



NORFOLK ISLAND LEGISLATIVE ASSEMBLY
14TH NILA HANSARD – 8/15/22 MAY 2013

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

CONDOLENCES

SPEAKER Honourable Members I firstly ask if there are condolences this morning?

MR EVANS Honourable Members as a mark of respect to the memory of the deceased I will read out – this House records the condolences for Linda Maree Glass, it is with regret that this House records the passing of Linda Maree Glass. Linda and Peter met for the first time at the South Pacific Hotel in August 1979. Linda worked for Jean Mitchell at Aunt Em's with Sally Tighe, Jean had a lot of time for Linda and always helped her out when needed, along with Keith Bishop, Peter, Linda and Sonya lived at Torreglen. In 1981 they moved to New Zealand and lived on the Thames coast for a year, before they moved to Pauanui on the East Coast of the Coromandel peninsula where Peter started building for himself. Linda and Peter were married that year, they rented while they built their three bedroom house. Nicola was born in July 1983 and as Linda was only in labour for 60 minutes Peter had his first and last delivery. They moved into their new home early the next year and Linda was very proud of her new home and was very house proud. Linda loved looking after her two girls and in 1988 Karmelle was born, six weeks premature with black curly hair, so Linda spent Christmas in hospital that year, 12 months later they decided to return to Norfolk for a holiday and stayed with Bear and Janet, which was very enjoyable. Peter was a member of the New Zealand fire service, as a volunteer, and Linda loved doing all the things a volunteers wife does, he was a member of the fire brigade competition team and the first Saturday was competition day, so with the girls and an esky full of food and drink they would travel to other brigades to compete. Linda always drove home. In 1990 Kelly was born, so four girls lived at home. Linda returned to work during picking season at the local kiwifruit orchard, taking Karmelle and Kelly to work with her, even with her hands full looking after them, she enjoyed her work. In 1994 Kieren was born, their first boy and a great celebration, 18 months later Stacey was born on the same day and month as Kelly five years later in 1995. With the family now complete they often went on holidays, always towing the boat and camping in a tent. A couple of years later they bought a place at Coromandel and they spent many a time there with the kids. During the week Linda used to look after preschools for working Mums, so she always had children around her, which she enjoyed very much. In March 2003 they moved back to Norfolk with the children and lived at Collins Head Road. Linda dearly loved her children and her two grandchildren. To Sonya, Brad and Lola, Nicola, Brett and Memphis, Karmelle, Kelly, Kieren and Stacey this House extends its deepest sympathy, may she rest in peace.

SPEAKER Thank you Mr Evans, Honourable Members as a mark of respect I ask that all Members stand for a period of silence in their places.

PETITIONS

SPEAKER Thank you Honourable Members, I ask this morning if there are any petitions?

NOTICES

SPEAKER Are there any notices Honourable Members?

QUESTIONS WITHOUT NOTICE

SPEAKER Are there any questions without notice? Mrs Ward.

MRS WARD Thank you Mr Speaker, my question is to the Minister with responsibility for Immigration. In relation to the development of a sustainable growth strategy as outlined in the Funding Agreement, what are the terms of reference of the strategy, what resources will be diverted to the project, and what is the projected cost of the project?

MS ADAMS Thank you Mrs Ward for the question, I will take this on notice, to see if I can glean any further information for you, but my understanding at this time is that Mr George Plant in his role underneath the Road Map is currently working on that milestone. If you would like to give me anything further outside of the Sitting that can be helpful to you, I am very happy to provide it. But that is all I am able to give you at this time.

MRS WARD Thank you Mr Speaker, the question is to the Chief Minister. In the Chief Minister's recent election campaign he stated that he would support initiatives to reduce imports and lower costs to consumers. Would the Chief Minister outline what initiatives he was referring to and have they been considered in next year's budget process?

MR SNELL Thank you Mr Speaker, thank you Mrs Ward for the question, it has been a subject of review, over the past three months, on what savings we could do in regard to reduction in the GST on some imports, the reduction in the areas of other freight into the island, but maybe I will have to take this on notice for a further explanation Mr Speaker.

MRS WARD Thank you Mr Speaker, would the Chief Minister agree with the statement that online shopping is killing retail in Norfolk Island and if so, does he intend to do anything to stop this trend?

MR SNELL Thank you Mrs Ward for the question, it is part of the budget review, and Mr Sheridan may address this at a later time in another Sitting, but yes, there is consideration being given to that question.

MR PORTER To Minister Sheridan I believe it would be, in the matter of Strata Title legislation, I understand from the previous Assembly there were to be

papers, or legislation to be drafted to cover the introduction of Strata Title, or multiple title land development for Norfolk Island. Would the Minister tell us if that document exists and if so, where it is and if not, why not?

MR SHERIDAN Thank you Mr Speaker and thank you Mr Porter for the question. Strata Title responsibilities now lay with Minister Ward, but I had carriage of that under the last Assembly, and I am aware that drafting instructions had been progressed through the Service, up to LSU, for the commencement of drafting of legislation for Strata Community Title. Where the actual progression of this legislation is at this point in time, I would have to refer to Mr Ward, as the last few months it has been out of my control.

MR PORTER My apologies, perhaps Mr Ward might?

MR WARD Thank you Mr Speaker, thank you Mr Porter. I have, since coming into this role, had a look at the Strata Title white paper and have given some instructions to the Legal Services Unit to pick up on the material that they had started on previously, under Minister Sheridan, and the concept at this stage is to look at introducing a limited area of which would basically be the area that is covered by the water assurance scheme and we are working through just how to set up the zoning and the related issues that go into setting that up, but it is with the Legal Services Unit now.

MRS WARD Thank you Mr Speaker, my question is to Minister Adams, the Minister stated in her campaign policy that a depressed economy can not tax itself into prosperity. Does that mean that the Minister has provided a set of cost cutting measures to assist the Minister for Finance to balance the budget and if so, what are they?

MS ADAMS Thank you Mrs Ward, thank you Mr Speaker. That question really needs more time for me to provide you with a detailed answer, because I don't have all those facts and figures before me Mrs Ward and I will undertake to do that over the next few days. But as we all know, and yes while I totally agree with the statement I made then, and I hold that view now, that you can tax a depressed economy into prosperity. There needs to be cost saving measures and that's what we are working on as part of the budget process, and all sections with which I am involved are aware of this need.

MRS WARD Thank you Mr Speaker, my question is to the Chief Minister, is it a fact that on resuming the position of Chief Minister the Chief Minister promised Members of the Assembly that he would be a more inclusive Government, and if so, why after two months has the Chief Minister still not provided Ministerial correspondence readily available to all MLA's.

MR SNELL Thank you Mr Speaker, that has been a concern, I have sought some legal advice on the provision of certain correspondence, etc, as referred to by Mrs Ward, I have had some advice that it may not be in the best interest re confidentiality and at that the moment it is still being considered along those lines, but at the moment I haven't been able to, for example Mrs Ward maybe referring to drop files and so on.

MRS WARD Just a supplementary if I may Mr Speaker, would the Chief Minister guarantee that he will pursue the request when it is in the best interest to maintain open and transparent Government?

MR SNELL

Thank you Mr Speaker and Mrs Ward thank you, yes certainly.

MRS WARD

Thank you Mr Speaker, the question is to the Minister with responsibility for Immigration, now that the risks have been openly discussed in this forum, can the community be assured that this Government will engage in positive promotion of the new relaxed immigration laws.

MS ADAMS

Thank you Mr Speaker, thank you Mrs Ward. As I mentioned to Members yesterday at our regular Tuesday meeting, I identified proactive action being taken within the community by Real Estate Agents and as I had mentioned the Norfolk Island Government through myself will be working closely with what is known as the Immigration Development Working Group which was set up in the 13th Assembly, Members will recall that that body was engaged to prepare a report on future immigration, out of that emerged a policy development document which continued to have a role to be played by the IDWG, I continue to be in discussion with that grouping, I have asked the Acting CEO to find ways within which the Public Service can partner with that group to take forward the new Immigration regime in a positive way in publicity, not only because it is needed under the Funding Agreement, but also because that was the intent of the legislation, thank you.

MR BUFFETT

Mr Deputy Speaker thank you. I have a question to Minister Sheridan, it is about the budget for 2013-14 and it is about process, not necessarily about figures or content at this time. Mr Deputy Speaker it was foreshadowed amongst Members that we might have a meeting something towards the 29th of this month to introduce the budget, but that obviously is not going to happen at this time, so I ask the Minister would he outline for us the projected dates so that we might have some knowledge, especially given the decision of the Commonwealth Government to assist us in the year that I have just referred to.

MR SHERIDAN

Thank you Mr Nobbs and thank you Mr Buffett, yes, unfortunately I was hoping to be able to present a budget today, but unfortunately due to circumstances this hasn't been achievable. It is proving to be a fairly difficult task to frame a budget within the parameters that we find ourselves in and it is my intention that with the Members agreeance, that we will sit again around the 12th of next month, June and then following that a further two weeks, around the 26th to finalise it. That is my intention so far, Members will be aware that only just yesterday I forwarded to them a copy of the latest draft budget, and I will inform the public, that this is the first time that Members have seen a draft of the budget, until now it has been between myself and the Service, trying to formulate a budget within the parameters, we've got something that you might say that looks like something that is going to be delivered and now it's been sent to the Members for comment and to ensure that their areas of concern are covered and of course it has been forwarded to the Commonwealth Financial Officer for comment as well, and late last night she provided some queries on it and so all these are to be discussed in the next two weeks, whereas the intent is to table the budget for next year hopefully on the 12th.

MR BUFFETT

Mr Deputy Speaker I direct this question to the Chief Minister and in doing so I refer to the answer just given, no by Minister Sheridan, but Minister Adams in terms of the Immigration arrangements, in other words a positive way forward in terms of that piece of amending legislation. Can I ask the Chief Minister this, in the last few

days there have been some reporting in the Pacific Island news service about the Chief Minister speaking with representatives of that Service, giving an indication of a non supportive attitude of new immigration arrangements, can I ask the Chief Minister how he relates that commentary to that answer that has just been given by Minister Adams in terms of the Immigration arrangements.

MR SNELL Thank you Deputy Speaker and thank you Mr Buffett. The comments I made on the air were those relating to my original policy which has been asked of me in previous questions, my statement to the overseas news, was that there still remains some concerns to the introduction of unfettered migration into the Island.

MR BUFFETT Supplementary if I may Mr Deputy Speaker? Again to the Chief Minister, given that response that he has just given, and given Minister Adams earlier response, can the Chief Minister assure the House and others that need to be assured that the Ministerial policy outlined by Minister Adams is one that is agreed to by the Chief Minister.

MR SNELL Thank you Deputy Speaker, Mr Buffett thank you for the question, certainly yes.

MR BUFFETT Thank you, Mr Deputy Speaker, I ask this of the Chief Minister also, it is about the post of the Chief Executive Officer, we all know that that position has been advertised, it may well be that the closely date for applications has now come about, I'm not too sure about that, but can the Chief Minister give us a state of play on how that is progressing. But more particularly could he give us an indicator on when he thinks a motion might come to this Legislative Assembly in terms of the Public Service legislation?

MR SNELL Thank you Mr Deputy Speaker, and thank you Mr Buffett, yes the selection panel has been finalised for the progress of the appointment of the new CEO and the arrangements for that procedure will commence as soon as possible.

MR BUFFETT Could I just again ask the Chief Minister if he might project a date of motion to come forward to this Assembly in terms of the Public Sector Legislation?

MR SNELL Regarding the appointment of the CEO?

MR BUFFETT Yes indeed, under the public sector legislation, the appointment of the CEO is made by the Chief Minister or the Minister who has responsibility in that particular area, Chief Minister at this moment, but in accordance with a resolution of the Legislative Assembly, what I'm trying to gain from the Chief Minister is information as to whether some indication of time frame for that motion to come forward with this Legislative Assembly.

DEPUTY SPEAKER Thank you Mr Buffett it was just a bit confusing with the Public Service Bill on the table today, that was all, I'm sorry.

MR BUFFETT Whether it be the new legislation or the old legislation, it may not make any difference as to when that comes forward.

MR SNELL Thank you Deputy Speaker, thank you Mr Buffett, no I can't give an indication of when that will happen at this time because the selection process hasn't actually commenced at this time. But we are hoping with the number of applicants, and I can tell you now there are quite a number of applicants for the position, it may take some time.

MR BUFFETT Thank you again Mr Deputy Speaker, I'm not too sure which Ministry might have responsibility for this matter, and it may fall in two parts, so I will ask in two parts and see who may respond. It relates to the lighter that was burnt in recent weeks Mr Deputy Speaker. I first ask whether the items of this nature, the lighters, are covered by insurance within the Administration and coupled with that whether there could be some indication of what arrangements are in place for replacement of this particular service, so that this vital service to the Norfolk Island community can see a continuity, that's the first part. The second part is whether there, and I understand that this fire may have been deliberate Mr Deputy Speaker, and if that is the case, whether there is any progression on apprehension of those who might have perpetrated this crime?

MR SNELL Thank you Mr Deputy Speaker, Mr Buffett, yes, I have, as Minister for Police been in contact with the Detective Sergeant here on the Island, very concerning regarding this crime. There is some progress indicated to me, and they are still working on it obviously, they did bring in some experts from overseas to assist, and they're working on information and evidence that has been gleaned from that. In regards to the insurance, that is still being looked at at this time as to what coverage applies. The matter of a replacement lighter has been dealt with and I am assured from the lighterage section of the Norfolk Island Administration that they have a lighter to replace it ready for operation, that the replacement slings will arrive on the next ship. The only concern at the moment is for spreaders to bring vehicles off, but one of the ships that come to Norfolk Island has indicated that they will have their own, so there shouldn't be, Mr Deputy Speaker, too much of an inconvenience at this time for the arrival of the ships.

MRS WARD Thank you Mr Deputy Speaker, just one for the Minister for Environment, I would ask if the Minister would provide an update on the Plans of Management for the Reserves and where they are up to in terms of community consultation, or further community consultation in particular.

MR WARD Thank you Mr Deputy Speaker, thank you Mrs Ward. The Plans are at a stage where they could be released for public comment, and I have also had discussions with the Conservator on a range of related issues with focus on the cost implications, with our current state of finances as they are, we will continue to operate on a bare essentials basis, having viewed most of the reserves recently, I can only pay tribute to the Forestry Team, who like many areas of Admin are doing so much with so little, the furtherance of the Plans of Management without the capacity to increase the resources needed is basically a token process. I will undertake to start the public review process in the near future. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Further questions without notice? No, we move to Answers to Questions on Notice, I think there is one. Mrs Ward to ask the Minister for Cultural Heritage and Community Services, have you an answer Minister?

MS ADAMS Thank you Mr Deputy Speaker, it is question on notice number 4 and the way I am going to respond this morning rather than read the question first which is normal practice, I will read the response which incorporates the question. And this response has come to me through the office of that Acting CEO from the Official Secretary in the Office of the Administrator. I'll read it in full, it is dated 27 May, Mr Wayne Richards Acting CEO, Administration of Norfolk Island, Kingston, Norfolk Island. Dear Mr Richards, I refer to a memorandum dated 21 May from the Minister for Cultural Heritage and Community Services to the KAVHA Site Manager seeking advice in relation to the question on notice asked by Mrs Ward MLA at the May 22 Sitting of the House, namely, "in the Economic Development Study of 2012 at page 12, it was suggested as an investment project, the relocation of Administration functions from Kingston and redevelopment of the Historic buildings that might enhance the premier tourist attraction on N.I. Does the Minister know if there has ever been a proposal submitted to look at significant private sector investment in the KAVHA buildings to enhance their tourism potential, and if so, what was the outcome?" To assist the Minister for Cultural Heritage and Community Services in her response to the question, the following information is provided. The KAVHA Board has a received a private sector proposal to utilise buildings in the KAVHA area for commercial tourism activity, this proposal will be discussed at the next KAVHA Board Meeting. Yours sincerely, Keith Young, Official Secretary. And adding to that Mr Speaker, the question of when the next KAVHA Board meeting is to be held is a matter of ongoing discussion and the Chairman and myself will be discussing this over the next few days, it is a very important meeting which needs to occur, and we have had, for whatever reasons, difficulties in that happening in the last 12 months, and at that time, one would hope that one is able, that when the meeting takes place, to be able to provide further detail, but at the moment I am unable to do that, thank you Mr Speaker.

MR SNELL Thank you Mr Speaker, Mr Speaker I would like at this time to give a reply on a question by Mrs Ward, on notice from the 8th of May 2013 Sitting of this House. If I may Mr Speaker?

SPEAKER I don't have that on Notice Chief Minister?

MR SNELL I seek leave of the House if I could Mr Speaker?

SPEAKER May I remind Members of this in terms of Question on Notice. Questions on Notice need to be lodged in writing with the Clerk, they need to appear on the Notice Paper and the like, as we see with number four that is on the Notice Paper today, that has been responded to by Minister Adams. On occasions during Questions Without Notice, I know a number of Ministers ask whether that question can be taken on Notice, which is quite proper, but for it to be actually on Notice, the question needs to be lodged by the person who actually asked it. Unless that is the case, it is not a question on Notice, although it may have been referred to by Ministers as such. However that doesn't prevent Ministers at some time at subsequent meeting, or indeed during the same meeting in some circumstances, to respond to that question, but it won't be in the same way as the one that has been put on Notice. I suggest Chief Minister that you might just like to take note of this, that you might like to do that at statements, so that you respond to the matter, and it will be providing the information, but it just has a different heading.

MR SNELL Thank you Mr Speaker, I will do so.

SPEAKER Thank you, and we are almost there Chief Minister, so let's just go onto Papers and then we go onto Statements.

PRESENTATION OF PAPERS

SPEAKER I call for Papers, any Papers this morning? Minister Adams please.

MS ADAMS Thank you Mr Speaker, this is tabling of Regulations, Mr Speaker in accordance with Section 41 of the Interpretation Act 1979, I table the **Immigration (Amendment) Regulations 2013** and I move that that table be noted.

SPEAKER The question is that the paper be noted, Minister Adams.

MS ADAMS Thank you Mr Speaker, Honourable Members the Immigration (Amendment) Regulations 2013 tabled this morning were made at Executive Council on 21 May 2013 and commenced on gazettal last Friday the 24th May. These regulations prescribe certain matters including the information that is to be included on the revised arrival and departure cards; application forms for residency under section 28; and prescribed arrangements regarding the cost of provision of medical services in Norfolk Island to the applicant. Section 28A is the new provision in the Immigration Act 1980 relating to Residency by citizenship. The section provides that a person who is the holder of an unrestricted entry permit; intends, if declared to be a resident, to reside ordinarily in Norfolk Island; is a person in respect of whom prescribed arrangements have been made regarding the cost of provision of medical services in Norfolk Island to the person; and who, being over the age of 18 years, produces evidence of good character, that person may make application to be declared to be a resident of Norfolk Island by citizenship. The prescribed arrangements referred to in section 28A regarding the cost of provision of medical services in Norfolk Island are now found in regulation 10 of the Immigration Regulations 1984. Regulation 10 reads – For the purposes of paragraph 28A(1)(c), the prescribed arrangements are — (i) that the applicant has become and remains a member of the healthcare fund in accordance with the Healthcare Act 1989 and has paid the Healthcare Levy as and whenever it falls due for payment in accordance with the Healthcare Levy Act 1990; or (ii) that the applicant has produced to the Minister responsible for the Healthcare Fund through the Manager of Norfolk Island Healthcare Fund written evidence and proof to a standard acceptable to the Minister of the applicant's full time coverage and indemnity at all times while ordinarily resident in Norfolk Island by a health insurance provider in Australia or New Zealand. Mr Speaker in my radio interview last week on the new immigration regime I advised that one of the consequential changes made in the new immigration legislation is the removal of the Immigration Committee and I would like to take this opportunity to formally and publicly thank the members of that Committee, both current and former, for the role that all committee members have played over the years under the Immigration legislation in assisting the Minister with responsibility for Immigration to carry out his or her Ministerial role. That I role I know, from time to time, has had its difficulties. I would also like to take the opportunity to thank the current members of the Immigration Development Working Group, Chairman Ian Anderson, Mrs Monica Anderson and Mr John Brown, for their willingness to assist in developing a campaign to attract new business ventures and people with skills and experience that are innovative and which will have the ability to operate successfully both in Norfolk Island and internationally. In conclusion Honourable Members I

give an assurance to the community that the new immigration regime and its flow on effects will be closely monitored and reliable immigration statistics will be gathered, whilst the government continues to work towards a return to an economically viable and sustainable community that we all look forward to achieving. To this end a sustainable growth strategy to achieve this outcome is currently being developed and a study will of course need to be undertaken within our limited budgetary framework, in consultation with the community to determine the optimum sustainable population for Norfolk Island, a population which meets this community's needs and its aspirations. Thank you Mr Speaker.

SPEAKER Yes, will just go around the table to see if any other further people wish to contribute, I don't see any faces signalling to me. The question is that that paper be noted.

QUESTION PUT

QUESTION AGREED

The aye's have it, thank you. Further Papers? Minister Sheridan.

MR SHERIDAN Thank you Mr Speaker, in accordance with Section 41 of the Interpretation Act 1979 I table the **Postal Services Regulations 2013**.

MR SHERIDAN Mr Speaker under the Customs Act 1913, the approved exemptions from Customs Duty under Section 2B(2) of the Customs Act 1913 makes provision for the Minister to exempt goods from Duty where the duty payable is less than \$200, Section 2B(5) of the Act that were the Minister has exercised this power he shall lay a copy of the exemption on the table of the Legislative Assembly, Mr Speaker I so table this exemption, and if I may just mention that the exemption is for the sum of \$126.43 on the importation of medals for Veterans Tennis by the Cheryl Tennis Club.

MR SHERIDAN Thank you Mr Speaker, I would also like to table the statement of financial position of the Revenue Fund as at the 30th of April 2013, I think Members have all got a copy of that.

SPEAKER We have concluded with Papers. May I turn to you now please Chief Minister.

SPEAKER Thank you Mr Speaker, Mr Speaker, Mrs Ward asked the following question on Notice for the 8th of May 2013 Sitting of the House, the question read, would the Chief Minister table the Chief Executive Officer of the Administration's due diligence relating to Redemptech Reports dated February 27th and March 25th 2013 and any other associated documents. Mr Speaker I now in a position to answer the question and I thank Mrs Ward. Under the Freedom of Information Act 1982 (Clth), anything which is already in the public domain, such as media releases, is available to the public, while it is not necessary that I do so because they are already in the public domain I table the media releases which have been published to date. I am advised that there is an application under the Freedom of Information Act currently being processed and that the applicant and the affected third party are being consulted as required under that legislation. I'm advised that the affected third party has raised objections to the release of any information or documents provided by them, or where such information or documents are referred to or considered in documents held by the Administration or the Government and that such objections rely on various exemption provisions of the Freedom of Information legislation. I am advised that various grounds exist under the Freedom of Information legislation for documents or

information to be exempt or conditionally exempt from release, these grounds can include where a document or information was considered by the Norfolk Island Cabinet where a document or information can contain or disclose trade secrets or commercially sensitive information. Where a document may contain or disclose information or documents obtained by the Administration in confidence, such as under a confidentiality agreement amongst other grounds as set out under the Freedom of Information Legislation. A decision will shortly be made on the application and it is not appropriate for this House to be seen as used as a means of circumvent for intervene in the statutory of freedom of information process. Any other documents or information process, any other documents or information relating to the third party will accordingly not be tabled in the House. Thank you Mr Speaker.

MR SNELL Thank you Mr Speaker, on the 10th of April 2013 this House passed a motion moved by Mr Nobbs as follows, that this House resolves that the Minister responsible for the **Norfolk Island Police** undertake a review of the Norfolk Island Police Act 1931 and attended arrangements between the Commonwealth and Norfolk Island Governments in relation to policing on Norfolk Island, including a review of the Memorandum of Understanding and report to the House within 60 days. Mr Speaker I can advise the House that I have prepared a draft issues paper with a view to discussing those issues with the Australian Federal Police Assistant Commissioner Mandy Newton, National Manager International Deployment Group. Assistant Commissioner Newton was scheduled to visit Norfolk Island this month to discuss the 2012 review and any information she is privy to in relation to the proposed update of the Memorandum of Understanding between the Commonwealth of Australia and the Administration of Norfolk Island concerning the provisions of services to the Administration of Norfolk Island by the Australian Federal Police. Mr Speaker as you are aware Mr Andy Hughes undertook a review of matters pertaining to Policing of Norfolk Island in 2012 and the Commissioner of the AFP, Commissioner Negus has advised that this review will be discussed by Assistant Commissioner Newton with the Administrator and myself when she visits. In addition the Commissioner has advised that there are a number of ancillary functions currently performed by the Australian Federal Police personnel which need to be addressed as a result of Mr Hughes review prior to the AFP meeting with myself, so that negotiations regarding the MOU can progress. Regrettably Mr Speaker the visit by Assistant Commissioner Newton has been postponed and another date for her visit is yet to be advised. I therefore foreshadow that I may be required to seek a subsequent day of Sitting with the indulgence of the House to an extension of the 60 day period within which I am required to report. In the meantime I will continue with finalising the draft of the issues that Norfolk Island wishes to discuss in relation to Policing in Norfolk Island and review of the Act. Thank you Mr Speaker.

MR SPEAKER Thank you Chief Minister. Further Statements.

MS ADAMS Thank you Mr Speaker. Honourable Members it gives me great pleasure to be able to announce to the House this morning that with the assistance of the Commonwealth Department of Immigration and Citizenship, commonly referred to as DIAC a process has been agreed to assist resident parents to return to Norfolk Island and **register their newborn babies in Norfolk Island** without the need for Australian formal identity documents. For some time it has been necessary for expectant mothers to travel off island for the birth of their child and representations were received from expectant mothers seeking to be able to return to Norfolk Island and register their child's birth after their return, rather than the requirement to register the child in Australia in order to obtain identity documents to travel back to Norfolk Island. Following those representations the Norfolk Island Government, the Customs and Immigration Section and Office of the Administrator have been actively pursuing options with the Australian Department of Immigration and Citizenship to achieve this outcome and I again take the time to acknowledge the work by the former Chief Minister Mr David Buffett in his role of getting this process well and truly underway and I am grateful to all of those Officers who have assisted to achieve this positive outcome and to those who pursued this issue on behalf of all

expectant mothers. But I must make it clear there are processes that need to be followed and any mothers, fathers who are in this category I urge you that you make the appropriate inquiries to the Immigration Section in the Customs House on telephone 22140 Ext 2. Thank you.

MS ADAMS Thank you Mr Speaker. This will be a short one. We are approaching Bounty Day which this year will be celebrated on the 10th June and we will be honoured at this Bounty Day as part of the Cultural and heritage agreement that we have entered into with the Isle of Man, we will have on island the Honourable **Claire Christian MP** who is the President of the Houses of Parliament of the Island of Man, commonly referred to a Tinwayld , and whilst there will be full details around her visit along with the Cultural agreement repeated in next weekends Norfolk Islander this is the only opportunity that I have in the House before her visit to appraise the community of this visit. You will recall that under the Funding Agreement, under the Cultural Agreement, I've got Funding Agreement's on the brain. Under the Cultural agreement it is agreed that on Bounty Day the Isle of Man will acknowledge our national day in the Isle of Man and on the Island of Man's national day which is 5 July Tinwayld Day, Norfolk Island will acknowledge their national day formerly and record that national day in our Hansard. That's part of the Cultural and Heritage agreement. The speaker and I and I know all Members of this Parliament will look forward very much to welcoming the Honourable Claire Christian, President of the Parliament of the Island of Man with whom Norfolk Island shares a close historical linkage. Thank you Mr Speaker.

MESSAGES FROM THE OFFICE OF THE ADMINISTRATOR

SPEAKER Honourable Members I report Message No 1. On the 16th May 2013 under Section 22 of the Norfolk Island Act 1979 her Excellency the Governor General declared her assent to the following Act, Crown Lands Amendment Act 2013 Act No 10 of 2013 and this Message from the Office of the Administrator is dated the 22nd of May 2013 and signed Neil Pope, Administrator. Message No 2 from the Office of the Administrator Honourable members reads – on the 21st May 2013 acting pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the following proposed laws passed by the Legislative Assembly. The Customs Amendment Act 2012 Act No 8 of 2013 and the Immigration Amendment No 2 Act 2012, Act No 9 of 2013, and this Message is dated the 22nd of May 2013 and signed Neil Pope, Administrator.

NOTICES

NOTICE NO – 1 HUMAN RESOURCES POLICY & PROCEDURES MANUAL CHAPTER 13 – TERMINATION, CHANGE AND REDUNDANCY

MR SNELL Thank you Mr Speaker. I move that this House having considered the draft determinations submitted by the Chief Executive Officer and approved by the Chief Minister on the 15th May 2013 to amend Chapter 13 Termination, Change and Redundancy of the Human Resources Policy and Procedures Manual previously determined for the purpose of Section 26 and 28 of the Public Sector Management Act 2000 2) Any written comments of the Public Service Board and the Norfolk Island Public Service Association on the draft determination and 3) The specific amendment to paragraph D of Section 13.6 being the substitution of the words “equivalent to 18 months ordinary pay” with the words “equivalent to 48 weeks ordinary pay” resolve to amend the Human Resources Policy and Procedures Manual by making the draft determination inclusive of the specified amendment and declare that a) a copy of the determination signed by the Speaker of the Legislative Assembly shall be the instrument in writing for the purpose of Paragraph 26 1 D of the Public Sector Management Act 2000 and the determination shall operate from the date on which notice of its making is published in the Gazette.

SPEAKER Chief Minister thank you for that Motion. The Clerk is about to consult with you in terms of Item 1, whether it be Section 28 or 26.

MR SNELL Yes Mr Speaker I did mention 26 but I also added the Section 28 which I also believe it refers to.

SPEAKER Ok thank you. Debate Honourable members.

MR SNELL Thank you Mr Speaker. This determination is brought forward to comply with Schedule 2 Item 10 (c) of the Funding Agreement signed on the 21st December 2012 which required the introduction in May 2013 of a cap on redundancy payments for Public Sector employees and for the record Mr Speaker if I may refer to that Funding Agreement. The funding Agreement states “for new employees replace old redundancy provisions with new provisions based on contemporary arrangements elsewhere in Australia, specifically as per the National Employment standards. For existing employees the period of notice of redundancy will be one month or 5 weeks if the Officer is over 45 years of age and has completed at least 2 years continuous service. An Officer who elects to be made redundant will be entitled to be paid either of the following which ever is the greater. A sum equal to 2 weeks of the Officer’s pay for each completed year of continuous service, maximum sum payable under this paragraph will be 48 weeks pay or as per the National Employment Standards. An Officer who does not accept voluntary redundancy is entitled to a retention period. The length of this retention period is limited to the amount of available redundancy payments. If the employee is unsuccessful in finding another position within the Norfolk Island Public Service their redundancy payout is reduced by the retention period. Cap redundancy payments based on entitlements as at the 31st December 2012. Existing employees will still get payouts above this cap if applicable under new provisions. Mr Speaker basically the proposed changes today will be introduced into the present Human Resources Policies and Procedures Manual which exists under the Public Sector Management Act 2000. The changes will also be prescribed within Regulations for the proposed Public Sector Bill 2013. The three changes to the Human Resources Policy and Procedures Manuals are 1) introduction of voluntary redundancy. The current Human Resources Policy and Procedures Manual presently does not allow voluntary redundancy. Removal of the word “involuntary” in all references to redundancy allows the Administration the option of calling for voluntary redundancies. 2) The removal of a 12 month retention period. The current 12 month retention period is to allow for redeployment of potentially excess employees. In the climate of depleting finances and with a GBE divestment programme to commence in the near future it is highly unlikely that any excess employees will be able to be relocated to another Department or GBE. Deletion of the 12 month retention provision will allow redundancies to occur after giving employees 4 weeks notice 3) Reduction in the level of redundancy entitlements. Inclusion of a scale of 2 weeks redundancy pay for every year of service with a maximum of 48 weeks pay is in accord with the redundancy rates in Australia and will have the effect of capping redundancies as required by the Funding Agreement. Mr Speaker this matter has been addressed by the Public Service Association and the Public Service Board and for the record Mr Speaker I’d like to read the response from the Public Service Association incorporated on Norfolk Island. The letter was delivered by hand on the 17th May to myself as Chief Minister. The letter reads – Thank you for your letter dated 15th May 2013 which was delivered to me by hand that day. The draft determination was enclosed with your letter proposes 1) To introduce the concept of voluntary redundancy. The Norfolk Island Public Service Association does not object to that. 2) To remove the existing retention period in the event of non voluntary redundancy. The Norfolk Island Public Service Association objects to that as it involves the removal of an existing condition of employment without proper compensation. We suggest that the appropriate way to address this matter is for it and any other matter of concern to be included in negotiation of an appropriate enterprise agreement, and it’s signed Yours sincerely, Brian Buffett, President, Norfolk Island Public Service Association. The Public Service Board wrote back Mr Speaker in the following terms. On the 24th May a letter addressed to me – Dear Chief Minister, draft determination to change the Human Resources Policy under Section 26 of the Public Sector Management Act 2000. Members of the Board have considered that the proposed changes to the Human Resources Policy and Procedures Manuals set out in the above draft determination which proposes to remove the

existing 12 months retention period before employees of the Norfolk Island Administration may be made redundant and the attendant changes. The Board recognises that the proposed changes will bring procedures for creating redundancies in the Administration in line with those applying to employees of the Commonwealth Government and that such changes will allow for greater flexibility within the Norfolk Island public sector. Though the proposed changes will mean the loss of some conditions for local employees the Board is of the opinion that there are sufficient measures to ensure fairness to employees made redundant built into the new arrangements for the Board to support the determination. Signed, yours sincerely, Nadia Lozzi Cuthbertson, Presiding Member. Mr Speaker I commend the Motion.

SPEAKER

Thank you Chief Minister. Debate?

MS ADAMS

Thank you Mr Speaker. This House is being asked to agree a Section 26 determination under the Public Sector Management Act 2000. The Chief Minister has advised that the determination is brought forward to comply with Schedule 2 Item 10C of the funding Agreement signed 21 December 2012 which required the introduction in May 2013 of the cap on redundancy payments for public sector employees, and as just advised by the Chief Minister the Public Service Association and the Public Service Board have been consulted as is appropriate and have responded in writing. The Chief Minister has read those responses. The Public Service Board supports the determination. Whilst the PSA has indicated it does not object to the concept of voluntary redundancy, it clearly objects to the removal of the existing 12 month retention period in the event of non voluntary redundancy stating that and I quote "it involves the removing of the existing conditions of employment without proper consideration". This morning all Members received a further letter from the PSA from which I quote "If it is desired to change the entitlements and conditions of the employment of any of our members, that should be the subject of discussion and an enterprise agreement, to reduce the impact to the redundancy provisions (which we note do not apply to casual staff or contract staff). We seek your assurance that existing staff who would be affected would be quarantined and that any change would only apply to new permanent staff only". I thank members of the PSA Executive for the opportunity to speak with them yesterday. I also concede that there were good reasons why the Norfolk Island Government of the day put the current redundancy provisions in place. I further note the PSA concerns that there is no appropriate safety net provisions in place at this time, and that my point of view is irresponsible and their concerns in that regard are valid. However I thank the PSA for their understanding of the fact that there is a Funding Agreement in place and milestones which are to be met under the Funding Agreement if Norfolk Island is to receive the May milestone funding under that Agreement, funding that is needed for the Norfolk Island Government to continue to meet essential services in this time of economic downturn. I also take note that the PSA has the ability to put in place a new enterprise agreement under the new legislation and I'm sure that they will negotiate such an agreement. I will be supporting the Motion before us today. Thank you Mr Speaker.

MR SHERIDAN

Thank you Mr Speaker. If I could just say a few words on this matter. It's about part of the reform process of the Public Service and of course as part of that reform process of course some of their conditions will have to be re evaluated. Mr Speaker currently under the old legislation, the old HR Manual the entitlements that the Public Service employees are entitled to in regards to redundancies are very very good. This change that's been proposed couple with the removal of the 12 month retention period will see a liability, a contingent liability removed from the finance area of the Administration somewhat. I understand that the Public Servants themselves, they are rightly concerned and the Public Service Association has put forward their concerns but with this new proposal there well being is still being looked after. If I can just put a couple of figures and that might put it into context there Mr Speaker. Currently we have something like 170 or 169 positions in the Public Service. Some of them are part time but the ones that this really refers to are the 92 positions that are ongoing that are permanent positions you might say. Of those 92 positions Mr Speaker if this Government was to fail you might say and the

Receivers were called in with the 12 month retention period the Administration would have a liability of some \$3,864,000. Coupled with their entitlements for their redundancies for period of years served this would amount to approximately, and this is on the upper limit \$1.3m which is a total of well over \$5m. It's a liability, a contingent liability that in this current climate the Administration or this Government just cannot afford to carry. The reduction of their redundancy weeks you might say, to bring it in line with some Australian standards and I'll talk about the national Employment Standards in Australia. In Australia the National Employment Standards for redundancy, if you worked over 9 years but less than 10 you're entitled to 16 weeks, but after 10 years it gets reduced to 12 weeks and they reduce it by 4 weeks in recognition of long service entitlements etc. We're going through a position where if you're going to 2 weeks per year to a maximum of 48. So an employee with 10 years service would have 20 weeks where at least at 10 years service here in Australia you would only be entitled to 12 weeks. We go up to a maximum of 48 weeks which is when you compare the two, it's very generous. The contingent liability for the Administration is still there. It doesn't remove it all together and under this new proposal the contingent liability is some \$2.5m still which the Government would find very difficult of coming up with if there was a requirement. Mr Speaker I only put these figures out there because I think you have to put it into context though. The employee has certain rights and the employer must have certain rights as well. The employer has to protect its position financially to ensure that it is capable of paying these entitlements to their employees and unfortunately sometimes they need to be reviewed to address certain you might say inadequacy at times but in other areas sometimes they might be an over provided benefit which needs to be reduced. This is the case this time. It was an untenable position you might say that the Government found itself in with the current 12 month retention period and the current redundancy payments and this Motion today I fully support will bring it into line with what's been recommended to us. It will bring us into line more with National Employment Standards in Australia but it will also relieve some of that contingent liability in our financial area for the Administration. So I fully support this amendment to the Human Resources Policy and Procedures Manual.

MRS WARD Thank you Mr Speaker. I think what Minister Sheridan has just pointed out is it's about striking a balance, about striking a balance between the employee and the employer. The question that, and it comes back to the point I used at the last sitting which was affordability for the whole community. Looking at the Public Service Association letter that was in response to the Chief Minister sending out this determination under Section 26 I was surprised that their response came back within 2 days and that it did not refer to the redundancy payment period. I did go to the Chief Minister this morning to assure myself that it had been made very clear to the Public Service Association by the Chief Minister that they did have 2 weeks to consult with their Association and discuss these issues. I'm assured by the Chief Minister that that was made very clear and that of course is under Section 26 of the current Public Sector Management Act. A Board or prescribed entity which is the Public Service Association have 14 days or longer if prescribed by the Executive Member or Minister to come back to the Chief Minister and the Assembly. I also acknowledge the letter received from the Public Service Board which the Chief Minister has read out. Removal of entitlements is never a nice subject to deal with. You always are going to have people who feel stunned by this decision, but it is within the funding Agreement as we have pointed out and so I went back through our election campaigns last night and I had a look at who had actually supported and was aware of this point within the Funding Agreement and who wasn't. So who was going to support it and who wasn't was what I was trying to assess of the elected Members and obviously Mr Speaker yourself and Minister Sheridan and myself were strong supporters of the Funding Agreement and we understood the requirements, but also the Chief Minister himself and Minister Ward had stated in their election campaigns that they would not renegotiate the Funding Agreement. So there's your 5, there's your answer and I stand by my election campaign policy which was to fully support all the milestones within the Funding Agreement. Thank you Mr Speaker.

MR NOBBS Thank you Mr Speaker. I think that we should just look back. I'm fairly, I get a bit stirred up when people start talking about contemporary

arrangements and all these things and the Commonwealth's Public Service start saying how wonderful they are and all of this sort of business, but I think we need to look back at the reasons why this Clause was put in place in the first place and it was in 2000, it was before the economy had really taken off. It was going all right but it took off in the years after, So it wasn't as though there was bountiful work around at the time. The proposal was that those targeted to be reduced and we were at the time were actually looking at commercialising and then corporatising the GBE's. We were looking at how the Public Service could be streamlined and a number of other issues in that Government. At the time, the reasons for this putting in o this provision was that it gave time between the identification of when, where there would be a need for a removal of a position, and that's what it's about, it's a position, removal of a position and the actual falling of the axe. It allowed that employee who was then without a position to seek alternate employment, be retrained and those other things. It gave 12 months notice, that was the original idea, because this place has had at the time, and it's particularly now very limited reemployment opportunities. There was also an issue of age at the time. A lot of the members of the Public Service at that time were in their fifties, fifty plus age group and that as we know and we hear elsewhere, even in Australia it's a problem of over fifties being reemployed. There's specialised employment within the Service which is not widely available on the island. There was no safety net such as the dole for those who were displaced and there was of course at the time we had a retirement was 65 years of age and what it really meant was that the person then transferred onto the old age pension. We subsequently removed the retirement age difference which was retirement at 65 and it was open to health and other checks later on in the persons life. The conditions of employment are really interesting and I want to compare you on a couple of things to the Commonwealth. The Commonwealth Government originally had what was known as the Provident Account or Provident fund if you like to call it that, Provident Account and Superannuation Fund. The Superannuation Fund was for all the Clerks and the top level people or they thought they were and the Provident Fund was for the what was classified as blue collar workers. Subsequently the Provident Fund was phased and I can't remember the exact date but it's many years ago in the Commonwealth and they have what is now and still is I understand a very good superannuation scheme by anybody's standards. However the Norfolk Island Administration took on the Provident Fund and has maintained that ever since, and whilst it may seem to some on the island that it's a wonderful scheme because they do have some superannuation type arrangements in place, it is nothing and I say nothing like the Commonwealth's superannuation scheme. The second point is this that about 50 years ago I guess I was employed here in Admin the base wage here at the time was 14 pounds, the base wage in Australia was 16 pounds. The difference of the 1/8 difference in the pay was put down as I understood it at the time to the non payment of tax. It was thought that this would be maintained from thence onwards. Well I can assure you it has not and it definitely has not. So there are just two points that I want to make here and now that whilst you may think that Public Service is really well done by I can assure you that they are nowhere near anywhere near comparable to the conditions offered to the Commonwealth Public Service, and that's what annoys me most when the Commonwealth Public Servants insist that these conditions must be removed. I can't believe it but anyhow that's the way it is. On the wage situation I think, I personally believe and I haven't done a really good check for a few years I can tell you that, but at the time the gap between the Norfolk Island wages and their equivalent in the Commonwealth was significant and I believe now just going, as I've got a couple of employees in the Public Service in the other side, 1 child and one grandchild, two grandchildren in the Public Service, I can assure you that it must be a lot, a really big difference at this stage between the two. As I said I can't understand the Commonwealth's insistence in such a small matter. I understand the intentions of the proposed amendment and I listen with interest to what Minister Sheridan had to say. I would suggest that really if we have people redundant they will still receive a significant payout. So it's not as though we're saving money on payouts. We might be saving money down the line but we're not actually saving. That's my belief just off the top of my head and I haven't had time to go through it all but that's what I believe. So we will still have significant payouts and from what he said I just did a quick calculation, it seems to be about \$55,000 per employee at the moment from his \$5m. I actually have grave difficulty in supporting this particular proposal and in fact I can't support it. Whether I put it in my policy

or not it doesn't really matter but it's the way I felt and felt all along that you shouldn't rip the people's entitlements off them just like this. I think the time is against us for sure but really I can't accept that we have these changes and I say that and I intend supporting the Public Service Bill but the changes like this where conditions come off us. Now I will qualify that a little bit by saying that we didn't put in voluntary redundancy originally because I didn't think that that was, or the Assembly at the time really think that that was an appropriate way of doing things, but if there was involuntary then there was a need for paying. So in a way the Public Service have a by voluntary arrangements they do have a small concession to their conditions. I just hope they don't use it because we've, and that's what I say that bearing in mind that voluntary redundancy is called for by the employer, but I hope our employer who is going to be the CEO will look at the implications before it goes on, but anyhow, cutting it short I would suggest that the, I can't support this particular proposal in fact but I won't vote against it I'll probably abstain. Thank you Mr Speaker.

MR PORTER Thank you Mr Speaker. I intend to support the Motion. I'll just pick up on a couple of items I think Mr Sheridan's statements of very very generous or words to that affect, The conditions that apply were markedly out of line with the private sector and even in it's new form will be in excess of anything applying in Australia. So it would be nice to provide the level of compensation that existed in the former legislation however I disagree with Mr Nobbs and state that we must reflect contemporary practices in the public sector remuneration to avoid having such a discrepancy between private and public sector conditions, and I support it. Thank you.

SPEAKER Any further debate. No further debate Chief Minister? I put the question

QUESTION PUT

AGREED

MR NOBBS ABSTAINED

Mr Nobbs to be recorded as an abstention. On that basis Honourable Members the Ayes have it.

NOTICE NO 2 – POLICY AND LEGISLATIVE CHANGE IMPACT STATEMENT

MR NOBBS Thank you Mr Speaker. Can I just have a second to gather my thoughts. Mr Speaker there is a Motion on the Notice Paper in my name as you know and I move that this House resolves that an Impact Statement must accompany new or amended regulatory proposals to ensure detailed analysis and scrutiny as to the necessity of the proposal including its net impact on business and the community 2) Such regulatory proposals shall not be introduced or amended unless the impact statement has addressed the following a) Whether legislation is required either new or amended b) whether policy is required either new or amended c) A detailed statement on the intent and objectives d) The direct and indirect impact on businesses or not for profit organisations e) The advantages and or disadvantages to individuals and/or the community f) The financial cost of administration and compliance and g) Evidence of community consultation 3) As a matter of policy Members be given 2 calendar months to peruse and consider the legislation or policy changes being proposed and 4) An impact statement is not required if the regulatory proposal needs to be dealt with as an urgent matter.

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

MR NOBBS Thank you Mr Speaker. It sounds a mouthful but this Motion establishes a process, one that you would expect I believe. It simply introduces a checklist of requirements prior to the introducing regulatory proposals. This Motion if successful spells out the process. It would be hoped that the procedures outlines would be followed normally but I don't if it's a, normally I should say. However I don't know if it's the

new thing for the Assembly but this current Assembly is being bussled through no reason of their own to make serious decisions virtually on the run. It's not a criticism and I know the reason but it has to stop, and hopefully after 1 July it will stop, but we need to put in place a process that will slow things down a bit. We will be moving later to vote a new Public Service Bill a very important and complex Bill which is being rushed, due of course to circumstances beyond the control of this Government. It's not the way we should consider introduce and deal with such important matters. The Motion calls for provisions of an impact statement, sounds important, even a bit intimidating but not really I can assure you. The words impact statement bring back memories. I remember years ago I was drafted into a unit to establish an environmental assessment office in Darwin, it was a bit of a frontier town at the time as Mr Sheridan saw later on, and we were required to look at environmental impact statements and half of them couldn't spell it let alone know what an environmental impact statement was, and we eventually through the ? Department somebody produced a environmental impact statement. Well Mr Speaker you could use that environmental so many, a pile of books as high that you'd use it as a desk up there Mr Speaker which didn't help the cause that we were trying to get through that this was going to be an easy process and the likes. But when you got rid of all that and all the things that were going on in America at the time over this great environmental impact statements system and got down to the simplest things that you could think of, that's what an environmental impact statement is really all about and the same applies to this. It really answers very basic questions. It's not all about, you can have a one page document if you so desire, it's like ticking the boxes, but that is the key issue that it requires the person putting up this proposals for legislative change to tick the boxes. It goes on, it says what is the intentions, well first it has the title, is it to vary legislation or amend policies you tick one of those, what are the statement of intent and objectives, then you go onto the impact, on business organisations, and the impact on not-for-profit organisations, the positive impact on individuals, the positive impact on communities, the negative impacts on both those two – individuals and community, the cost of the administration of the proposal, and the cost of compliance. Evidence of community consultation, a very important issue I believe. The date the document was completed and the date it was circulated to Members. Really simple stuff and something that you would think that would happen all the time, but it didn't in the past, and I guess it won't in the future unless we do something about it. It requires a two months period for Members to consider, this sounds a lot, but it's not really, a Bill which takes months at times to prepare, is introduced one meeting, is voted on in the next, that is one month, surely it's not a long period, one month longer than that to carry out all these others, which should be done actually before it's introduced. There is no requirement for any explanation for community consultation at the present really, except for the Explanatory Memorandum, but that doesn't cover whether there has been any community consultation at all. And it does not stop the use of the impact of Bills Committee, in fact it assists the process requiring provision of information, at the time, it will assist them. It is not unique similar proposals have been put in the past, but they seem to have, for one reason or another, they've failed. One being that it was seen as a restriction, I believe, on the actions of Ministers and the Assembly, what was forgotten was the restrictions placed on the community as a whole. The lack of information is really to assess the proposal. I don't think this is an onerous requirement, and I hope the Members support it, thank you Mr Speaker.

MR WARD

Mr Speaker I just have a few words here, I agree with Mr Nobbs regarding the inappropriate haste in which legislation has been pushed through the system lately, we all know why that's been, but much of that has been inappropriate, and once again I refer to the fact that we need a proper implementation schedule which relates to

the last matter that we dealt with and quite a few others that are before us. I do question how much of this overlaps with the Impact of Bills Committees role, but if it does help to streamline that process or make it more effective, then I will support this motion, thank you Mr Speaker.

MS ADAMS Thank you Mr Speaker, the motion has my full support, it's not unlike previous practice within the Public Service, the practice has been totally dependent on the CEO of the day, some CEO's have followed this practice, others haven't. By us putting this policy in place as the House's policy is really a direction to the Public Service to follow this policy. For me the key is paragraph 2(f) financial cost of Administration and compliance; the cost to the community of the legislation or of the initiative, the financial cost is one of the key factors that have to be considered, and we have that before us already today, we have a Public Service Bill that is requiring us to put in a place a Commissioner, a Commissioner from offshore, in the Bill, in Schedule 2, in the Public Service Bill, which deal with the qualifications, etc, of the Commissioner, we have had to guess what figure to put in the budget, to meet the costs of the Commissioner, because until this legislation is in place, and we see how it is working, we don't really know how much time the Commissioner is going to take in performing his role, that work, if time had allowed, would have been known before us today, as we consider this legislation as to whether or not it is in the best interests of Norfolk Island, but it's a requirement under the Funding Agreement to have a review body, a review mechanism from outside of Norfolk Island. I congratulate Mr Nobbs, thank you, you have my full support.

MR SHERIDAN Thank you Mr Speaker, and thank you Mr Nobbs for bringing this motion to the table, I don't see any real problem with supporting this Mr Speaker, I see that most of these questions are virtually answered in the production of a new legislation in a round about way, it may not be in one document, but the majority of the information should be available as Mr Nobbs has alluded too. One area that I do have a problem with, is this 2 months prior, and Mr Nobbs said it should be prior to the introduction, in my experience down there Mr Speaker, Members vary rarely look at legislation until virtually it is presented into the House, and that's when they start looking at it. So to have any proposals two months prior to the introduction, to me, would be somewhat of a waste of time you might say, I would like to see it maybe a month before the introduction and then of course you have your normal Sittings, a month later, that would be two months that they would have time to consider any new or amended legislation. I know from experience that down here a lot of Members don't pick up the legislation until they see it on the Notice Paper and they say right I better go and have a look at this. You ask for comments on legislation you bring it to the Members and you won't get any until it's presented into the House and then all of a sudden you have all these queries which could have been addressed weeks in advance, but it never seems to happen. So I just don't know whether or not this will prevent any of that. This will give Members two months and then a month sitting in the House, so three months to consider any legislation, etc, I can't see their habits changing too much, so I just think that that two calendar months is a bit long for this information to be provided. The only other thing that I will say is that if it's an urgent matter then an impact statement is not required, then I see a lot of urgent matters coming to this House, but I will support for Mr Nobbs sake.

MRS WARD Thank you Mr Speaker, I am quite comfortable to support this motion of Mr Nobbs' today, but I would just like to point out that there is a process in existence similar to what Mr Nobbs has highlighted, and that was developed by

you'll find a lot of your constituents can raise very many valid items, and that item there perhaps would be better to put in normal legislation, and an item may have to lay on the table for two meetings, rather than be presented at a meeting and then dealt with at the subsequent meeting, that you might have moved that into once the legislation is tabled. Bear in mind that it can't be used to hold up urgent legislation as we've said, and whether that's abused and everything becomes urgent as Minister Sheridan alluded to, however I would wonder if that matter there wouldn't be, that if you had that legislation on the table for that two months, that your constituents, well then it would be in the public arena, and then you would be at the liberty to discuss the contents of that legislation with your constituents. In terms of the matter to try and stop the unseemly haste that we have had to deal with some matters in the previous Assembly and certainly in ours, for good reason, all of those matters were urgent matters, and always will be, and I don't think anything that we put in the House is going to stop that, but I support the legislation, because as I say, if we do commit this due process to print it may be that this checklist, then even in terms of the Impact of Bills and Sub-ordinate Legislation Committee, of which I am a member, would obviously then have information coming to it to help it in its process. So as I say, I will support it, thank you.

MR SNELL

Thank you Mr Speaker, Mr Speaker, I acknowledge that there may be a need for such a motion, but it does concern me a little bit, I am concerned on any budget implications that this motion may give too. I'm also concerned at the workload that may result on our administrative officers regarding this motion as well. I appreciate that legislation can be referred to the Impact of Bills Committee and I personally think that that's probably the best way, and the best place to support such a motion, even though I have no intention at this time to not support it, but I have some concerns about it. When you look at Section 2, such regulatory proposals shall not be introduced or amended unless the impact statement has addressed the following, and it goes on to say whether legislation is required, either new or amended, and you have to ask yourself who is going to determine that, and Section B, whether policy is required, either new or amended, who is going to determine that. Detail statement on the intended objectives, all of these would be subject to some review by somebody, and it is the additional workload for somebody to do to act upon this. Whereas if legislation is introduced, it can be referred to the Impact of Bills Committee and I appreciate what Mr Nobbs has explained here this morning. The Impact of Bills Committee is I feel, is an area where we should be using a lot more of, in regards to proposed legislation, however Mr Speaker, I won't object to the motion, I will support the motion, I just have those concerns.

MS ADAMS

Thank you Mr Speaker, yes I am listening very closely here to the debate which allows ones mind to sort of expand out as to potentials and possibilities. The Impact of Bills and Sub-ordinate Legislation Committee is set up to consider and Bills and Sub-ordinate Legislation referred to it by the House, so the House is of course the Legislative Assembly, so that document has to be in front of the House for its referral. However, as was mentioned, Exposure Drafts of Bills equally, see the process is, under the current Standing Orders currently, that really you are meant to have got to agreement in principle of the Bill before it is referred off, that is the theory behind it, not so if the Bill is an Exposure Draft, that comes in for that very reason, to allow the community to have a look at in advance, etcetera, etcetera. I'm just tossing around whether or not part 2 of your motion, and I'm not suggesting that it be done on the run today, and I think I would be asking Mr Nobbs whether or not we could adjourn this until the 12th of June Sitting, to see whether we could split a, b, c, d, e, f and g in such a way that the Services requirements which really are: a, b, and c at number 2, that they put up the submission, give up instruction

on their own initiative because of a need perceived within the Service, or because a Minister has gone to the Service with an initiative. But for the Service to endeavour assess, whether indirect or direct, impact on businesses or not-for-profit organisations, the advantages and disadvantages to individuals and/or the community and evidence of community consultation, I don't know whether that is really a role of the Service, if that's what's intended, to me, that is the role of the legislature, and so whether we can just take a bit of time to pause on this and maybe do a rejigging to get the outcome that you want, and I want, I agree with you totally, but make it work for us. Because for example in New Zealand, their Standing Orders require, automatically, all Bills introduced stand referred, the only ones that aren't standing referred to a Select Committee are the finance Bills, everything else stands referred by Standing Orders, off to Impact of Bills to call it another word, and the process can take a long time for it to be concluded. I'm not wanting to disrupt, but I'm just putting it to you, it's your motion, I support it, I certainly support the concept, if it needs a little bit more work, I'm happy to do that with you, if not, I'll let it through and we can sort it out later, I leave it up to you Mr Nobbs.

MR NOBBS

Mr Speaker I just give my views on some of the comments that have been made and I thank the Members for their support, and the issue has really come down to whether the two months timing and the actual who should do it business. I put it to you this way, that if there are, in my opinion, five steps in this whole thing, well there should be in any legislation or policy that comes on. The first one is the idea stage, you should write down anybody preparing a policy, anybody thinking about legislation, should put down everything, I know they don't, but they should, and the idea should include things beyond the questions that I ask here – where is going to impact? What's the go? What part of the Island will it affect? All these sorts of issues have to be considered. Then you go into Stage 2, the preparation of a document, and at that stage the public should be made aware of what's happening, consultation should be made at that time. It's not, but it should be. The next Stage, Stage 3, is the preparation of an Exposure Draft, and at that stage I believe it would be appropriate then, to introduce the Exposure Draft into the House with the impact statement which I've said, and you would list, the community consultation at that stage would not be final, you would list where the community has been made aware of what's happening and just list them in this particular document. But all the issues really, I just can't understand how the Service, or even a Minister would go into presenting a Bill into this House without having all the facts, if the Service can't provide it, I don't know where you'll... you'll have to go outside, and we can't provide it, to put together one of these things, then we shouldn't be preparing Bills. I'm not patting myself on the back, but I am patting the people that helped me on the back, the introduction of the NSL Legislation was long and drawn out, we had public meetings, we had discussions with groups, we had everything, and we tried to cover, we got advice from Australia, the whole deal, so that when we actually put a document in, it was as close as we could possibly get to being workable and also costed. So I would say that that is one of the most difficult ones I have had to deal with. To putting the Bills to a Bills Committee and you don't have all these questions here answered is putting the cart before the House, I believe. That if it is going to a Bills Committee it will be on requirement of information above and beyond what's listed here, that's the way I look at it. I always turn to Minister Adams for advice on these sorts of things, and this must have slipped through the crack along the way Robin, but anyhow, I'm happy, whatever you want to do with it, if you want to consider it again, I will put it over, but I don't think we are going to gain anything really, that's my view, and if Members are happy we can vote on it, that's all I can say.

MS ADAMS Mr Speaker, you know the middle road is, that I am happy to support it as it is now to see how it works, and if we have to make changes along the way, then we do.

MR NOBBS Always do.

SPEAKER Honourable Members the question before us is that the motion be agreed to, is there any further debate?

QUESTION PUT

QUESTION AGREED

The ayes have it, the motion is agreed Honourable Members. We have concluded Notices Honourable Members.

ORDERS OF THE DAY PUBLIC SERVICE BILL 2013.

SPEAKER We move to orders of the Day, Order of the Day Number One is the Public Service Bill 2013. We resume on the question that the Bill be agreed to in principle, and Chief Minister you have the call to resume. I might just seek some clarification before I call you Chief Minister if you don't mind. We have on the programme the matter of a Clause proposal for amendment, Minister Adams is that to proceed when we come to it?

MS ADAMS Yes thank you.

MR SNELL Mr Speaker we have before us a continuation of the Public Service Bill and resumption of debate on the question that the Bill be agreed to in principle. Mr Speaker after much debate and consideration it is my hope today that we will proceed with the Bill today. In the future Mr Speaker it may be necessary to bring forward an amendment or an amending Bill, I know Mr Speaker that this is not ideal, but we have done it on previous occasions, for example just recently amendments to the Healthcare Act. I take into consideration the concerns of the Public Service Association, and Mr Speaker if I may, I would like to read firstly the conditions of why the Public Service Bill has been proposed. It comes from the May Milestones yet again and it reads; the Public Sector Management Act 2000 will be replaced with a similar Act founded on contemporary Public Sector Management principles similar to that used by either the Commonwealth Public Service or one of the mainland States or Territories, the new Act will be based on principles including Norfolk Island is apolitical performing its functions in an impartial and professional manner; Norfolk Island Administration employment decisions are based on merit, Norfolk Island provides a workplace that is free from discrimination and recognises and utilises the diversity of the community it serves; Norfolk Island Administration is openly accountable for its actions; Norfolk Island is responsible to the Norfolk Island Government providing frank, honest, comprehensive, accurate and timely advice in implementing the Governments policies and programmes; Norfolk Island delivers services fairly, effectively, impartially and courteously and is sensitive to the diversity of the Norfolk Island community; Norfolk Island establishes workplace relations that value communication, consultation, co-operation and input from employees on matters that affect their workplace; Norfolk Island provides a fair, flexible, safe and rewarding workplace; Norfolk Island Administration focuses on achieving results and managing performance; Norfolk Island Administration provides a fair system of review of decisions taken in respect of Norfolk Island Administration employees; and Norfolk Island provides a reasonable opportunity for all eligible members of the community to apply for Norfolk Island Administration employment. The Public Service Board will be disbanded and replaced with an independent authority acceptable to the Department outside of the Norfolk Island community. Mr Speaker I have a letter of concern from the President of the

Norfolk Island Public Service Association that I would like to read into Hansard. The letter was hand delivered to me this morning, and was addressed to me, Chief Minister, re Public Service Bill 2013, Our members await the Norfolk Island Governments response to our letter regarding the above Bill last week, we are keen to be part of a solution, rather than part of a problem. However, we are unable to support the Bill in the absence of a full understanding of it's possible consequences, a response to our letter might have overcome some of our concerns. However we recognise that the majority of any criticism should be directed at the previous Government who had knowledge of the problem, but failed to consult about it. One of our concerns relates to redundancy provisions, we have sought legal advice and we have been advised that Sections 9(1) and 53 of the Bill may infringe Section 19 of the Norfolk Island Act 1979 (Clth) and our Association reserves the right to challenge those Sections, and any other Sections in the event that the Bill is passed in its present form. If it is desired to change the entitlements of the conditions of the employment of any of our members that should be the subject of discussion and of an Enterprise Agreement. To reduce the impact of the redundancy provisions which we note do not apply to casual staff or contract staff, we seek your assurance that existing staff who would be affected would be quarantined and that any change would apply to new permanent staff only. Signed yours sincerely Brian Buffett, President, Public Service Association. Mr Speaker I refer to a letter of the 21st of May, again by the Public Service Association, and for Hansard I would like to read that letter, and include it in the debate. The letter was delivered by hand on the 21st May to Chief Minister and the letter reads " We refer to the exposure draft of the proposed Public Service Bill 2013. We understand that the draft bill is modelled on the Northern Territory's Public Sector Employment and Management Act but we have not had time to prepared a spreadsheet showing the provisions of the present Public Sector Management Act, the Northern Territory's Act and the proposed Bill. To such extent as the proposed Bill seeks to take away existing rights of our members we object to those changes. They should be the subject of consultation in the context of negotiating an appropriate enterprise agreement. We are concerned about the proposed abolition of the Public Service Board which has played an important role in reviewing precious managements decisions and protecting employee rights. A Mainland based Commissioner will not be able to provide prompt resolution of problems, would be expensive to provide and there would apparently be no real local input into his or her appointment. The proposed Bill should not be considered without considering any proposed regulations at the same time, and if it is proposed to amend the Human Resources Policies and Guidelines, the HR Manual then any such proposed amendments should also be considered at the same time. If your Government proposes to ask the Legislative Assembly to nevertheless pass the proposed Bill without full consideration of the other matters to which we have referred to above then we seek agreement that our members will receive full compensation for any and all detriment which they suffer or may in the future suffer as a result of the package of changes. Can you please explain the basis of any departures from the Northern Territory model and their expected impact in Norfolk Island". And the letter goes on to say "we have some specific questions including 1 to 14. Clause 14 – Is it intended that a Minister will no longer deal directly with the Public Service other than through the Chief Executive Officer. Clause 15 – How will our members and the community obtain competence in the appointment process. Section 17 – what qualifications will an Acting Commissioner need to hold, when the Administrator makes any such appointment on the advice of the chief Minister or otherwise. Should a resolution of the Legislative Assembly be required can an Acting Commissioner be a resident of Norfolk Island? Section 19 – Is it intended that the Commissioner will have a permanent office and staff in Norfolk Island. Is it intended that his role will extend beyond the resolution of grievances and appeals. Is it intended that the mechanism to terminate the appointment of a Commissioner. Section 21 – Is it intended that the Commissioner will not be bound to provide natural justice. Is his role intended entirely or amongst other things to be along the lines of the ICAC in NSW. The Independent Commission Against Crime. Will members of our association be able to be accompanied and advised by their legal Advisors or by a representative of our association. Is it intended that there be any parliamentary scrutiny of the Commissioner's budget and actual spending?. Section 24 – the proposed reports are extensive. Does it put the Commissioner into a greater area of responsibility as is intended? Is it intended that he provide an ongoing performance review of the Public Service? Is it

intended that the Chief Minister or the Legislative Assembly have any supervisory role in relation to the Commissioner. Section 26 – Is it intended that there must be a Chief Executive Officer or is it intended that it be optional as to whether one is appointed or not? Section 38 (5) – In the absence of regulations of a Human Resource Manual what does this proposed Section mean? Section 41 – It is noted that this Section has been taken from Section 33 of the Northern Territory legislation but in the absence of appropriate regulations and appropriate HR Policies and Guidelines document the proposed Section is unacceptable as it creates employment at will without the usual protection for our members. Section 70 (b) - What is a prescribed eligible applicant. It is intended to deny the appeal process to any applicant. The merit principle should extend to the ensuring that any unsuccessful applicant can appeal. Section 76 (1) – Should not an employee include an employee other than the Chief Executive Officer? Section 83 – The final 2 lines of this Section should require that any decision to not publish should be a reasonable decision and not one aimed at simply as a coverup generally. The above comments are the result of a cursory examination of the draft Bill. We have reserved the right to comment further once we have had the opportunity to fully consider the draft Bill together with any proposed regulations and any proposed changes to the existing HR Manual. Our association recognises the significant difficulties which are being faced by the Norfolk Island Government and the Norfolk Island community generally. We realise that the pressure to urgently amend or replace the present Public Sector Management Act is due to the conditions contained in the Funding Agreement with the Commonwealth. However the proposed changes to the legislation and any proposed new regulations along with any proposed changes to the HR Manual are important to our members. Such proposals can be part of negotiations for the purpose of agreeing on the terms of an enterprise agreement, but those negotiations can only take place when all of the cards are on the table and in an environment where our members can be confident that such concessions as they may make will be compensated in other areas. Our association does not support the passage of the draft Public Service Bill in the absence of satisfactory resolution or the difficulties we have outlined above, yours sincerely Brian Buffett, who is the President of the Norfolk Island Public Service Association. Mr Speaker I replied to Mr Buffett's letter on the 21st May and I read into Hansard. "Thank you for your letter dated the 21st May 2013. I appreciate the time and effort the Norfolk Island Public Service Association has taken to address the proposed Public Service Bill 2013. I have not yet had an opportunity to fully consider the concerns that you have detailed in the abovementioned letter but it may be that your comments are based on the exposure draft presented on the 8th May 2013. The Bill has had significant number of changes which may address your concerns and I now attach a copy of an amended Bill which will be introduced by me into the Legislative Assembly tomorrow Wednesday the 22nd May 2013, with a view to passage on Wednesday the 29th May 2013. I would be grateful if you would now consider the attached draft and advise if your concerns have been addressed. In the meantime I too will assess the Bill against your concerns. I look forward to hearing from you. Mr Speaker there has been changes to the exposure draft and the changes made to the exposure draft and reflected in the Amendment Bill and Explanatory Memorandum are circulated as follows. Some of these concerns have been which I've just detailed of the Public Services. Don't know if the Members wish me to go through the Public Service Bill changes to the exposure draft which related to the letter from the Public Service Association. All I would like to do though, I won't read the amount of changes because they have been reflected, some of them in the Bill and so on and we have tried to address the concerns of the Public Service Association in the amendments to the draft. Honourable Members I do believe that it is in our best interest to further progress the adoption of the Bill in its amended form here today. Thank you Mr Speaker.

MRS WARD

Thank you Mr Speaker. I think it's more than a coincidence that the previous Motion that we dealt with was on the Notice Paper today in line with this Public Service Bill because while I will sit here and defend the actions of the previous Government and if I can just refer to the letter from the Public Service Association which says "However we recognise that the majority of any criticism should be directed at the previous Government, who had the knowledge of the problem but failed to consult about it". I wouldn't be so quick to let this Chief Minister off the hook. The Funding Agreement

was drawn up in December, the current Chief Minister was a member at the time. The Roadmap very clearly spells out where we are to deal with Public Sector Management and the aspirational goal at the time was to achieve an efficient Public Service that meets the needs of the Norfolk Island Government and the community and it's spelt out why that was important, it should be obvious. The actions were stated and an immediate action was for the Commonwealth to fund an external review on the financial performance and financial sustainability of Norfolk Island. That ended up being the Deloitte Sustainability Report which has never ever been made public. The other thing the Commonwealth was to do was to fund an external review of the Norfolk Island Public Service to provide recommendations for reform and restructure. That is what we refer to as the ASIC Report. The Commonwealth which was a review of the Public Service, the Commonwealth was also to introduce Finance Minister's orders which was Minister Penny Wong, the Honourable Penny Wong and that happened. What both Governments were then to do in the 11/12 years was introduce the outcomes of the external review for the financial performance and financial sustainability and that led to the engagement of the Commonwealth Finance Office, and the other thing was to introduce the outcomes of the external review of the Public Service Report, that was the ASIC Report, and one of the recommendations within that Report was to repeal the Public Sector Management Act and replace it with a new contemporary Act. That led to it being placed in the Funding Agreement, which we have before us now which was a May milestone, and so when the new Government was elected in March it was highly aware of the need. At the same time as I stated at the introduction of this Bill the Chief Minister of the previous Government 8 months ago had stated that this Bill, this change of legislation was with the Service. How 8 months became 8 days for us as MLA's to consider this Bill is inexcusable. I back the community, I back the Public Service Association when they say, there has been next to no consultation on this question or certainly not sufficient time or adequate time, but don't let the current Chief Minister off the hook.

MR SNELL Point of Order Mr Speaker. I take umbrage. It's not me that wrote the letter regarding comments raised, referring to the previous Government. It's the letter from the Public Service Association which I read out. It's not my criticism.

SPEAKER I don't accept that as a Point of Order Chief Minister but I do give you the call to make your explanation, in other words respond to that and any other points that may be made.

MRS WARD Thank you Mr Speaker. I'm referring of course to response to the Public Service Association who made the comment in their letter. My colleagues, it would appear are more interested in complying with the Funding Agreement than they are about accepting the case, well they have accepted the case that has been put forward to them that there's not enough time to challenge this Bill. When the previous Assembly dealt with Roadmap reform the Tourist Accommodation, the Land Valuation, the Public Sector Management Bill, the Immigration Bill, the Marine Safety Bill, the Strata Titles Bill, we had months and months to consider. We have not had months and months to consider this Bill. I believe Mr Speaker that the Norfolk Island Government could present a reasonable case to the Commonwealth asking them to consider granting an extension of time to consider this Bill and I make this point for the following reasons. MLS's were presented with this Bill 8 days ago and 8 days is insufficient time to consider and consult on such an important reform item. The Public Service Association has commented on the exposure draft but they have not had time to make comment on this the introduced Bill which is different. The feedback received so far from ? or the Regional Department has been received but again this was in response to the exposure draft, not the introduced Bill. Also, we have put an already fragile budget at risk if the broad ranging appeal process is left in place in this Bill along side the appointment of the Commissioner, and parts of this Bill are inconsistent with contemporary legislation in other jurisdictions and need further consideration by both this House and the Commonwealth. We do have time Mr Speaker, in my opinion to adjourn debate now and seek an extension of time from the Commonwealth. This would give the Commonwealth additional time to consider the introduced Bill. This could be accomplished possibly, it's a suggestion only by the 12th June is when we sit again,

that's our next proposed Sitting. If a Motion was put up to adjourn I would suggest that the meeting be suspended but not beyond the end of the month, that is Friday. Let me make that very clear Mr Speaker. I am not trying to delay this Bill, only in that I am asking the Chief Minister to request an extension of time for the reasons that I've just pointed out, and if we are in a true partnership arrangement with the Commonwealth then what I'm asking as a Member should not be impossible to achieve, considering that this is a major reform for better governance on Norfolk Island. And while I do appreciate Mr Speaker that the Members are under extreme pressure to pass this Bill today, from our conversations yesterday I believe that there are Members sitting here now who know that this is not right. It is just that we have run out of time, and so the question is, do my colleagues have the courage to stand strong at times like this, and give the Chief Minister the opportunity to request an extension of time but of course that any suspension of the Sitting not go any further than Friday. Mr Speaker I move that debate be adjourned until a later time in the Sitting.

SPEAKER

There are a couple who have sought to speak.

MRS WARD

Mr Speaker in that case I will withdraw that Motion and I will move it at an appropriate time, when all Members have had time to contribute to debate.

MS ADAMS

Thank you Mr Speaker. Firstly I would just like to respond in an effort to be of some assistance to Mrs Ward. This Assembly, the 14th Assembly was sworn in on the 20th March. On the 9th of April had a request made by me at Cabinet, the then CEO wrote to Dr Matty McConchie because of my very concerns that we'd come in as the Government and the tight constraints that were before us and this is relevant to what you just asked. I sought clarification on the main milestone of the December 2012 Funding Agreement and I'll read it. This is from the CEO of the day. "I advise that at a meeting of the Norfolk Island Cabinet on 8 April 2013 a request was made by the Minister for Cultural Heritage and Community Services and endorsed by the Cabinet that clarification be sought from the Australian Government as to the wording in Clause 10 of the Funding Agreement executed between the parties in December 2012, specifically the Norfolk Island Government seeks clarification concerning Item 10 of Schedule 2 in the Funding Agreement which requires that for the month of May 2013 Norfolk Island will "undertake" a framework of public sector reform regarding a) a new Public Service Act b) a new Human Resources Policy and c) caps on redundancies. Clarification is sought on the terms "undertake". Does the term mean full commencement of the specified reforms, substantial progress or completion and adoption of relevant legislation. The Norfolk Island Government is to consider draft Public Sector legislation at its Sitting in May 2013, and is concerned that there may insufficient time to fully consider the matters as is required of the Assembly if the relevant Clause in the Funding Agreement is interpreted by the Commonwealth in a manner different to that interpretation placed on the meaning of the Clause by the Norfolk Island Government. I would be grateful for your response at your earliest convenience. And the response came very promptly on the afternoon of the same day that the letter went. From the CEO thanking CEO for the letter. Dr McConchie had consulted with her colleagues and they have confirmed that the intent of the Funding Agreement in relation to Item 10 Schedule 2 for the month of May 2013 was for the introduction and passage of relevant legislation. I hope this clarification is of assistance to all of us here today and you see the dilemma that is before us Mrs Ward, whilst I absolutely hear what you are saying. I have more debate Mr Speaker but that's in relation to the Bill. I just wanted to respond at this point in time on that. Oh I'll continue? Honourable Members last week when the Bill was introduced I said that I had difficulty with the HR Policy no longer requiring review or approval by this Assembly and asked the question, where are the checks and balances? However I conceded at the time that the inclusion in the Bill of Section 1,1,4 of a mandatory requirement for the CEO to review the operation of the Act after 12 months and within 3 months to report to the Chief Minister on matters and issues identified in that review went some way to providing those checks and balances. Also I did make the point at the time that I believed the review mechanism at Clause 114 in the Bill should mirror the review mechanism at Section 101 of

the Marine Safety Bill 2013, and indicated that I would move a detail stage amendment today to achieve this outcome and you will note that the amendment as foreshadowed appears on the programme today. Notwithstanding the fact that I circulated the amendment yesterday and we did as Members with consideration as to whether or not the current provision in the Bill is adequate and I did indicate from the discussion that took place that there wasn't a wish amongst the Members to change Clause 101. Over night I thought long and hard about it and I'll explain why I thought the amendment continue to bring the amendment before you to the House that was circulated yesterday. I'm going to read first of all Section 101 as it currently appears in the Bill. Following the expiration of 12 months from the commencement the Chief Executive Officer must within 3 months review the operation of the Act, identify any aspects that in his or her opinion could be change to better serve its objects, indicate issues that have arisen that have had or may have an adverse or unexpected affect upon the operations of the Public Service and report thereon in writing to the Chief Minister. The foreshadowed detail stage amendments which I will read now, even though I'm not moving it formally. It's important that I read it now, and to remind us that this is lifted almost word for word with some change at necessity from the Marine Safety Bill which passed this House earlier this year. And the detail stage amendment and the slightly amended form from that Bill now is to read. 1) The Minister shall review this Act to determine if the policy objectives of the Act remain valid and if the terms of the Act remain appropriate for securing those objectives. 2) The review is to undertaken as soon as possible after the period of 12 months from the commencement and a report of the outcome of the review is to be tabled in the Legislative Assembly within 3 months thereafter, and 3) Nothing in this section restricts the power of the Minister to review the Act at any time or the powers of the Commissioner to review the Act or its implementation and make recommendations to the Minister at any time. I'll just try very briefly to explain the difference I see by 101 as currently couched in the Bill before us and the Marine Safety Bill Review provision. I believe that the detail stage amendment that I foreshadowed contains a number of important requirements that Clause 101 of the Bill does not, namely, it replaces the CEO with the Minister but for me most importantly it requires the Minister to review statutorily to be tabled in the House thereby giving the legislature which passed the Act the statutory authority to debate the review document. There is no such requirement currently in 101 as it is in the Bill today, and it clearly provides the Minister and the Commissioner with the power to review the Act or its implementation at any time. It spells that out. It could be inferred that within the Bill there are various powers that can be undertaken but this, the way this is couched makes it quite clear that the power lies with the Minister, or the power lies with Commissioner to review the Act or its implementation to make recommendations to the Minister at any time. As I table those documents and will leave it for now because I'm not sure whether Mrs Ward would be preferring that we adjourn before we agree in principle so thank you Mr Speaker. I'll just briefly go on though, that was just about the detail stage amendment. Mr Speaker at the Sitting on 22 May 2013 I expressed my concern that the 14th Assembly has had a very short timeframe. We came in as an Assembly on the 20th March, it's now April/May, within which is to consider complex legislation but conceded the need to support the Bill in order to meet the contractual obligation under the December 2012 Funding Agreement if we are to receive Commonwealth funding for the May milestone, and secondly that there is a statutory review process in the Act. I've also given serious consideration to the detailed concerns raised by the Public Service Association in their letter to the Chief Minister at 21 May as I undertook to do at the last Sitting last week. Regrettably whilst conceding that many of the PSA's concerns have merit and certainly require consideration the time constraints at this point in time imposed upon the House to pass the Bill today and you've heard me read to you the Commonwealth's instruction, to ensure that ongoing Commonwealth funding has not allowed for their concerns to be given due consideration. However, having this time constraint does not prevent ongoing consideration of the PSA concerns and I undertake to work with the Minister with responsibility for the Public Service to do this. Thank you.

SPEAKER

Further debate around the table.

MR SHERIDAN

Thank you Mr Speaker. Just a couple of comments on the Bill and the purpose of the Bill really Mr Speaker. I think we all agree that there is a

need for a new Public Service Act you might say and this Bill goes a long way towards achieving that, and I see, there may be a couple of areas that need to be refined but in essence I believe that the Act is workable and that it gives greater clarity to the CEO and the Chief Minister and to the employees of how the Public Service will operate. So I can't see that there's any real reason to delay the passage of it. Just a couple of comments going back to say that one speaker spoke about comments from the Commonwealth Department referred to the exposure draft. That's not quite correct because the comments that were received from them actually the first line say "that this Bill is quite different to the one that one tabled as an exposure draft". So it's obviously based on the Bill as presented, it's quite obvious. I just really want to get it round my head clearly what Mrs Ward's intent would be to, she stated that she doesn't want to impede the Bill and she would suspend until Friday, two days time to give the Chief Minister time to ask for it the timeline to be extended. I think that what Ms Adams has read out, Minister Adams has read out from the Department clearly states and I don't believe that there would be any leeway from the Department in the timelines in regards to the passage of this Bill. So if the intent was to just suspend it until just Friday and then go through and attempt to pass the Bill, I see that we may as well do it today. I don't think that there is any purpose in delaying it until Friday because I do not think, unless discussions have already had with the Administrator, which the Chief Minister might be able to allude to, as to whether or not there would be some indication from the Department whether or not they would be willing to defer that timeline. I think it's quite clear that they wish us to meet the deadlines. But all that aside there Mr Speaker I see the Bill, it adds some clarity to some areas of confusion in the latter ? you might say. But there's one area that I'm not confused about, I think that the government will have to come to grips with and that's about ongoing employees, fixed term employees, and casual employee where what is the intent of a fixed term employee? In the Bill here their excluded from enterprise bargaining with the Public Service, because, and I believe that's contemporary legislation elsewhere, that people come in on a fixed term contract are there for a certain period and they are, even though they work with the Public Servants they are not an ongoing Public Servant so therefore not part of any enterprise agreement or bargaining, because their conditions of their contract, their conditions are contained within their contract. This is where we differ here a little bit slightly. Because we employ people on contracts but the conditions are still the same as contained within the Public Service ongoing employees. This needs a policy direction from the Government to determine whether or not those people on contracts will be have their terms and conditions fixed within those contracts and not be outside of the contract i.e in accordance with the normal ongoing employees. Your sort of having your cake and eat it too, but it's clearly specifies in this Bill what a contract employee should be. It's used for a fixed term, a specific purpose, not being utilised to circumvent the ongoing employment regime. I think that's where we need to really firm up the policy from the Government and decide which employees are deemed to be ongoing i.e a standard position, permanent position within the Service, and which ones are fixed, therefore their floating, they are there for a certain period and then they are gone. It may be rolled over, there is provision for it to be rolled over if that job needs to be continued for a certain period, but it's certainly not the intent that a fixed term contract will be ongoing for ever, but it needs a policy decision from this Government to determine that, and that will be an issue that we will have to discuss with the PSA because a lot of their members currently are on this fixed contracts that are rolled over. There's about a third of their members, and they are in virtually full time positions. I don't think that's the intent under the legislation. It's based on contemporary legislation and contemporary legislation these days, if you're a fixed term, your conditions are fixed in that contract, not by an enterprise bargain. So that's one area that I do have, but I think it can be rectified and it needs to come from a policy position that this Government needs to ? But other than that I can't see any reason to delay it. I think it's just delay for delay sake because I do not think that we will get a deferral of the timeline extension of this commitment that we've made. Thank you.

MS ADAMS

Thank you Mr Speaker. Just in response to Minister Sheridan. I hear the point that he's making. The difficulty that is there for me around that is, for fixed term employment is to be determination by the Minister in accordance with the recommendation of the Chief Executive Officer it's the fact that, and

help me here, happy to you know be persuaded otherwise, that the determination can result in the promotional transfer of an ongoing employee for a fixed period, and that the determination must specify a period and that can be up to 5 years. So that employee was ongoing with all of the entitlements without, and further in the Bill the CEO has that sole power and the Officer isn't able to say no, if that's the decision taken by the CEO, and can be transferred across for up to 5 years. There just seems to be, the words I put was, lack of natural justice in here, around it. So it's a wider picture and can be picked up perhaps in amendment but I do have concerns in there. There is not consistency. Anyway thank you Mr Speaker.

MRS WARD

Thank you Mr Speaker. I would like at this time to refer back to the comments that Minister Adams has provided to us, the feedback from the Regional Department responsible for Norfolk Island, and restate, I won't restate, I've made my case. I believe that when Minister Adams asked those questions of the Department they were based on the knowledge that a March milestone had been met and that was for Norfolk Island to provide the Department with further draft legislation updates but what they had in front of them was a Bill based on Commonwealth legislation, the Commonwealth Public Service legislation, and so I'm sure they had every reason to think well that's what's in front of you, that's what the other members of the Legislative Assembly have been made aware of. You had from February to continue to progress the changes, then in March a draft piece of legislation was put up so it's reasonable to assume that they would think, well everybody is aware of what's going on over in Norfolk Island. But of course what happened was that in May what was put in front of us was a piece of legislation based on Northern Territory legislation and as Members we hadn't even seen the draft changes that were created obviously to meet that March milestone. So by the time we come to May at exposure draft stage, that's where I'll argue against Mr Sheridan, at exposure draft stage again the DRAGUS Department was aware of was still not right, changes. They responded in that way. I'll have to look through and I mean this is the problem Mr Speaker. This is the problem. We have just not had enough time to consider this, so the point is 8 days ago, 8 days ago, Members of this Legislature have a Bill put before them and I understand that the Commonwealth and the response from DRALGS at that time was that we're actually onto it, we were progressing. There's a reasonable assumption that on Norfolk Island they knew what they were doing, but it was over with the Service, that's the truth. It was with the Service, it wasn't before us. What's before us today came to us 8 days ago. There has been no community consultation on this Bill on this legislation. The need for public sector or Public Service reform in a greater sense – yes of course. Everybody is aware of that, everybody knows it's coming, we know that. We know it's a major reform that we must deal with, we want to deal with, we represent the community, we will deal with it. I am in no way trying to block or stop this legislation or this reform process. My colleagues and the community are well aware that I'm probably one of the most progressive members at his table. That is not what I'm trying to do here, but I have to make that differentiation or explain that point with Minister Adams that the table, that what DRALGAS was referring to, or their understanding of this legislation at the time is very different to what we have before us now. That is the only reason that I would at an appropriate time continue to move a Motion to adjourn the debate. It's sort of my last ditched attempt to say, please Chief Minister, please put a call to the federal Minister, to the Administrator, to the Regional Department and say, explain. Put the case that I have just put and I'm happy to hand this to the Chief Minister and say – this is the case. We've had 8 days. This is wrong, and I do believe that this case would be strong enough. I can only move the adjournment Motion to adjourn at the appropriate time, but I will hold back and see that everybody else has had their chance to contribute.

MS ADAMS

Thank you Mr Speaker, thank you Mrs Ward and I'm hearing you, I'm hearing what your saying and it now brings me to I believe in support of what yours saying, an email to the Acting CEO 17 May going back to what did I say the date was, 9 April and I'll read from the DRALGAS email which came to Cabinet and we discussed. Following on from this mornings official teleconference 17 May DRALGAS has had the opportunity to review the exposure draft of the Public Service Bill 2013, this is 17

May. Noting that Bill that has been presented to the Norfolk Island Legislative Assembly is distinctly different to the version that was provided to DRALGAS to achieve the 12/13 Funding Agreement milestone for March. The following table includes the milestones for May for the Public Sector Management Act that are required to be achieved by 31 May 2013 to enable the May payment to be made in full. Happy to discuss further. And then they outlines requirements in the Funding Agreement and DRALGAS' comments and they really in the main related around the APS principles, and the Bill that is before that came into the House last Wednesday has taken into account the not fully compliant or not compliant provisions that DRALGAS raised on the 17th May. My understanding is this Bill, yes, new Bill to the earlier Bill to which the comments probably were made in response to the CEO's letter to Dr McConchie. They were looking at the differences. They now have the exposure draft. Oh no, no, no, no exposure draft. I hope that's helpful.

MR SNELL Thank you Mr Speaker. Just a clarification. The Commonwealth comments were received on the 17th May. The Commonwealth comments as I understand relate to this exposure draft, which this Bill has been a result of that exposure draft at that time. I understand that they have that exposure draft.

MRS WARD Well then the bill as amended after those comments was not introduced until the 22nd, 22nd. So the introduced Bill is post the comments that were made on the exposure draft.

MR SHERIDAN Thank you Mr Speaker. If I could explain. The Bill that was tabled as an exposure draft was a month or so ago. In the between time they drafted a new Bill based on Northern Territory legislation. That proposed Bill was sent to DRALGAS for comment and that's the comments that were received and we placed, we heeded their comments and we changed the legislation before it was introduced last week. So it is on this current Bill that their comments are based upon because they'd seen it before it was introduced. They didn't make the comments on the Exposure Bill that, no they did not, because the first line that you just read out then Ms Adams says "They refer to the Exposure Bill" and said this one was quite different". It's obviously this one.

MR NOBBS Thank you Mr Speaker. All very confusing isn't it? Well there you go, but anyhow. The situation is we haven't changed the cow really. We've still got this Public Service Bill which I said last time was not a Management Bill and I'm pleased that they took the name "Management" out of it, it's a rather dictatorial Bill and I stick by it. It reiterates the urge I believe for specific policies to be provided to the CEO. There must be reigns put in place not water rains but horse reigns put in place so that the, to guide that person in the positions that the Assembly required. That has to be in place, those policies. As far as a fixed term contractors and what have you are concerned, there is a possibility under this for a guy the CEO to actually put off 3 people at \$50,000, put 2 back on at \$70,000 each and then have \$10k which he can float around and say we're saving money. In those particular areas I believe there is need for control and that's where I'm pleased that the Minister remains with some say in that particular area, but we need control because I think the idea of this really was that the CEO's in complete charge, he's given a bundle of money, he's given a heap of troops and he manages them as he sees fit. I think that's what people think the rules are going to be. Well it shouldn't be that way because the responsibility for the Public Service Bill retains with this body here. It's like a private enterprise, a large company and private enterprise saying you don't have to do what the Board tell us to do and that's it. I mean there is still has to be controls and mechanisms which allow control of the CEO and actual activities of the Service. I believe that, I'm going to support this Bill because of the time factor but I believe that there's a review mechanism in place and I don't think that it will be changed in any way to the way that I would have thought it should be changed in the time that's available to us, whether it's 2 days or a month it still won't be changed. I think we'll be going down the road with this Bill. There were issues in the last Bill which were not changed. I believe that if there are issues that appear and I can see some jumping out, they can be dealt with immediately if it's within 12 months so be it and that's why I'm inclined to support Minister Adams' amendment which allows for a

change to policies, and that the Minister will have a review done on the basis of policies. We're supposed to be into policies and that's why we're supposed to be controlling the setup in policies and staying at arms length. Well lets go down that road and that's why I believe that, I can't see why the CEO has the full blown rights to do a review of the ACT in 12 months time. I think that if we put in policies they should be reviewable from Day 2 probably not on day one but from Day 2 onwards, and that's where we should be able to have our say and that's contemporary whatever they call it, contemporary policies or whatever they call them nowadays. So I would support it. I understand where Mrs Ward is coming from and if I thought it would be beneficial to all the parties I would certainly agree with it but I think that we need to start putting policies together and through those you will give some assurances to the members of the Public Service and to the community in general, more importantly probably to the latter. Then we can review them and it can be an ongoing, you've got to review policies ongoing review, you can't have a 12 months put them in for 12 months, and let it roll, no way. They've got to be reviewed right from the kick off. So that's my view and I understand the problems on all sides but I think we've got this Bill, we've got it so far and we will need to get on immediately and develop policies to compliment it. Thank you Mr Speaker.

SPEAKER Thank you. Further debate around the table.

MRS WARD Mr Speaker I move that debate be adjourned until a later time in the Sitting.

QUESTION PUT
NEGATIVED

SPEAKER The No's have it. We continue. I will now put the question that the Bill be agreed to in principle which is the substantive Motion in front of us at this moment. It was moved by you Chief Minister when we introduced the Bill and there has been subsequent debate. The question is that the Bill be agreed to in principal.

QUESTION PUT
QUESTION AGREED

SPEAKER The Bill is agreed to in principal. We move to the Detail Stage.

MS ADAMS Thank you Mr Speaker. As foreshadowed and already read into Hansard earlier on in this debate I move that the Detail Stage Amendment circulated to members dated 24 May 2013 to replace Clause 101 with the Detail Stage Amendment, be taken as read and agreed to as a whole.

SPEAKER Thank you. Further debate.

MS ADAMS Mr Speaker only to repeat that the reflection overnight the reason I've stayed with this Amendment is that it includes a provision, it places with the Minister, the principal reason is it requires the Minister to review to be tabled in the House, thereby giving the legislature which passed the Act the statutory authority to debate the review document.

SPEAKER Thank you. Further debate around the table.

MRS WARD Thank you Mr Speaker. Just to give some indication to Minister Adams that I'm comfortable to support the Detail Stage Amendment however if it's being dealt with as a whole I will be abstaining on this Bill. I believe that it's our job to set into law the basis of a more efficient and well managed Public Service and one that ensures that there are clean and clear lines of separation between the Old Military Barracks and the new, between the Politicians and the Public Service, and one member said

to me earlier this week – well what's your problem with your political involvement, that's how you get things done, and it was in reference to the Public Service, and I thought well if that's how we feel, if we really want to be running the Public Service then we should be resigning from these roles and applying for jobs in the Public Service. There should be a very clear separation and that is what I wanted to see, more fully considered in this Bill because there are Clauses that are at variance with the Northern Territory and what is considered contemporary practice, and I think that's going to cause a problem. I'm also disturbed given the number of people elected to this Assembly who from their platform statements appear to be in favour of reforms in the Public Service and now I realise in some areas there is simply not the political will to get this piece of legislation right. I have prepared a 4 page working document in what I see as still the difficulties and I will have to consider what I'm going to do but I've clearly lost this battle today, If we don't stand up and respect ourselves how on earth and stand our ground, and I acknowledge the contribution from the other Members and particularly Minister Sheridan. I hear your points and Minister Adams but I'm just sorry. Thank you Mr Speaker.

SPEAKER Thank you Mrs Ward. Further debate around the table. What we have in front of us is the Amendment Honourable Members. No further debate. I put the question to you Honourable Members that the Amendment be agreed to.

QUESTION PUT
QUESTION AGREED

MR SPEAKER Are you comfortable to take the balance of the Bill as a whole. Yes. Thank you. Is there any debate in terms of the balance of the Bill as a whole. Then I'll put the question to you the balance of the Bill as a whole be agreed.

QUESTION PUT'
QUESTION AGREED
MRS WARD ABSTAIN

SPEAKER Abstention from Mrs Ward.

SPEAKER I now seek a final Motion Chief Minister which will be the Bill as amended be agreed.

MR SNELL Thank you Mr Speaker. I put the Motion that the Bill be agreed to as amended.

SPEAKER Thank you Chief Minister. Any final debate.

MS ADAMS Just to reaffirm and give an assurance that in the package of this legislation today there is a review mechanism within it and I have given my assurance and I'm sure Mrs Ward will join with me as will other Members around this table ongoing consideration of the PSA concerns that have been raised in the Amendments, that they have suggested we relook at, that we will relook at them as promptly as possible. Thank you.

SPEAKER Thank you Minister Adams. Any final debate.

MR WARD I'd just like to endorse Minister Adams comments thank you Mr Speaker.

SPEAKER Thank you Minister Ward. I put the question finally.

QUESTION PUT
QUESTION AGREED
MRS WARD ABSTAIN

SPEAKER Abstention from Mrs Ward. The Bill is agreed.
Honourable Members we have concluded Orders of the Day.

FIXING OF THE NEXT SITTING DAY

MR PORTER Thank you Mr Speaker. I move that the House at
its rising adjourns until Wednesday the 12th June 2013 at 10.00am.

SPEAKER Thank you Mr Porter. I put the question,

QUESTION PUT
QUESTION AGREED

ADJOURNMENT

MR EVANS Thank you Mr Speaker. I move that this House do
now adjourn.

SPEAKER Thank you. Any adjournment debate. I put the
question that the House do now adjourn.

QUESTION PUT
QUESTION AGREED

SPEAKER Honourable Members this House stands adjourned
until Wednesday the 12th June 2013 at 10.00am.