in October 1996. This was about the extent and the design of this building, this wasn't related about money there was money in the bank then I might say to build this particular terminal but this was the result. 334 said yes, 656 said no, that was to the current design and the extent, money in the bank to build it so that wasn't the question. Well the Airport terminal in that particular situation was adjusted as a result of that Referendum, was adjusted and what are we doing now? Great programmes to



actually build those things that we didn't build then. Another reminder Mr King or is that enough. I do have another. These are different connotations that I'm trying to point out to you. Voting laws, this was in May of 1999, voting laws. This was the matter of if you're an Australian citizen been here for 6 months you should go on the role. We didn't like that if you can remember all of that and so there was a Referendum about it and 247 said yes and 692 almost 700 said no, but it happened. Yes it was the 6 months arrangement if you're an Australian citizen you are here for 6 months you are then entitled to go on the role. It also had a provision about Australian citizenship and you had to be an Australian to get on the role, and if you're a non Australian already on the role and you came off you couldn't get on again unless you had Australian citizenship. I'm not trying relive all that but you asked me the question and I'm just trying to put it into context. Now in that particular instance that wasn't our law that was changed that was the Commonwealths law that was changed, it was the Commonwealth saying something and we didn't particularly like it with those numbers but it happened. Just another connotation is all I'm trying to say and this particular one has its connotation but you will see that there are things that Governments needed to do and it didn't always accord with the Referendum results, that's what I'm endeavouring to explain to you, and we need to see that in the context of today. The laws enacted that is enacted and already in place are laws really from the Government of Norfolk Islands perspective is demonstrating responsible Government, difficult though it may be at this present time, and at this stage of our self governing process, and that's sometimes hard to get across to the majority, hard in this particular instance, but the Governments responsibility is to look forward. It needs to be able to demonstrate responsible activity. Regrettably its not just a popularity poll all the time. That's the situation we face today. That's the reason that the Government has given in terms of progressing those things in a modern way that Norfolk Island needs to meet the challenges that we do face in this place and in other places.. Thank you.

MR SHERIDAN

Thank you Madam Speaker. I think the Chief Minister has virtually said it all in regards to what the Government feels in regard to this law but I've written up a couple of pages and I'll bore you with a bit of history first and then I get to the Referendum question you might say., But just a little bit of background information in regard to the seatbelt debate Madam Speaker which we've been having for the past 18 months, May 2010 to be precisely. Back in May of 2010 when the Government was considering changes to the Road Traffic Act of 1982 which it was then community input was sought by various methods, statements in the House, press releases, input from various community bodies and offshore resources. Up until the Bill was tabled in the House for consideration in December 2010 only some 6 written submissions had been received from the call for input. After the tabling of the Bill another 14 written submissions were received with half of these from 2 people, 3 submissions didn't concern myself with the seatbelt discussion. Madam Speaker I would suggest that the low number of submissions received indicated that at the time there was some indifference in the community as to the wearing of seatbelts. Funny enough and as I mentioned back in May 2010 Norfolk Online had run a survey asking whether or not we should rethink our law on seatbelts and this was after a particular nasty accident and back then it was a whopping 92% yes for this change. This survey today indicates that 85% still believe that these laws should be introduced. Madam Speaker apart from the written submissions I did receive much verbal advice on seatbelt legislation from members within the community but no one could take the time to make an appointment with me to talk rationally about the proposed changes to the legislation, but instead they preferred to accost me, verbally abuse me, and in general just being obnoxious, whether it be at the Club, the markets, the netball, the junior league, the FMX bike display, foodies, the beach, taking time out for a bbq. Persons rang me any time of the day and night, weekends and weekday, even 10.30 on Christmas Day I had a phone call from one of our concerned residents, vary rarely during business hours. Madam Speaker there is virtually no consideration for what I might have been doing at the time but they were only interested in verbalising me in regard to traffic changes and at times other political issues. Madam

Speaker some of these people have very young family's of their own and I was somewhat surprised at the venom and the viscousness

MR SNELL Point of Order Madam Speaker we're moving away from the subject matter of the Motion

SPEAKER At this point I'm

MR SHERIDAN I'm trying to lay the background as to the seatbelt

SPEAKER I would just ask you to temper it

MR SHERIDAN Well I just say Madam Speaker I was surprised at the one sided discussions at times and it certainly made me wonder as to some in the community to be role models for children, the children that this Government is attempting to put legislation in place for, for their safety. And it also made me aware that the Government has responsibilities to ensure that simple measures are in place for community road safety, mainly because some adults demonstrated the inability to think rationally. Madam this job as Minister may be 24/7 and I would have thought some in the community would have had more public manners than what have been on display during this debate. Madam Speaker as an aside I accommodated them all, I did at the time. Getting to the Referendum which was recently initiated by the community at the cost of approximately \$5,000 as been said 37% voted for seatbelts with the rest of the majority 67% against the wearing of them. This result was virtually a reverse of the other 3 questions asked whereas the community supported the L and P plates, the provisions applicable to L and P plates and the compulsory wearing of bicycle helmets. This indicated to me that whilst the community as a whole are concerned in regard to the safety of the children of Norfolk Island as indicated by the support to the changes to the Road Traffic Act when it came to the issue of seatbelts the issue of the safety of children was found wanting and persons voted in a more personal way considering that a person under the age of 18 could not vote. Madam Speaker unfortunately a Government has a responsibility for the community as a whole as the Chief Minister has pointed out and we cannot make laws for individuals alone as the aim of legislation. It is interesting to note that of those 633 that voted there was a total on the role of something like just over one thousand who voted thousand and four but in the latest census there was 1544 people living on Norfolk at census time back in September of 15 years and over. So there were something like 500 persons who use our roads, who drive on our roads who never got the chance to really put their thoughts on paper. Now it may have swollen out the yes case or the no case I should put it. It might have swollen that out but this Government has a responsibility not just to think of the people who are on the Electoral Roll think of all the other people within the community that the roll supports and I don't really believe that when the people voted against the seatbelts issue that they were thinking of the community as a whole, they were thinking of themselves. Madam Speaker the recent changes to the Road Traffic Act were made with the best interest of all the community in mind in particular to the youth of Norfolk Island because as we know it's us adults who have been given the responsibility for their wellbeing. Parents, Government Officials, Police and you can go on. It's a proven fact that a young persons brain does not fully develop until their early 20's and that it's a Governments role to ensure that laws for the people in good Government as it's stated in the Norfolk Island Act are in place to ensure everybody's safety and wellbeing. This is what this Government has done. Seatbelt legislation is only a small part of road traffic rules and an attempt to ensure the safety of the community is the best that it could be. Anything else would be negligent on this Government. Madam Speaker as the Chief Minister mentioned it's only a small portion. Comment was made it's a matter of choice. Is it a matter of choice Madam Speaker when these people have accidents and because they are not wearing the seatbelt, do they pay for their full medical expenses? It puts pressure on the Healthcare Scheme, it puts

pressure on our other services that support this community. We're trying to limit the damage, trying to limit our monetary exposure that our community, we all pay for it but our community has to put up. Madam Speaker back to the question on the Notice Paper and for the views of the community voice at the Referendum in regard to the removal of seatbelt legislation, looking back at the citizen initiated Referendum over the years it's interesting that the decisions of not necessarily being endorsed by the Government as the Chief Minister just said we'd have no TV and no mobile phones, where would that have put this community and in particular the visitors to Norfolk Island who now expect these creature comforts when travelling. It was good strong Governments who put these issues on directly and introduced legislation against the wishes of a portion of the community for the whole community's benefit. This is what Governments do, make good legislation. When all the components of the discussions are to hand for the peace, order and good government of the land, and this is what this Government has done and unfortunately I will not be supporting this Motion today Madam Speaker. Madam Speaker the Motion that is being discussed is actually not in accordance with the Referendum if you want to really get picky. This Motion calls for seatbelt legislation to be removed for wearers of 5 years of age and over. This is in total contrast to the question of which was passed at the Referendum. So how can you use the Referendum numbers, the result of that to argue this Motion that's in the House today. It does not reflect the Referendum results of the question that was asked. So in that context the Motion is flawed and should not be supported by any person in this House as it does not reflect what it purports to be reflective of the result of the Referendum. It's another ill thought ill researched Motion with no thought put for the consequences. Madam Speaker I was going to finish off with a little story about a young child who had to wear the seatbelt but the mother didn't but I'll leave that for another day.

MR ANDERSON

Thank you Madam Speaker. May I first correct the impression given by Mr Snell in respect of the accident that occurred after the introduction of compulsory seatbelts in which a certain gentleman was medivacked off with a suspected injured spleen. Of course the outcome of that was there was absolutely no damage to the spleen and the individual subsequently and regularly said in public had he not been wearing his seatbelt he would be dead. That was his view. So having covered that let me first say as has been said previously by a learned person on many occasions even though I can't find out from any of the quotes who it's attributed to – you can avoid reality but you cannot avoid the consequences of avoiding reality. That is what we are addressing today. Communities require order and structure and that is provided in part by the law. Communities rarely agree with all the laws that are past with which they must comply and if they did we wouldn't need to enforce them. The American Heritage Foundation has stated all communities are held together by common civic bonds. These bonds often take the form of moral obligations that we owe to one another as members of the same community. To fulfil those obligations citizens need to exercise certain virtues. A virtuous citizen is someone who is enabled by character to act in a way that promotes the common good within the community. The common good is to ensure that citizens are protected from risk and injury because it is the community who pays the price when the protection is lacking or inadequate. I have today been sent a letter pointing out that people in the community should have the right to individually choose whether they want to wear a seatbelt or not. The letter says that if they are injured because they are not wearing a seatbelt and I quote "that is their own fault", but it is the community that pays to clean up the mess. It is locally the Healthcare Scheme that meets the health and rehabilitation costs. It is the Social Security system that supports injured people if there is no or inadequate insurance coverage, it is the community that supports the injured if they sustain permanent disabilities. In fairness the only way to pass this Motion would be to insist that Health cover, medivac and social security benefits not be available when someone was not wearing a seatbelt. That is not taking all necessary precautions or reasonable precautions to protect themselves in the event that they were injured or killed. How would the community cope if it was passed with that condition. It would be fair but it would be unreasonable. In those circumstances they are refused medical attention until

they provide the money to cover all the costs. If we were to pass this Motion and Act on the views of people who voted principally in respect of their personal inconvenience rather than safety a point that I believe is clearly evidenced by the fact that the other 3 issues in the Referendum involve no inconvenience for them so they will support it well where do we stop. Let's have a Referendum taxes, lets see how many people want to pay Healthcare Levies or Waste Management Levies or perhaps we should have a referendum on whether marihuana cocaine and ecstasy should be decriminalised and then when the majority says yes to all those possibilities we act on the will of the people and change the law. The common good and simple necessity may kick in. Legalising drugs would certainly lift our tourist numbers but we would have drugged up locals and tens of thousands of visitors driving cars without their seatbelts on and injuring themselves, others and destroying property. Who would pay? The community. We have air bags in cars there is no inconvenience to their use but they might save lives so they are there. They were introduced because it was demonstrated that they may save lives. They are also known to cause injury or saving those lives. On the balance they save more lives than they create injury. Should those that want to take the risk of not wearing seatbelts be allowed to choose whether they deactivate airbags because it is their choice to protect themselves or not. Governments sometimes have to protect people from themselves or take action for a common good. That often is against the will of the people because that is why the common good has to be served. It would be irresponsible to remove the obligation to wear seatbelts. If the Australian taxpayer is expected to pay the cost of the Hospital and health on Norfolk Island as they are apparently doing, significant contribution, to get the fund afloat and will have to continue to do so for the foreseeable future it is not unreasonable to expect the people who benefit to take all reasonable precautions to minimise injury and death. In closing I have to say that other than inconvenience the most common reason given to me why people oppose the need to wear seatbelts, the most common comment I received was no one drives fast on Norfolk Island so there is little risk. I pointed them to the weekend speedway up and down Grassy Road and around the circuit. I also pointed them to the Taylors Road speedway on Fridays and weekends. I also suggested the two law abiding drivers travelling in opposite directions at 50kph when they hit head on they have the same consequences as a single car hitting a wall at 100kph. The Chief Minister can elaborate from personal experience. The less the occupants move around the less likelihood of serious injury. If this Motion were to pass it would provide a perfect opportunity for the Commonwealth to exercise for the first time it's right of veto and in my view demonstrate to the Commonwealth that Norfolk Island should perhaps at the next election be electing a Mayor and 8 councillors. Albert Einstein said "not everything that can be counted counts and not everything that counts can be counted" but what would he know. Thank you Madam Speaker.

MR NOBBS                      Thank you Madam Speaker. I'll come at the debate at a couple of angles. The first is the angle that I sat at I think back at 2003/2004 where I was a member of the then Norfolk Action Group, I was the President, I actually wrote to the Assembly at the time and questioned whether there was some real benefits in the movements towards seatbelts, questioned whether there was going to be impacts on culture and the freedoms that a part of Norfolk Island. So I just put that on the table that as a Norfolk Islander who holds many of these things dear from the one perspective I've questioned these changes and from the other perspective, let me talk about real evidence on Norfolk Island right now. Evidence to me at the moment having introduced these seatbelts is that if nothing else kids have been brought under control in cars, and I'm not talking about kids who have got their licences, I'm talking about young kids generally under 12 years old who would normally, previously have been making their way around the vehicle standing up on the seats leaning out the windows and lets be abundantly clear here I'm not saying this without realising it's a bit hypocritical because in some cases my kids were doing those things. This has brought that situation clearly under control and I cannot ignore that, I cannot ignore the community have put their view but at the same time you need to recognise a few things, if we're to look at pure evidence. We can argue

data and statistics over whether the seatbelt caused this or didn't cause that or whether there is a difference in the mortality rate or the speed the cars are driven, all those aspects but the evidence I see in front of me is it is a safer environment, the evidence I see in front of me and as one that has fought for it is that there is no impingement on culture. The evidence that I see in front of me is that general safety has been improved without excessive obligations attached to it. Now I've heard some various views around the table to say that there arrogant or elitist decision making, it's got nothing to do with that, it's exactly as has been portrayed by the Chief Minister when he said there needs to be hard decisions made sometimes for the betterment of the community, and I'll just say this as well. It's not just to save a dollar. It's not to alleviate challenges to the healthcare Fund or anything like that this is the family, this is making sure that people get back to their family, it's making sure that we are doing the optimum to enhance peoples safety and longevity and community life and in real terms as I say there is little that I see that this has brought to obstruct culture and the like. If I'm to be further brutally honest I wasn't happy when this came to the House. I said during the debate that there are other bigger things that we needed to be discussing, however it's been to the House, it's been debated, there has certainly been feedback that Mr Sheridan has talked about and I seriously doubt that if around the table all of us haven't had very very similar outcomes at social gatherings and things like that in the lead up and following it. To put a fine point on it when it first came in I actually debated on whether I should wear the seatbelt in the day time and do without it in the night time no one I going to know. It made no difference there was no inconvenience to me, it did not interfere in my culture it did not cause any displacement from my island roots. In effect that's really all I've got to say on this, I don't see any positive outcome in repealing that legislation. Thank you.

MR KING tip my hand Madam Speaker but a brief contribution. My debate in respect of this matter overall prior to this has been about processing things and I hope that didn't perturb the Members too much to follow that line which I thought was my right. In that contribution I did indicate that I might look for other elements previously unconsidered or not considered in relation to this matter and I've not heard any in this debate except a very interesting analysis and interpretation of the Referendum results from Mr Sheridan which is very carefully considered and well considered and that was introduced further support for my view on the matter. But I wonder before I do vote on this matter whether I might give Mr Snell the opportunity to tip me in his favour by asking a couple of questions and one is to explain to me how it is in terms of the words of the Motion that a House can resolve to bring a Bill before the House when the House has no such function in bringing a Bill forward and secondly whether in his view is within the power of this Assembly to direct the Government or whether the Motion is simply in the nature of a wish. Thank you.

MR SNELL Madam Speaker it's my belief that if this Motion was successful it would be then a request for an amendment to the Act to the Bill and it would then be debated, whether it be approved. I'm not quite sure what Mr King is getting on about on the other section but I can't answer it.

MR KING Whether this resolution if approved would be an order or a direction on the Government, and you believe after your many years in public arenas that this Assembly has the power to direct the Government in that fashion.

MR SNELL Yes if it's a majority vote.

MR KING Well I'll send you some interesting extracts. Thank you.

SPEAKER Is there any further debate Honourable Members before I ask the Acting Deputy Speaker Mrs Griffiths to take the Chair.

ACTING DEPUTY SPEAKER Further debate

MS ADAMS                      Thank you Madam Acting Deputy Speaker. Every person around this table has the right to have their view respected and I think if we all got into a room away from the mics and had a wonderful philosophical discussion on some interesting points. But having said that as introductory. We in this parliament take action which affects people's lives. We are elected for a specified term by the people and in that term we make decisions which we believe are the right decisions, whether or not in the eyes of the people they are the right decisions will generally become known at the next election by the vote of the people. However when the parliament makes a decision that causes sufficient concern to the electors the law the Referendum Act of 1964 gives them the right through the citizens initiated Referendum to tell their elected Members if they are unhappy with a decision, the people they elected have made. A citizen initiated Referendum and the decisions that flow from that Referendum should not be taken lightly. The right of the electors to express their opinion is an integral part of a democratic process and we are one of the few places in the world that still have that facility, the citizens initiated Referendum, and for me it's a direction pursuant to legislation from the people to the parliament and to ignore the direction given by the people can be seen as inappropriate. Equally for elected representatives to say that the electors do not know what their doing and what their saying is equally inappropriate, for what that is saying is that we know best. Members of Parliament are often hears to say that they have all the facts and they make decisions on behalf of the people and the people don't and that of course is arguable. Members of Parliament are heard to say that you can't have Government by Referendum, other countries do it with great success. Members of Parliament say that the people put them there to govern them and that Members of Parliament are the peoples representatives, well this may be so but when the people through Referendum clearly say that the decisions the Members are making that they have elected are not acceptable to them to the people I believe we have a responsibility to heed the voice of the people. 62% I understood it was although I think I heard Minister Sheridan say 67% of the people who voted in the Referendum on a number of traffic issues on 21 December 2011 have told us they do not agree with the Assembly's decision to compel them to wear a seatbelt. The electors on this occasion have also told the Norfolk Island Legislative Assembly that they can live with L and P plates and the rules governing them and with the wearing of cycle helmets. That clearly demonstrates that the people do have the facts before them because they supported the decision of the Parliament in respect of those new rules and this must surely demonstrate to us that they absolutely knew what they were saying when they said no to the compulsory wearing of seatbelts. Honourable Members I have taken the time to speak with many many people in the community because I hold the Referendum very very dear to my heart which was evident in my election speeches. I believe in the power of the people and so I've spoken to many people on the results of the Referendum and my question to them has been "what do you feel the Assembly should do in respect of seatbelts as a result of the referendum" and without exception the response from those who voted yes and those who voted no has been listened to and respect the voice of the people or words to that effect. People talk about and that's been mentioned in the House today on the TV Referendum and the mobile phone Referendum and how they came in any way though the people said no, and it was that question then asked of me that helped me to realise that to put mobile phones and TV in the same category as seatbelts is to try and compare apples with oranges and why is that? Because using a TV or a mobile phone is a matter of choice, the freedom to choose was left to the individual as to whether or not he or she has a TV or uses a mobile phone. This is not the case with seatbelts. The freedom to choose whether or not to wear a seatbelt has been removed and 62% of the electors have told us they are not happy with that removal. They have not said No to seatbelts being in a car, that was not the question and the law is quite clear there is a time specified in the law as to by which time you are compulsorily required to have seatbelts in your car unless you don't have anchorage plates in your vehicle in which case you don't have to put them in. They have asked the people be allowed the freedom to choose and the world at large is moving in this direction, the people in countries are demanding freedom

the right to choose. These people prefer to remain responsible for their own safety and Minister Sheridan has asked or questioned the wording of the Motion and correct, he is quite correct, it is not quite the same as what the public had asked, however in speaking with the proponents of the Referendum whilst ideally they would wish that there be no law in respect of seatbelts there is an acknowledgement that there was an ability to compromise and so the requirement, the proposal that a child under 5 years should be restrained ties with what this House passed. This House passed a law that allowed children 5 years and over to be unrestrained on the back of a truck provided the sides of the truck were a certain height. This Motion proposes that the law mirror the same requirement inside the car. That's all it's doing. We agreed, I didn't because I wasn't here for the vote but this House agreed that it was perfectly safe to be on the back of a truck unrestrained if you were 5 years of age and over provided that the side of the truck was a 150mm high. This Motion asks that you give the same right inside the car. Finally Honourable Members I did look for guidance, this isn't a criticism but I did look for guidance in the Road Safety Committee Reports that were tabled in this House in 201/2011 to try and come to grips and some understanding of what their thinking was. Now we didn't have the minutes and so I can only rely on the Reports that were tabled and whilst the Reports clearly demonstrated that the Committee had considered the issues addressed in the legislation nowhere in the reports had they actually recommended that the legislation be changed. I guess we make that presumption by the fact that they considered them. I understand this is a hard one for Members, I understand that but I have to support the Motion on the basis that the people have spoken because I happen to have the belief that I'm responsible for me and I take your point Mr Nobbs that you can ask the question why did you wait. Thank you.

ACTING DEPUTY SPEAKER Any further debate. Honourable Members there being no further debate I put the question that the Motion be agreed to

#### QUESTION PUT

ACTING DEPUTY SPEAKER Madam Clerk please call the House

MS ADAMS	AYE
MR SNELL	AYE
MR SHERIDAN	NO
MRS GRIFFITHS	AYE
MR BUFFETT	NO
MR NOBBS	NO
MRS WARD	AYE
MR KING	NO
MR ANDERSON	NO

ACTING DEPUTY SPEAKER Members the House has voted yes 4/ the No's 5 therefore the Motion is lost.

#### IMMIGRATION AMENDMENT BILL

ACTING DEPUTY SPEAKER Honourable Members we resume on the question that the Bill be agreed to in principle and Mr Buffett has the call to resume.

MR BUFFETT Thank you Madam Deputy Speaker. This Bill was earlier introduced. It was particularly introduced by to honour agreements between the Commonwealth and Norfolk Island. The aim of the legislation at that time was to give freer passage for visitors, visitors I underline in terms of travelling between Australia and New Zealand. It provided the non need for passports, it extended the facility for people to stay as a visitor beyond the 30 day arrangement so there were measures that addressed visitors. The legislation was despatched to the Commonwealth because there needs to

be an agreement, Immigration is a Schedule 3 matter and to date I had hoped that we might be able to progress it today but to date there has now been signalled to us that there is a continuing need for passports or documents of identity as a requirement for arrival or departure from Australian ports to come here which means people will still need passports. That may require some adjustment to the legislation that we have at this stage. Those adjustments haven't been concluded to bring forward to you today but I foreshadow that they will and I just wanted to provide that update Madam Deputy Speaker so you will know where that matter lies. There are proposed amendments to this legislation I project that they will come forward at the next sitting but that will need to be as a result of further consultation between the two Governments. Thank you.

MRS WARD Thank you Madam Acting Deputy Speaker. Can I just seek some clarification on this from the Chief Minister. The introduction of this Bill into the House was complying with the funding agreement. It said the words Australian passport would be substituted for photographic identity and I'd just like to ask the question so that I'm clear on whose changed that requirement that that is the Commonwealth? Ok I just wanted to make that really clear so we are continuing to comply the best we can

MR BUFFETT Yes

MRS WARD and the Chief Minister and the Government know they have my support to do that. Thank you.

MR BUFFETT If we have concluded I'll move that this matter be adjourned and made an Order of the Day for a subsequent day of sitting.

MR NOBBS Thank you Madam Acting Deputy Speaker. I can't miss an opportunity to highlight that as we do look after the entry point to the Australian border ideally for us we have the closest connectivity through the electronic systems as possible at the moment although I think some steps have been made and the reason I highlight this is as the former Minister responsible for Immigration there were some areas that perhaps could have informed us better of those travelling persons who complied or didn't comply with Immigration policy in Australia that because we didn't have electronic travel authority connectivity and various other interfacing perhaps to ? through their systems that it made it more difficult for us to protect the border than perhaps it should have been. So I just use this opportunity to highlight the fact that some work needs to be done there still and we certainly would welcome it to ensure that the best outcomes come for the traveller as well as the border. The rest of the debate on photo ID and those other aspects I think I'll wait until the rest of the Motion comes to the House.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Any further debate. The question is that debate be adjourned and resumption of debate made an Order of the Day for a subsequent sitting.

QUESTION PUT  
AGREED

#### **FIXING OF THE NEXT SITTING DATE**

MR ANDERSON Madam Acting Deputy Speaker I move that this House at its rising adjourn until Wednesday the 7<sup>th</sup> March 2012 at 10.00am

ACTING DEPUTY SPEAKER Debate Honourable Members.

QUESTION PUT  
AGREED



**ADJOURNMENT**

MR BUFFETT I move that this House do now adjourn

ACTING DEPUTY SPEAKER This House stands adjourned until Wednesday 7<sup>th</sup> March 2012

MR BUFFETT I'm sure we will agree to that.

ACTING DEPUTY SPEAKER Adjournment debate?

MS ADAMS Thank you Madam Acting Deputy Speaker. The first matter. Chief Minister I'm not meaning to pre-empt you but I'm having a meeting with young Suzie Wright tomorrow on matters of Youth Parliament etc and I'd just like to compliment Suzie on having been a founder I think is probably the right word for the Youth Forum which was held a week or so ago. I as Speaker have been provided with a copy of a letter together with a copy of the minutes that have flowed out of that meeting which I'm quite sure between the Chief Minister and I are quite happy to..... I just wish to compliment our young people for getting together to talk about affairs that affect this island. Last but certainly not least I would like to compliment in fact I would like to applaud Mrs Griffiths for her debate today on the question that the Statements and Paper be noted. I didn't take the opportunity at that time. It's not a substantive matter that's being debated procedural that we're at at this time but I'd just like to compliment you and thank you and give you my support as I give for many of the other comments that were made around this table today, all had validity, we will all have different points of view when the time comes for us to debate the matter in full. I have to record for the record my concern in the Report at damaging, some damaging statements that were made against long term Officers of our Public Service. To suggest that they've been in the job too long, past their use by date, which really was the inference in some parts of the Report is offensive, is offensive to those people who have give us untiring loyal service for many many years. Perhaps the choice of words within the Report could have been tempered. Capacity is not a good word, it's open to interpretation it can be taken subjectively as a slight against the people, and as Mr Snell said the Report is probably 32 years too late. It should have been in place, that Review should have been in place when the Commonwealth handed over. That discussion needed to happen then. However it didn't and today we have it before us to take it forward to consider it, the Chief Minister has with his Government put on the table support for the Recommendations and we will talk through them at a later time.

MR NOBBS Thank you Madam Acting Deputy Speaker. I really just want to take a moment to recognise the efforts of the ATA on Norfolk Island in the transition to Air New Zealand they have put some steps in place and this may not be restricted only to the members of ATA, it's probably generally across the whole hospitality and accommodation industry for Norfolk Island is that they have certainly put in place as many options as they possibly can in my view to ensure that the travelling visitor to Norfolk Island was least impacted by changes of schedule and changes of air service operators, so I just want to recognise them and commend them for their efforts in that. Lastly I'd just like to highlight that our General Manager for the Tourist Bureau commenced at the start of December and I commend the efforts that he has gone to, his documentation process, his making action happen from his office, his engagement with the various industry sectors it's all a very good start to what will be a great role that he fills in the GM. Thank you.

MR KING Madam Deputy Speaker it won't be any surprise for the House to hear me say that I'm not particularly happy about some of the rulings that occurred today and without wanting to incur the wrath of the Acting Deputy Speaker I shan't dwell on them except to the extent to say that I will be examining those closely. It

is important for me to understand the rules applying to the environment in which I represent my constituency. I understand about precedent and when I saw 4 questions allowed today supplementary to a Question on Notice I was quite happy to hear that and I will look in future for that precedent, the benefits of that to flow to me. Having made my inquiries and examinations of what transpired today I would foreshadow if I remain unhappy that I will bring further Motions to investigate and examine the decisions that were made during today from the Chair. Thank you very much.

ACTING DEPUTY SPEAKER  
be agreed to.

No further debate? I put the question that the Motion

QUESTION PUT  
AGREED

This House stands adjourned until Wednesday 7<sup>th</sup> March 2012 AT 10.00am