

PRAYER

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

CONDOLENCES

SPEAKER

Honourable Members we move to condolences. Mr Buffett

MR BUFFETT

Mr Speaker it is with regret that this House records the passing Thomas William Vincent on Tuesday 18 August at the Norfolk Island Hospital. Tom was the third of five children of Maude and George Vincent of Auckland. His sister Eunice, is a resident of Norfolk. When Tom was seven his father died as a result of gassing in the First World War. Tom Joined the New Zealand Army at the age of 18 and had already spent two years with the 24th Infantry Battalion when he met Jean, who was then also in the army on coastal defence duties. They were married in 1944 and two weeks afterwards he left for service in Egypt and Italy. He incurred serious hand and arm wounds and was saved from amputation by the new miracle drug, penicillin. Jean and Tom had two children, Virginia and Erle, both of whom live on the Island with their families. In 1966 Eunice suggested that Tom and Jean move to Norfolk which they did, Tom working for he grocery store Hopkins, and in due course he and Jean opened their own grocery store until their retirement. Tom was an active member of the RSL when able. As Jean's health deteriorated Tom took over many of the household chores, especially the shopping, then Tom's own health deteriorated until he became an impatient at the Hospital. To Jean, Erle and Colleen and their family and Virginia and Callum, to his sister Eunice, to his relatives and friends, this House extends its sincere sympathy

Mr Speaker this House also regretfully records the passing of Elva Mabel Catherine Yager on Sunday, 23 August. Born in 1912 Elva was the beloved daughter of John Thornton Yager and Ellen Ester Quintal. She had one brother, Francis Leslie who died in World War II. She married in 1932 and had three children, George, Francis who predeceased her, and Angeline. Elva left Norfolk during the war years, taking Francis who had had an accident, to Camperdown Hospital in Sydney. For years she managed the Texas Flats at Potts Point. Elva returned to Norfolk in 1964 to look after her ailing father and built the Valley View Restaurant which she ran with the help of her family until retirement. Elva was blessed with excellent health and spent years following this Legislative Assembly and penning letters to the Norfolk Island asking people to "wakey wakey" and to please protect and preserve her Garden of Eden. Some eight months ago she sustained a stroke and spent her remaining days in Hospital. Elva is survived by George and Angeline, eight grandchildren, twelve great grandchildren and one great great grandchild. To her family and many friends this House extends its sincere sympathy

Mr Speaker this House records the passing of Sydney Charles Wallen Christian on Thursday 27 August. Syd was born in December 1927 one of nine children to Charles and Ruth Christian. On completion of his schooling at Middlegate he was apprenticed in Fitting and Machinery to Harry Sharp in Sydney whilst attending Kogarah Technical College. For some time he lived with the late George and Dorothy Bailey. Syd's apprenticeship meant he worked mostly with metal, and it was from George Bailey that he learnt much of his wood working skills. In 1946 he enlisted in the Australian Armed Forces and served for eleven months in the post war occupation of Japan. His trade experience placed him with the 343 Light Aid Detachment of the Corp of Electrical and Mechanical Engineers and he was posted a Kure, a base quite close to Hiroshima. He was discharged from the army in 1948 and returned home. In 1953 Syd went to work in New Zealand as building foreman with Fletcher Construction. He had a number of Islanders working with him. In 1954 he returned to Norfolk Island for a brief period to be

married to Edie Kilbourne at All Saints. They went off to New Zealand to continue to work there. In 1956 they returned home to live permanently with their two children, Neville and Maxine. Sydney had a remarkable ability to make things and to fix things. He was greatly skilled, creative with his hands, and he was proud of this skill. To Edie, Neville Marion and Alana, Maxine Steve Ali and Kobe, to Syd's many relatives and friends, this House extends its sincere sympathy

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

LEAVE FOR MR ROBERTSON

Honourable Members, leave is sought for Mr Robertson. Is leave granted. Aye. Leave is granted

PRESENTATION OF PETITIONS

Presentation of Petitions. Are there any Petitions this morning.

GIVING OF NOTICES

Giving of Notices, are there any Notices. No.

QUESTIONS WITHOUT NOTICE

We move to Questions Without Notice. Are there any Questions Without Notice this morning.

MR NOBBS I have a question for Mr Robinson. Ric I understand the top tip at Headstone has been recently cleaned out and over 20 truck loads of unburnt material was deposited in Headstone Bay. Is there a policy and a requirement as to the cleaning out of the top tip and if so, what is that policy.

MR ION-ROBINSON Thank you. It's accepted that the ash and metals go from the top tip over the chute but the unburnt stuff definitely shouldn't be going over. I'll look further into it for you Ron.

MR NOBBS Just another on for Mr Robinson. Ric is there a local policy applicable to the safe disposal of asbestos fibro.

MR ION-ROBINSON Thank you Mr Speaker. I couldn't tell you off the top of my head Ron. I'll also check that up for you.

MR NOBBS Minister I understand that the Commonwealth of Australia has a policy on safe disposal of asbestos. Is it correct that roofing fibro from a Commonwealth building was dumped into the sea recently at Headstone.

MR ION-ROBINSON Thank you. I would hope not but I will make that a part of the checking up system.

MR NOBBS Just another one. I would ask also Minister why are they not enforcing their own standards in relation to the destruction of dangerous goods as well.

MR ION-ROBINSON That's an interesting question to forward on.

MR NOBBS I just have one more. Another one for Mr Robinson. Crushed rock utilised in concreting road works and the like is not a renewable resource, that its conservation is as critical to the Islands future as any of the issues of bees and wildflower conservation. Are there any policies relevant to the conservation of the supplies of crushed rock.

MR ION-ROBINSON As far as I'm aware no but I'll see if I can find some for you Ron. If not we should be making some.

MR NOBBS Well that was the second part and I put it to you Minister that there is considerable crushed metal wasted and I ask would you please address this wastage.

MR ION-ROBINSON Certainly.

MR BATES Thank you Mr Speaker. A question for Mr Ion-Robinson the Minister dealing with the firearms legislation. Recently a pamphlet titled "Gun Use, how it affects you" and bearing the Australian Coat of Arms was circulated on Norfolk Island. Could the Minister advise how widely it was circulated and by whom.

MR ION-ROBINSON Thank you Mr Speaker. I intend if it's all right with Mr Bates to be making a Statement about that at Statement time so we can all have a bit of input.

MR BATES So long as it covers that aspect of it at Statement time it will be fine but I've got another question on the same subject and I don't mind if he takes it up at Statement time but I would like to have it addressed at some stage during the meeting. It's a supplementary to the first one. On the front of the pamphlet it said and I quote "Agreements reached by all Australian Governments at the special meeting of Police Ministers held in Canberra in May 1996". Could the Minister advise us if the Norfolk Island Government agreed with the issues and in the event that it didn't what does the Minister intend to do regarding the false feeding of political information to the Norfolk Island public by other authorities.

MR ION-ROBINSON Thank you I believe that that is also covered in the Statement Mr Bates.

MR BATES I have another question for Mr Robinson. Radio announcements were recently made requesting the public not to remove marker buoys from Cascade Bay. Could the Minister explain the purpose of the buoys and who was responsible for putting them there.

MR ION-ROBINSON To be quite honest no I couldn't but I'll have a look at it.

MR BATES Another question for the Minister for the Environment. Does the Kingston Marine Reserve have a plan of management and is it protected from outside interference by environmental or other bodies.

MR ION-ROBINSON No at this stage it hasn't been proclaimed a Reserve and if you remember Mr Bates I brought that question to this House where they said that when the plans of management for all the various other Reserves are done then we can look at doing that.

MR BATES Perhaps I could ask a supplementary to that then. In the event that we don't have a plan of management for it is it vulnerable in interference from outside environmental bodies.

MR ION-ROBINSON At this stage no because it is obviously not a Reserve so it has not been put on the Australian Heritage Register. So in theory no.

MR SPEAKER Mr Bates do you have any more questions because I might call you to the Chair.

MR BATES I have a couple for yourself

MR SPEAKER Mr Gardner would you

MR GARDNER I have questions for you too.

MR SPEAKER Mr Bates if you can come up now and then we'll swap around.

ACTING DEPUTY SPEAKER Honourable Members we continue with Questions Without Notice. Are there further Questions Without Notice.

MR GARDNER Thank you Mr Acting Deputy Speaker. My series of questions this morning are to the Chief Minister in his capacity as Acting Minister for Commerce and Tourism in Gary Robertson's absence. First question Chief Minister. The current rock crushing operation will close in the 15th of October 1998. Can the Minister provide a ball park figure as to the amount of crusher products that will be stockpiled at that date. Failing that are you able to provide an approximate figure as to the quantity of that stockpile to date.

MR SMITH Thank you Mr Acting Deputy Speaker. I had a series of things I was going to do as a Statement in Mr Robertson's absence but I can take the pieces out of that that will apply to your question if you like Mr Gardner. The response to that question I guess will be that the Administrator has advised that the licence to Island Industries to occupy Portion 48c of Stockyard Road, the site of the crushing plant will expire on the 15th of October 1998 and the crusher will close. I'm not able to provide details of the amount of crusher products which will be stockpiled at that date, at the date of closure, however I have been advised by Island Industries that the current stockpiles are as follows. Raw material is 2,000 tonnes, crushed products of builders mix is 1500 tonnes and crusher dust 100 tonnes. There is not 10ml or 14ml aggregate stockpile but I'm advised that there is approximately 1 days crushing for each Administration order. There is also currently a 1000 tonnes of rock ready for removal from the quarry and subject to weather conditions Island Industries proposed blast on Friday the 18th of September and it is anticipated that 4000 tonnes will be extracted. Island Industries advised also that there is approximately 16,000 still available for extraction and subject to weather this could be extracted prior to the licence expiring.

MR GARDNER Thank you Mr Acting Deputy Speaker. Supplementary to that. In the Government Gazette of Thursday 27th of August, the Minister of Commerce and Tourism Mr Gary Robertson called for Expressions of Interest for rock crushing operations at the Norfolk Island Airport or

other sites subject to planning approval. Could the Minister explain the reasoning behind the decision to site such an operation at the Airport.

MR SMITH Thank you Mr Acting Deputy Speaker yes I can give an answer to that. Expressions of interest had been sought for the establishment of a crusher at the Airport or another site, subject to planning approval. That was in response to complaints from residents surrounding the existing crusher. As a result of these complaints the decision by the Administrator to close the current crusher and also interest expressed by other parties to establish and operate a crusher. The administration as you are aware does not own a great deal of land and in discussing possible alternative sites it was recommended that the Airport could be a suitable site. Discussions have also been held with a number of engineering consultants who have advised in relation to the benching and stabilising of the Cascade Cliff as to the best site for a crusher and without exception they have advised the following. That if it is not possible to locate a crusher close to the source of rock then the best site would be where the crusher is currently located. The area where the current crusher is located is classified as a 'special use' area under the Norfolk Island Plan which permits such commercial activities. There have been a number of other areas considered but for various reasons have been discarded. Those areas include Phillipsburg or Cockpit, were discarded because this is a significant heritage area and Crown land to the Northern seaward side of the existing quarry. I've also been advised that there is insufficient area for the establishment of a crusher on this site and also it is proposed to use the land for the stockpiling of rock extracted from the cliff when it is benched. The Airport was selected as a possible site because it is Administration owned and it also is classified as a 'special use' area under the Norfolk Island Plan. The Airport has sufficient area for a crusher and associated equipment and for the stockpiling of crusher products. The CAA or the Civil Aviation's Safety Authority has advised that it has no objection to the establishment of a crusher within the Airport grounds. The purpose of the call for expressions of interest was to see if there are any other areas available for a crusher operator apart from the Airport. Which ever area is proposed for the establishment of a crusher, the proponents would need to lodge full and detailed proposals and they would be required to seek planning approval in accordance with the Norfolk Island Plan and the Planning Act of 1996.

MR GARDNER Thank you Mr Acting Deputy Speaker. Another supplementary to that. Failing an alternative viable site not being identified does the option remain to issue a new lease for the operation of a rock crusher on the current site and is the Minister able to advise of the conditions under which a new lease could in the future be issued.

MR SMITH Mr Acting Deputy Speaker the expressions of interest don't actually close until the 25th of September. However if there are no responses then the Administrator has advised that any consideration by the Commonwealth to issue a new licence over the present crusher site would be that all the plant and equipment would have to be upgraded to meet acceptable environmental standards. If that answers your question on that.

MR NOBBS Just a supplementary on that. George I don't know whether you'd know this Minister, the answer to this but I understand that this proposal to site the crusher, a proposal that it was a possible site was taken 12 months ago at least and that there was one condition that was thought of at the time was that we'd have an environmental assessment of that particular site. Has that environmental assessment been done.

MR SMITH Are you talking about the Airport site.

MR NOBBS Yes

MR SMITH Mr Acting Deputy Speaker I don't know and I don't think so because as I just said in that last reply to Geoff's question that anybody that would want to do anything like that at the Airport site would have to do all those things themselves as I understand it.

MR NOBBS Just one for Mr Smith. What progress has been made in relation to self government issues since what was considered a quite fruitful meeting recently with the Minister for Territories.

MR SMITH Thank you Mr Acting Deputy Speaker. I was also going to make a bit of a Statement about that but that's ok.

MR NOBBS Well I'll allow you to make the Statement.

MR SMITH It doesn't make much difference to me. The Federal Minister for Territories Mr Alex Somlyay did come over here recently. We had a good meeting with him and out of that meeting discussion it was decided that we would meet with the Minister as soon as possible within a month of having the meeting, that we would meet him to progress the self government issues that we'd been talking about which he agreed to at that time and we set up a meeting which was to have been held earlier this month I think it was but during that period the Prime Minister called a federal elections so at the meeting we were going to have with the Minister was cancelled, but what we've been doing is encouraging through the Administrators Officer that the discussions carry on at Officer level and to that end we've been doing some work on that, setting up a programme of how we're going to do the self government stuff and as far as I'm aware the Department agrees, Federal Territories Department agrees that we should progress it that way, at least until after the federal election is over and we see who our new Minister might be.

MR NOBBS Just on that particular subject to Minister Robinson, seeing there has been some activity I understand. Minister some months ago the Assembly unanimously passed a Motion in relation to the sea around Norfolk, seeking transfer of the waters to 12 miles, joint management of the sea from 12 to 200 miles and income from resources from the 12 to 200 mile zone to rest with Norfolk Island. How have you, as Minister progressed this Motion.

MR ION-ROBINSON Thank you Mr Acting Deputy Speaker. As Mr Smith has just informed you we both Mr Smith and I were to go and meet the Minister and I was to meet, along with George and the Territories Minister with Senator Parer, who is the Minister for Resources over there. Unfortunately as George said they called a federal election so all the politicians in Canberra are out busy stump jumping and don't seem to be able to catch them both in the same spot at the same time. So we have not got any progress on that matter at this stage.

MR NOBBS Just a supplementary. Mr Smith in his response said that there had been some activity at Officer level. Has there been any activity at Officer level in relation to a fairly important issue.

MR ION-ROBINSON Thank you Mr Acting Deputy Speaker. There was also to be a Fishing Consultative Committee meeting on the 24th of September but because of the federal election the powers that be in AFMA decided not to proceed with it because they may be subject to a different government and a different Minister and hence a change of policy. In other words we're getting nowhere with that as well.

MR NOBBS Just some for Mr Brown. Mr Brown in relation to the directions you made to the Director of the Hospital. One related to the purchase at no cost to the Hospital Board, the Hospital Auxiliary of curtains required by the Hospital. Why was the direction actually made by you.

MR BROWN Mr Deputy Speaker I'm not sure that I've made a direction that the Hospital Auxiliary do anything. I certainly don't recall having done so.

MR NOBBS I'd like a supplementary. I said the Hospital Auxiliary had arranged to purchase at no cost to the Hospital required curtains. You then made a direction to, (and I won't say her name Brian) the Director of the Norfolk Island Hospital Enterprise to purchase curtains and bedspreads at a cost of \$15,000 etc etc. That was made on the 15th of April. My question is if the Hospital Auxiliary wanted to purchase at no cost, why did you direct that the Hospital purchase it.

MR BROWN Mr Deputy Speaker had the Hospital Auxiliary said that it wished to purchase those things, and had the Hospital Auxiliary go on with doing it there would have been absolutely no need for me to have any involvement at all. However, My understanding was that the Hospital Auxiliary took a view that it was going to take care of the end of the Hospital in which our senior citizens reside and it does an excellent job in taking care of that end of the Hospital. My understanding is that the Director of the Hospital had discussions with the Auxiliary as to whether the Auxiliary was in a position to attend to the new curtains which were required for the remainder of the Hospital. My understanding is that those discussions became long winded, and went nowhere and it was time, because I didn't like seeing patients in rooms with unsatisfactory curtains for someone to make a decision and I did so. I make no apologies for that.

MR NOBBS Minister another of your directions to the Director of the Hospital concerned the purchase of an X-ray machine for the Dental Surgery. Now I've got no questions about why we should have it or not, but I query why were you required to issue the direction for such a purchase.

MR BROWN Mr Deputy Speaker the Hospital receives minimal funding compared to other areas that are funded by the Legislative Assembly. The Education area in Norfolk Island presently receives about \$1.8M a year. The Hospital receives well below one third of that and if you look at other jurisdictions you will normally find that Health, Social Welfare and Education have reasonably similar spending. The fact is we don't spend any anywhere near enough on Health. That leaves the Hospital Board in a position where it's frequently reluctant to make a decision to spend money because the Hospital Board has absolutely no power to force the issue with the Legislative Assembly in order to fund such a purchase. The lack of an OPG machine was, according to the advice which I was given an area which presented liability dangers to the Hospital in an area which caused unnecessary discomfort on occasions unnecessary referrals to the Mainland for treatment. The Board did not feel in a position to approve the purchase at the time although if my recollection is correct the Board had had a number of discussions in relation to various capital issues and I made a decision that it should be purchased and I issued the instruction and I make no apology for that Mr Deputy Speaker.

MR BATES Thank you Mr Acting Deputy Speaker. I have a couple of questions for the Chief Minister. The first one is with the second stage of the new Airport Terminal building progressing well has the Minister any rent figure payable by those using the building for commercial purposes.

MR SMITH Thank you Mr Bates for that question. No we haven't yet but that is being done. I don't know if you remember the process we were going through, we're getting one of the Real Estate Agents to give us an idea of the commercial rates for commercial buildings and trying to, we were going to apply some sort of some similar form to the Airport building, bearing in mind that the airlines don't use the Airport building for a lot of hours during the week, but we're still doing that and we've actually got a meeting with the Airport Terminal Committee this coming Friday and it will be one of the things we'll be discussing.

MR BATES Thank you Mr Acting Deputy Speaker. I have a further question for the Chief Minister. A couple of months ago the Norfolk Island Government entered an agreement with an Airline for the regular paying of landing charges and regular reductions of a large debt. Could the Minister inform the House if the agreed arrangements are being met.

MR SMITH Thank you Mr Acting Deputy Speaker. As I understand it and through talking with the Minister for Tourism and Aviation, which is Gary who's been looking after that side of it with me as Minister for Finance I understand that the agreement that had been reached with the Airline had been kept up to date, had been paying regularly the landing fees that were due and also the amounts that were outstanding and as I understand up to today I think they are running a little bit late in the current payment but In speaking to Mr Robertson in Kuala Lumpur he said that he was expecting payment by Friday this week.

MR ADAMS Thank you Mr Acting Deputy Speaker. I've got a number of questions here for the Chief Minister so I'll ask those in case somebody else needs to change seats. My first question is to George with responsibility for the Public Service. Minister what Public Service assistance is being given to Mr Brian Bates MLA in the life of this Assembly to assist in development of the GST package of tax reform for Norfolk Island.

MR SMITH Thank you Mr Acting Deputy Speaker. I don't exactly know how much, if your looking in money terms or whether your looking in Public Service resource terms Robert but Mr Bates has made the suggestion that once the Assembly does either agree or disagree with the Motion that he has had on the Table that it would be then, he would then be asking, or the Assembly would be then asking the Public Service to pick it up and take the direction of the GST to its end conclusion. That's as I understand it, because until the House actually agrees, one way or the other, whether the House agrees or disagrees with Brian's Motion, I don't think there's an awful lot could be done resource wise until then.

MR ADAMS Supplementary to that Mr Acting Deputy Speaker. So is the situation then Chief Minister is that until the point when the Assembly agrees or otherwise on the Motion, therefore Mr Bates essentially has to do the whole reform package and its development on his own.

MR SMITH Yeah. I'm not too sure what your really trying to point out there Mr Adams. I think knowing the history that Mr Bates has, or Mr Bates' history in the GST issue which has been going for quite some time and Brian has put a lot of work into developing the GST proposal, certainly in the last Assembly Mr Bates was part of the Committee that was formed to look into the GST question. Brian has been working quite hard on that in this particular Assembly as well. He has developed much of what is needed anyway in the first instance, but I've got to say I don't think that Brian's actually asked me for any extra resources at this point in time in relation to the Motion.

MR ADAMS Thank you Mr Acting Deputy Speaker. My next question is to the Chief Minister with his Finance hat on. Minister can you provide any details to the House as to the progress made thus far on the accrual accounting system.

MR SMITH Yes. What we're also waiting for with the accrual accounting is for the Assembly's decision with the Howard review, how far it's going to go with the suggested or proposed accounting systems that would change the way things are done to quite a large degree. In recent times we had the Finance Manager went to an accrual accounting and accrual budgeting course which I understand certainly helped with the understanding of the ways that accrual accounting and accrual budgeting is being introduced into the Commonwealth. I've had various discussions with the Finance Manager myself about the way, or how far we would introduce accrual accounting and accrual budgeting throughout the Revenue Fund because as Mr Adams would be aware accrual accounting does already apply in many areas of the Public Service but the question is how far does the Assembly want to take accrual accounting and accrual budgeting, because that's what's talked about in the Howard Report, if we take it to the nth degree it becomes quite complicated but at this point in time what we're accounting on is as has been suggested by the Assembly that we commence accrual accounting for the Revenue Fund on the 1st of July 1999.

MR ADAMS Thank you Mr Acting Deputy Speaker. Another question to the Chief Minister with his responsibility for the Public Service. Minister at the last sitting you provided to this House the information that no Department of the Norfolk Island Administration works to a mission statement. Given that clearly unsatisfactory situation as we're moving towards the year 2000 what is the Minister intend to do about it.

MR SMITH Thank you Mr Acting Deputy Speaker and thank you Mr Adams for that question. That also relates to the strategic plan and I understand that that is going to be, some of that is going to be brought on as a Motion during this particular sitting. A lot of these things relates Mr Adams to the Howard Report, Strategic planning, mission statements, whatever word they need to be. That's always been a concern of mine as Mr Adams will know and I've made it quite clear that we need to get planning processes put in place. Part of the planning process is having mission statements, although these days I think the word has been changed from mission statements to other things, but I'm certainly quite keen for that to get up and running.

MR ADAMS Minister at the last sitting of the House in response to a question of mine that was on Notice in respect of the Liquor Bond Store you provided an answer to most parts of that question but in response to parts 4 and 5 you gave me indication that you would be providing the answer at today's sitting and given that that question no longer appears on the Notice Paper, can you clarify that situation please Chief Minister.

MR SMITH Yes Mr Acting Deputy Speaker I can. I did what I said I would do and if through the assistance of the people involved I have the answer to that which I might give you now Mr Adams. Mr Acting Deputy Speaker Item 29 of the Notice Paper of 15th July Mr Adams asked a number of questions regarding the liquor supply service. At the meeting of the House of 19th August I indicated that details in respect of questions 4 and 5 were still being collated and that I would table them at the next meeting of the House which is this one. Questions 4 and 5 requested that I as the Minister for Finance firstly table precise details of quantity and type of trade samples and promotional materials inclusive of items other than alcoholic products supplied free of charge by bond suppliers in the last 2 years and table the details of how each abovementioned individual items was disposed of in the same period. Mr Deputy Speaker in response to question 4 I now table details of promotional stock and promotional material received by the Liquor Supply Service during the 1997 and 1998 financial years

ended 30 June. Mr Deputy Speaker in question 5 Mr Adams requested details of how the items listed in the documents I have just tabled were disposed of during the same period. Mr Deputy Speaker the short answer to that question is that I've been advised that precise details of how each abovementioned individual item was disposed of have not been maintained. I table however details of promotional stock and promotional material held by the Liquor Supply Service at 1 September 1998. These details include promotional items received before, during and since the earlier mentioned 2 year period. I'm advised that promotional item receipts are recorded on the Bond's tally sheet on a ship by ship basis as is all stock received into the Bond. However the disposal of these have not been specifically recorded. Letters of appreciation from local groups are retained as are letters from suppliers authorising disposal of promotional items at the Bond Manager's discretion. I'm further advised that promotional materials received at the Liquor Bond fall into several categories. There are products supplied for specific local events for example golf, bowls and the gun club, products supplied for specific trade promotions for example specific events held at licensed premises, products supplied for general distribution on the Island at the Bond Manager's discretion and also clothing supplied for use by personnel as working uniform example, the Bond Staff, Club employees, attendants at sponsored events. The larger sponsored events such as the Golf Classic, the Bounty Bowls Tournament and the Country Music Festival use products supplied by the Bond out of its existing stock and the supplier or the sponsor is then charged normal retail prices for such products. Such transactions form part of the normal Liquor Bond retail sales. In most cases non-alcoholic goods for such sponsored events are usually supplied through the Bond. Small and local events have products supplied either from the FOC stock held at the Bond or at specific stock supplied by the sponsor, example 2 kegs of Fosters supplied to the Leagues Club on Melbourne Cup Day, Jack Daniel's caps and T-shirts supplied to the Brewery when they hold a special JD night. Also a number of organisations receive smaller quantities of promotional products both alcoholic and non-alcoholic at various times on request and if available for such purposes as raffle prizes, part of a food hamper prize or lucky door prizes. Examples of the organisations and groups that have been allocated products to be used in fundraising activities include the following: The Banyan Park Playcentre, the Hospital Auxiliary, the Sunshine Club, NATS, Norfolk Island Museums, the Multicultural Society, the QUOTA Club, Red-Cross, Cricket Association, the Gymnastic Club, the Sailing Club, the Surf Riders Club, the School Carnival, Year 6 School Tour, the Community Arts Society and the Veterans Squash Association, the Norfolk Island Squash Club, Rotary, the RSL Anzac Day Committee, the Netball Association, the Norfolk Island Golf Club Veterans Committee, the Norfolk Island Bodybuilding Federation. The Bond also receives quantities of advertising material like posters, ? flutes, table tents, coasters etc which I'm advised are provided to licensed premises on a request and availability basis. But ultimately Mr Acting Deputy Speaker the basic position is that a precise match between any individual promotional item received and how that item was disposed of has not in recent times been maintained within the Liquor Bond. Such records would appear not to have been maintained for some years. In my view such records should be maintained and Mr Adams I think would agree with that. While the Liquor Supply Service is subject to both internal and external audit as far as I am aware this issue has never received adverse audit comment. In my view however there is an example of an area in which a system of control on accountability needs to be established. There is also a definite need for the formulation of a policy on the disposal of promotional materials at the Bond. Ultimately informational materials received should be distributed equitably or in a commercially appropriate manner. There should also be no basis for the suggestion that such items unduly effect purchasing decisions within the Liquor Bond. In my view such controls can and should be introduced promptly and as this area now overlaps between myself as Minister for Finance and Mr Robertson as Minister now responsible for the Liquor Supply Service I intend to raise it with Mr Robertson on his return to the Island and I thank Mr Adams for the question.

ACTING DEPUTY SPEAKER
Questions has expired.

Thank you Chief Minister. Honourable Members the time for

MR ADAMS I move that question time be extended by a further ten minutes and beg the Acting Deputy's Speakers' nod for a supplementary to the last question.

ACTING DEPUTY SPEAKER Is it agreed a further ten minutes Honourable Members. Yes. Question time is extended for a further ten minutes

MR ADAMS Thank you Mr Acting Deputy Speaker. Supplementary to that question that I had On Notice Minister. Is it a fact then that notwithstanding the situation where in respect of promotional stock received during the years '97 and '98 and I'll read some of those out, not necessarily in order. 26 cartons of wine, 16 cartons of wine, 36 bottles of wine, 14 cartons of Jim Beam products, 15 cartons of White and Mackay products, 26 cartons of wine, 6 cartons of wine, 30 bottles of wine, 20 cartons of glass Mount Spritzer and on it goes that notwithstanding that situation that the Administration has no clear idea in where those promotional products went after being received by the Liquor Bond Store.

MR SMITH No

MR ADAMS Supplementary. Is the Minister intending to do anything about that clearly and now publicly unsatisfactory situation.

MR SMITH Yes I said that in my answer to you Mr Adams that we're going to do something about that on Mr Robertson's return.

MR NOBBS Just some for Mr Smith before he heads for the top chair. Minister I've asked the Minister responsible for Burnt Pine to provide details of original estimate in comparison of actual costs for Stage 1 as well as the estimated cost for Stage 1B and all to no avail. So as the Minister is not present as you being responsible for management of Government finances are you able to provide these figures.

MR SMITH If you asking for them today I can't off the top of my head Mr Nobbs but I certainly won't have any problem in getting those figures as quickly as possible to you and in fact if you want me to even bring an answer back to the House at the next sitting I'll be quite happy to do that.

MR NOBBS That will be fine

MR NOBBS Just another one for Mr Smith. What's the latest on the provision of television under proposed new arrangements covering the reception of ABC and SBS.

MR SMITH Thank you Mr Acting Deputy Speaker. Thank you Mr Nobbs for the question. That is all on track at this point in time. The changeover date will be late this year to the digital satellite. The analogue satellite will continue broadcasting until early in the next year. We called for expressions of interest for the supply of an appropriate satellite or earth station as they are called, a receiving dish and we've had a few expressions of interest in that and from those expressions of interest we'll be carrying that further to the actual purchase of a earth station and I'm just trying to recall the size. I think it's 7.5 receiving dish is what we would need and with that particular equipment we should be able to receive ABC, SBS and I think we can also get, I think it's a Northern Territory commercial type station that will be included plus as I understand an extra radio frequency which I understand also

requirement for a non resident to hold a return air ticket. What has been done to clarify this point on our immigration policy?

MR BROWN Mr Deputy Speaker during recent days I have distributed to Members the work that has been done to date by Bronwyn Paddick the consultant who has been assisting in the immigration area. That work is not complete, and there is a letter that is attached to the material which indicates the areas that have yet to be attended to. By the time that review is done, we will have something in our legislation which will enable us to avoid a repeat of what occurred on the earlier occasion

MR NOBBS Another one for Mr Brown. Debt was stated in the past as a particular problem at the Hospital. Has the debt been reduced and what is the current status of debt

MR BROWN Mr Deputy Speaker I receive each Friday a list of hospital debtors and I in fact review that list with the Director, each Friday, to ensure that progress is being made in the regular collection of hospital debtors

MR NOBBS Has it gone up or down?

MR BROWN Mr Deputy Speaker I'm sorry, I didn't deliberately avoid that. I would have to say that it fluctuates because when you get to the end of the month the Southern Cross bill goes out to the end of the month, the HMA bill goes out, the Veterans Affairs bill goes out and so you might get to the 28th day of the month and thought that you are going pretty well and all of a sudden you get to the 3rd of the next month and you see that the total debtors have climbed, sometimes by as much as \$100,000 but significant progress has been made, in particular, the Department of Veterans Affairs has been very co-operative in trying to find simpler ways of us billing them and them paying their bills. Over all, I think I would be reasonably close to correct if I said that the total of the outstanding bills, have reduced by about \$100,000 during the life of this Assembly

MR NOBBS Another one for Mr Brown. Officers recruited from the mainland to work at Admin, I understand receive some rent assistance. Do similar arrangements occur with staff recruited from the mainland to the hospital

MR BROWN Mr Deputy Speaker the packages of the bulk at least of the ex patriot staff at the hospital at a senior level, not including the nursing staff in that, but the bulk of the other senior positions, if they are filled by an ex pat person, would attract a rent subsidy. Now I'm not certain that that applies to absolutely every position, I would have to look at the records to give a precise answer on that

MR ADAMS Thank you Mr Acting Deputy Speaker. My next question is to Minister Robinson with his responsibility generally for the environment. Minister could you provide to the House details of the progress in the area of Plans of Management for the Reserves

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. Yes, the first Plan of Management at this very moment in time is out in the public arena seeking public comment. As yet I haven't had a long list of complaints with it. Hopefully people will read it and will get back to us and as soon as we get that one in order, I'll bring the recommendations to this House and they will flow on from there. I haven't brought the list of the order of the plans of management but I will be happy to provide that to Mr Adams after the meeting if he wishes

MR ADAMS Thank you Mr Acting Deputy Speaker. Another question to Minister Robinson. Minister at the last formal sitting there was an indication that in respect of Philip Island, details would be sought from the senior ANCA Officer in relation to conservation progress on that Island. Is the Minister now able to provide these details to the House

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. Mr Adams is aware that the current arrangements are that Philip Island is looked after by the Australian National Conservation Association. For this reason I have sought their advice on the matter. They advise that they have been carrying out extensive revegetation programmes on Philip Island which includes the removal of weeds and the reintroduction of native species. Revegetation is an integral part of soil erosion prevention but regrettably it is a long term project. There have been eleven working trips to Philip Island since February this year. The Philip Island Plan of Management contains long term management prescriptions for restoration of Philip Island. This plan is being incorporated into the Draft Norfolk Island National Park Plan of Management which will be available for public comment early in the near future

MR ADAMS Thank you Mr Acting Deputy Speaker, supplementary to that question. Minister as it relates to the reintroduction of native vegetation to Philip Island and obviously we would assume that the species that are being reintroduced are carried over from Norfolk, can the Minister give a brief outline of the quarantine arrangements that are in place to ensure that disease and viral infections etc are not transferred from Norfolk Island to Philip Island, in that process of reintroducing native vegetation

MR ION ROBINSON Thank you Mr Deputy Speaker. Off the top of my head, no, but I wasn't aware that we had any deadly diseases here on Norfolk but it is a very good point and well worth looking into and I shall do so

MR ADAMS Thank you Mr Acting Deputy Speaker. My last question for Mr Brown with responsibility for ahem, I'm not sure whether he has responsibility for it Mr Acting Deputy Speaker, but it's a follow up to the question concerning DVA that I asked at the last sitting. Minister, are there any further details available to yourself in respect to what services and assistance programmes the Department of Veterans Affairs provides to local veterans, and if there are any further details, can a Minister provide to the House at this moment, these details

MR BROWN Mr Deputy Speaker I certainly will be providing those details as soon as possible. I have been provided with some assistance from the public service and I'm awaiting some further information from elsewhere and I am hopeful that I will be able to give a meaningful response at our next meeting

ACTING DEPUTY SPEAKER Honourable Members, question time has expired

MR NOBBS Could I move that question time be extended for five minutes

MR ION ROBINSON No

ACTING DEPUTY SPEAKER Clerk, would you please call the House

CLERK	MR SMITH	AYE
	MR BUFFETT	AYE
	MR BATES	AYE
	MR GARDNER	AYE

MR ION ROBINSON	NO
MR ADAMS	ABSTAIN
MR NOBBS	AYE
MR BROWN	AYE

ACTING DEPUTY SPEAKER Honourable Members the ayes six, the noes one, one abstention. The ayes have it. A five minute extension on Questions Without Notice

MR NOBBS Thank you Mr Acting Deputy Speaker. Just one for Mr Brown. Does the Administration have tendering procedures in place? Are they concerned with the Administration Policy and Guideline Circular No 512. Does that apply to the purchases by the Hospital. Tendering arrangements

MR BROWN Mr Deputy Speaker the Guidelines document has been the subject of considerable discussion within the Tenders Committee in recent times. To the best of my knowledge it does not apply to purchases by the Hospital but I would expect the Hospital to follow a similar procedure in the areas where there are competitive suppliers but in some areas, if there is only the one supplier just as the Administration would then bypass the tender process, hopefully with the approval of the Tenders Committee the Hospital would go out to limited tender. For example, in the purchase of an x ray machine recently, the previous advise had been that we should expect to pay something between \$150-250,000 for a new x ray machine and the previous Director had obtained quite a deal of helpful information in relation to that. During the life of this Assembly, I asked that more enquiries be made and we learnt that a particular Korean brand of x ray machine was well regarded at both Australian hospitals that had installed it, and we were able to purchase that machine and have it installed for a figure in the range of \$75,000. Less than half of what we expected it to cost. That didn't go out to tender as such. By the time the tender qualifications work had been completed that was only one possible supplier but if we are talking of electrical work at the Hospital from time to time, you would expect that that would go out to tender

MR NOBBS Another one for Mr Brown. Recently there were two consultants hired to look at various management arrangements at the hospital. Will the reports of the two consultants be tabled in the Assembly

MR BROWN Mr Deputy Speaker I expect that Ron is talking of Neville Boyce who assisted in Administrative Training and Review at the Hospital, for a period of several months. Neville has done similar work for us before. He has not presented a formal report. What I have from Neville is a chain of correspondence as it were, stretching over the period he was here. I'm very happy to put that all into one place and make it available for Members to read it. I wasn't proposing to photocopy it all but any Member wanting it, they would be quite welcome to it. The second consultant was Roger Walker, a chartered accountant, who looked at the accounting systems in particular in the Hospital, and he provided a brief report and parts of that report have already been acted on. I'm more than happy to provide a copy of Mr Walker's report to any Member who would like to receive it

QUESTIONS ON NOTICE

ACTING DEPUTY SPEAKER Honourable Members, question time has expired. We now move on to Questions on Notice. Are there any answers to Questions on Notice please

MR BROWN Mr Deputy Speaker Mr Nobbs has asked me to provide dates on which the Hospital Board met during the period between March and July of this year. The Board meets

in several ways, Mr Deputy Speaker. I has formal meetings which are normally once per month and it has informal meetings more frequently, as and when necessary, for example, during recent weeks the Board has had a number of informal meetings in relation to a range of things such as the purchase of a Pharmacy software programme for the Hospital Pharmacy and the ongoing review of wages and conditions of various staff at the Hospital but in terms of formal meetings, my understanding is that the Board met on the 2nd March, the 23rd March, the 27th April. The Board did not meet during May because that was the period, or at least a part of May, I had not appointed new Members to the Board. From recollection the appointments were made in June but some of the Board Members were away and due to a lack of quorum there was no June meeting. In July I believe the Board met on the 27th July

ACTING DEPUTY SPEAKER Thank you Mr Brown. We now move on to

PRESENTATION OF PAPERS

ACTING DEPUTY SPEAKER Papers. Are there any Papers for presentation this Morning Honourable Members

MR SMITH Thank you Mr Deputy Speaker. I have various papers I would like to table. First is to table the Regulations. In accordance with Section 21 of the Interpretation Act 1979 I table the Land Administration Fees Amendment Regulations 1998; the Revenue Fund Monthly Financial Indicators; and in the Minister for Tourism's absence I would like to table the inbound passenger statistics for the month of August 1998

MR BROWN Mr Deputy Speaker . In accordance with Section 41 of the Interpretation Act 1979 I table the Road Traffic General Amendment Regulations 1998 and the Road Traffic Fees Amendment Regulations 1998. Mr Deputy Speaker it may be helpful for me to explain to Members that these regulations do a number of things. Firstly they allow for a wider than normal trucks to be used in the Cascade Cliff project. Secondly they prescribe an alcohol content for the purpose of blood tests which is .008 and thirdly they prescribe a fee for the taking of a blood sample

MR NOBBS Could I move that the Papers be noted

ACTING DEPUTY SPEAKER The question is that the Papers be noted

MR NOBBS The question's been asked John as to the weight restrictions, will there be weight restrictions on those trucks, that you know of

MR BROWN Mr Deputy Speaker this is an area where the Minister for Tourism and Commerce has actually made the arrangements for that width amendment. That is the only change to our regulations that I'm aware of and so I'm assuming that the normal actual limits would still apply but that is only an assumption. I don't have a precise answer to that question

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further papers. Honourable Members, pursuant to Section 40(a)(7)(b) of the Provident Account Act 1958 the Public Service Board is required to provide a copy to the Speaker of the Legislative Assembly for tabling in the House. I table these financial statements of the Provident Account for the year ended 30th June 1998. Honourable Members I am required by procedure of the Legislative Assembly to put the question that the paper be noted

QUESTION PUT
AGREED

Thank you Honourable Members.

STATEMENTS.

We move on to Statements. Honourable Members, are there any Statements?

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. I would like to make a statement in relation to Mr Bates' question on the pamphlet that was widely distributed by the Administrator's office. There is no doubt that this Eighth Legislative Assembly had no input whatsoever into the Police Minister's Conference. The Deputy Administrator phoned as asked me if I had any objections to his office distributing information on the proposed Firearms Amendments. At the time I thought he was referring to the ACT pamphlet which makes it quite clear that this is how things happen in the ACT. I told him I had no objections and I should have asked to see the pamphlet. I did not do so. I am aware that the Norfolk Island Minister for Firearms in the Seventh Legislative Assembly was not invited to participate in the Police Minister's Conference, and as such the pamphlet distributed by the Administrator's office could easily be construed as misleading. I think that the words "observer status" were used in reference to the Police Minister's Conference at one stage, which of course signifies that the actual agreement was not in fact sought. I move that the statement be noted

ACTING DEPUTY SPEAKER Thank you Honourable Members. Mr Robinson has moved that the House take note of the Statement. Any debate?

MR BATES Thank you Mr Acting Deputy Speaker. I was very disturbed to see a pamphlet going around the Island, I know you can argue whether the Norfolk Island Assembly is an Australian Government or not, but I'm pretty certain that most people picking up that pamphlet and looking at the words on it that says "agreements reached by all Australian Governments at a special meeting of the Police Minister's held in Canberra on the 10th May 1996", many people reading that would have assumed that this Government had agreed to the things in this pamphlet. I find it very disturbing then that the office of the Administrator can distribute amongst the people of Norfolk Island something that would lead the people to believe that this Government had agreed to something that was decided in Canberra in May 1996 in which we were not part of that decision. I think an apology is well deserved and I think the facts should be put straight to the people of Norfolk Island by those who circulated the pamphlet, that this was misleading and it should be corrected. I don't know what we can do about it but it certainly upset me when I read it Mr Acting Deputy Speaker

MR ION ROBINSON Thank you Mr Acting Deputy Speaker I would just like to table the pamphlet in case anybody around here is interested in having a closer read of it

MR ADAMS Thank you Mr Acting Deputy Speaker. This seems to be something of a vexed subject and it is very much of an ongoing nature and it seems to me, certainly in my view, that there are a lot of falsehoods coming out. I'm not sure where they are emanating from but I can imagine. One of the falsehoods that appear to be coming out in the course of this discussion this progress on firearms matters is the alleged fact that the Norfolk Island Government attended as a participant in the Police Minister's Council and as Members have heard me say on previous occasions in my clear view that was not the case. I was the Firearms Minister that Ric alluded to in the Seventh Assembly and at no time did I receive an invitation from anybody to attend those meetings. At the last minute we managed to get a representative from the ACT Legal Aid Office to sit in at that meeting as an observer. I suggest that it is drawing a very long bow for anybody to suggest that the Norfolk Island Government was a participant in the doings in that Minister's Council that led to agreed gun laws when you look at the situation that we only had an observer from a Legal Aid Office sitting in or at essentially

what was the opening ceremony of that meeting. If I could labour Member's time a little longer, I will read some excerpts from the report that was provided by Mr Chris Staniforth to the Norfolk Island Government of the day "the meeting opened with an address by the Prime Minister indicating that the Commonwealth proposal for effective nationwide control of firearms was to be pursued with two other approaches. A Ministerial Advisory Group to investigate the effect of violence portrayed on television and videos and a review of the process of deinstitutionalisation in mental health. It goes on to say "as to firearms, the Prime Minister indicated that the Commonwealth would be using its customs power as outlined in the proposal but he was not interested in a federal 66 99 grab of power. He expressly mentioned his acknowledgment proper compensation for a loss of previously lawful possession of firearms and the need for jail sentences for most type of weapons. The Attorney General for the Commonwealth spoke to the proposal. He was followed by the Tasmanian Commissioner of Police, the Premier and the Minister of Police, in that order. The Minister's then went into private session for most of the day." Against that background, for anybody to suggest that Norfolk Island was a participating member in the Ministerial Council of 10th May 1996 is quite incredible to me and somebody who would believe that that was the case would be an easy target for a used car salesman. Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Adams. Further debate? The question before us at the moment Honourable Members is that the House...I'm sorry Mr Nobbs

MR NOBBS I don't wish to speak too long on the guns debate. I think it's coming up shortly anyhow but I was actually informed after the last meeting, in a letter that I received from the Administrator's office, that I had stated that the Island Government was not, I understand, involved in discussions between the States and Territories which led to the agreed gun laws. Mr Speaker I stated that it was my understanding that this was the case. It's been subsequently pointed out to me that our Government at the time were involved, this has come under some criticism but I would like to table two letters if I may, two letters from the previous Government signed as Head of Government, by Mike King, and the first was to the Australian Attorney General Darryl Williams advising that our relevant Minister was unable to attend and he requested a Mr Staniforth, as Chinney just said, to represent Norfolk Island. The second was to the then Territories Minister, Warwick Smith attaching the letter to Darryl Williams. Mr King's statement at the end of this Smith letter was "I am sure we share the resolve that all jurisdictions shall adopt uniform gun legislation and I would be very grateful if you could add your personal backing of my request to Mr Williams". I like these letters to be tabled for no other reason than this. The question really is Mr Speaker, why was I under the impression that we had not been involved in this? The answer is simply this. Access my Members to such information is not what it should be. As an example in this King letter, I knew nothing of it. AS Mike at the time was a Member of the Assembly, it should automatically be available to all Members and that's succeeding Members of the Assembly as well as the present. We do not have such backup and it is essential that we progress the introduction of improved procedures as soon as possible, thank you

MR ADAMS Thank you Mr Acting Deputy Speaker. Just a small point in relation to Mr Nobbs' obvious unhappiness from the point of view that Members are not seeing some of the correspondence that may be about. May I point out Mr Acting Deputy Speaker that as the Minister referred to in that letter, I'm quite surprised that I had never seen, from my understanding, I had never seen that letter suggesting that I was unable to attend, so it's also news to me and now if anybody, particularly somebody in the Commonwealth's sphere, to suggest that the Seventh Assembly were in agreeance with the totality of the firearms package, is quite incorrect and if anybody still maintains the view that we knew or were aware or in agreeance, it would be good to clear up this matter if they could provide all the evidence that clearly gives substance to that belief. Might I further add that in the Minister's meeting which I believe took place between the Seventh Assembly and the former Minister

for Territories, Mr Warwick Smith, myself as the Firearms Minister of the day in that meeting mentioned to the Federal Minister for him not to expect Norfolk Island's firearm laws to mirror, and they were my exact words, to mirror the Commonwealth's. Thank you Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Thank you Mr Adams. Further debate? The question before us at the moment Honourable Members is that the Statement be noted

QUESTION PUT
AGREED

The ayes have it

MESSAGE NO 134 FROM THE OFFICE OF THE ADMINISTRATOR

Honourable Members I have received the following message from the Office of the Administrator. Message No 134. On the 26th August 1998 pursuant to Section 21 of the Norfolk Island Act 1979 I declared my assent to the Customs Amendment Act 1998 which is Act No 16 of 1998, and the Land Administration Fees Amendment Act 1998 which is Act No 17 of 1998. Dated the 26th August 1998, signed A J Messner, Administrator

Honourable Members I call on Reports of Standing or Select Committees?

MR ION ROBINSON Mr Acting Deputy Speaker did we finish Statements already. I have another Statement that I would liked to have put in

ACTING DEPUTY SPEAKER Mr Robinson I will call for further Statements. mr Robinson

MR ION ROBINSON Thank you. My Statement is to do with the clearing up of confusion that some people have that Norfolk Island is a part of the Commonwealth. With the 1856 Order in Council, Queen Victoria made Norfolk Island a "separate and distinct settlement" without reserving in any way whatsoever, the right to change that status. My supplement to the New South Wales Gazette dated 30th October 1857 the Governor of Norfolk Island proclaimed the laws and regulations on Norfolk Island thereby proclaiming Norfolk Island's constitution. The British Settlements Act 1887 states "the Crown has no power to amend the constitution of settled colonies which had legislatures before this Act" therefor the 1896 proclamation of the Governor of Norfolk Island and the Order in Council of 1897 were invalid. Perhaps this is why the 1897 Order in Council was not mentioned in the 1914 Order in Council. In 1995 Sir Robert Garran wrote his opinion of what would be the outcome facing Norfolk Island as a Territory under the authority of the Commonwealth of Australia. You must all just about know it off by heart by now but I'll repeat it anyway. "It would be a dependency of the Commonwealth, not a part of the Commonwealth itself". The letter I received from the British Government's Foreign and Commonwealth's Office stated that in its opinion Norfolk Island is a legally "dependant territory of the Commonwealth of Australia". Halsbury's laws of England, third edition volume 5 page 433 defines "dependency" as, " a country or province which is subject to the control of another of which it is not an integral part". The 1914 Order in council placed Norfolk Island as a territory under the authority of the Commonwealth of Australia and was accepted by the Commonwealth of Australia as a territory under its authority. Section 5 of the Commonwealth of Australia Constitution Act 63/64 Victoria, Chapter 12 states "this Act and all laws made by the Parliament of the Commonwealth under the constitution shall be binding on the courts, judges and people of every state and of every part of the Commonwealth". As between two and three hundred only of the 7,000 plus laws the Commonwealth Parliament has passed extend to Norfolk Island, it is obvious that Norfolk Island is not a part of the Commonwealth of Australia. The High Court of Australia case Capital Duplicators vs The Australian Capital Territory of October 1992 agreed with the previous High Court case Cole vs Whitfield that a territory or colony which was not a part of a state at the time of federation did not subsequently become a part of the Commonwealth. It is quite amazing how everyone

in Canberra from the Minister to the mandarins manage to ignore these cases. The dependent territory of the Cocos Keeling Islands were placed and accepted as a Territory under the authority of the Commonwealth of Australia by Order in Council in 1955. Along the same lines that Norfolk was placed under the Authority of Australia. In April 1984 the people of the Cocos Keeling Islands were given their inalienable right of a referendum of self determination. I do believe that the time is approaching for the people of Norfolk Island to exercise their unalienable right of self determination. This will have to be done before the Commonwealth decides, in the national interest of course, to extend all their laws to Norfolk Island thereby annexing us without the consent of the people of Norfolk Island, thank you

ACTING DEPUTY SPEAKER Thank you. Any motion to that. No. We move on. Any Report of Standing or Select Committees

NOTICES

GREENWICH UNIVERSITY BILL 1998

MR SMITH Thank you Mr Acting Deputy Speaker. I present of the Greenwich University Bill 1998 and move that the Bill be agreed to in principle. Mr Acting Deputy Speaker the Greenwich University Bill 1998 is to repeal the Regulations that were passed by the Assembly recently to allow for the Greenwich University to transfer its facilities from Hawaii in the United States to Norfolk Island to offer a tertiary institution, that is offering courses by distance education. Mr Acting Deputy Speaker this university operates its distance education through the internet services and this Bill has been requested by the people of the Greenwich University to give them a more concrete grounding than what they thought the Regulations had provided. I understand that the Greenwich University people have approached all the Members and explained their reasons for wanting to do this and that's where we are with it and I will move that this be adjourned until the next Sitting of the House but I also commend the Bill

MR NOBBS Thank you Mr Acting Deputy Speaker, this is a fairly straight forward legislation as explained by the Chief Minister. What it does provide is an entity which will provide an alternate source of income to the Island economy to that of tourism without significant impact on either our way of life or our limited resources. I look forward to the university being of value also as a source open particularly to those residents wishing to extend their tertiary education. I'm sure the university will come to play a significant role and be a significant contributor to the life of our community particularly in the years ahead. Mr Acting Deputy Speaker I can say no more at this stage except to say that I support the Bill

MR SMITH Thank you Mr Acting Deputy Speaker, I then move the adjournment to the next sitting of the House

ACTING DEPUTY SPEAKER The question is that debate be adjourned and resumption of debate be made an order of the day for a subsequent day of Sitting

QUESTION PUT

AGREED

The ayes have it, that matter is adjourned for a subsequent day of Sitting

ORDERS OF THE DAY

HEALTHCARE AMENDMENT (NO. 2) BILL 1998

We resume on the question that the Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN Mr Acting Deputy Speaker the Healthcare Levy Amendment (No 2) Bill 1998 is intended to overcome a problem which arose when we increased the Healthcare Levy from \$130 to \$150 for each six month levy period. At the time I omitted to seek an amendment to vary the pro rata payments in respect of periods of less than six months and this Bill endeavours to overcome that problem.

ACTING DEPUTY SPEAKER Thank you Mr Brown. Further debate? There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT

AGREED

The ayes have it. Is it the wish of the House to dispense with the detail stage. Yes. Then I put the question that the Bill be agreed

QUESTION PUT

AGREED

The ayes have it

LEAVE

MR BROWN Mr Acting Deputy Speaker I should during Notices, have sought leave to move the Criminal Law Amendment Bill 1998 and I wonder if you would grant me the opportunity for me to do that at this stage or at a stage which is convenient to you and to the House, not necessarily immediately

ACTING DEPUTY SPEAKER I think we can handle it now. Is leave granted. Honourable Members it must be a unanimous decision on that so leave is not granted Mr Brown

MR BROWN Mr Acting Deputy Speaker I move that so much of Standing Orders be suspended as may be required in order to enable the House to deal with the Criminal Law Amendment Bill 1998

ACTING DEPUTY SPEAKER The question is that so much of Standing Order be suspended which would inhibit this matter from leave being granted. Debate

MR BUFFETT Thank you Mr Acting Deputy Speaker. There are procedures to give notice to the House and to Members and to the public generally before matters come on so that people can be equipped to know that they are coming on and to seek information about it and to prepare their thoughts in respect of it. That's laid down in Standing Orders, and certainly I know at times that there are some times of emergency and in those sort of circumstances then maybe we will have to put aside standing orders to allow it to come on with greater rapidity. There is no explanation that this is the case in this particular instance, although if there is I will be happy to hear it. But we have had of late a number of instances where by items have been brought forward without giving us proper notices. Bear in mind that the notice procedure is also something that goes to the local paper. The Notice Paper is prepared, it goes to the local paper, it is publicly exhibited before the meeting on the Wednesday that follows all of that. This procedure by putting it aside doesn't give opportunity for that at all. There are sound reasons why that should be so. To move that we put aside Standing Orders means that we move to put aside all of those giving notice procedures and unless there is some real urgency on this matter I

think that we should stick to the procedures and therefore I won't be agreeing to putting aside Standing Orders in this case unless there is some explanation as to great urgency of the matter

MR BROWN Mr Acting Deputy Speaker as Members will see from the bottom right hand corner of the document, the drafting was completed yesterday. The Legislative Counsel, to use his proper term, has had an intensively busy period in recent times and he has done a superb job in managing to get ready for today as many pieces of legislation as possible and therein lies the need to seek to suspend Standing Orders. But the purpose of seeking to suspend Standing Orders today is to enable this document to be put onto the table so that it is available for public comment. So in fact part of the purpose is to achieve the very thing that Mr Buffet's talking of, to enable Members and the public to look at the ?. Mr Buffett has raised an interesting point though in terms of dropping things on the table. We have before us this morning another document, again drafted on the 15th of September, a very lengthy document, 12 pages long Mr Deputy Speaker, a document that none of us knew was coming, a document which Mr Buffett has asked

MR NOBBS Point of Order please. You can't let this go on. Mr Acting Deputy Speaker there is one amendment in there, it was foreshadowed at last Monday's meeting by Mr Buffett, a couple actually but the main one was foreshadowed at our MLA's meeting which Mr Brown did not attend last Monday and it was agreed to that we proceed down that road.

MR BROWN Mr Deputy Speaker if I may continue after that interruption. It's a lengthy piece of paper. Certainly I was not able to attend the meeting on Monday. It doesn't alter the fact that it's a 12 page piece of paper and that by getting that drafted the legislative drafting programme has been interfered with. Similarly Mr Nobbs has been able to interfere with the legislative drafting programme by approaching the Legislative Counsel and having very lengthy work carried out in relation to retirement villages. Now be all of that as it may all I'm endeavouring to do is get this on the table so that it can be commented on. It is an important piece of legislative reform because it aims to simplify the procedures of the Court and that simplification has the potential to effect significant savings in the cost of the operation of the Court and in the efficiency of operation of the Court. I press my endeavour to table it today.

ACTING DEPUTY SPEAKER The question is that so much of Standing Orders be set aside that would prohibit Mr Brown from bringing this matter forward. Is there any further debate.

MR SMITH Thank you Mr Acting Deputy Speaker. There's some interesting things that have been raised here just in this last Motion. I would remind Members that there is the ability to put on Notice in the Notice part of the Notice Paper that your foreshadowing there's some legislation coming up or whatever it may be. I suggested earlier in our time that Members should use that facility for whatever it may be to my recollection it's only happened once in our time. If you have something that you want to give people notice, whether the writings have been done or not at least you can do that at the meeting previous and say that you give notice that this is going to happen and it's a very useful thing to be used so that all Members and people in the community know that something is coming up and I would appreciate as far as being Speaker is concerned that Members use that facility if they feel that there is something going to come on at the next meeting. I do agree that it is hard for Members and it's always been hard for Members if a Bill gets placed on the table by leave and it's happened since 1979 and probably before, I don't know what happened before that but it does catch people out. I would suggest that any Minister that, or any Member that's bringing anything forward use the facilities that are there to give notice that it's going to be coming up. I don't think your required to give a particular date of when it's going to happen but if there is something coming on why not use that particular provision that is there because otherwise we should really be sticking to the procedures but Mr

we will have missed out on the first and we keep talking about keeping the community informed, now that's just talking about the membership. The community hasn't had that opportunity for the first stage and they too will only have an opportunity for the second stage. Now I can understand that this happens from time to time when there are matters of urgency, we all understand that but I'm not too sure that that is the case here. This is not a matter of trying to be critical of people who have to operate the system and draft the laws. That's not the process at all. It's just to point out that what I have already pointed out and I think if we start putting those aside willy nilly, because this has happened a number of times over the past few months. This is not the first one and I think it's time that we said "hey there is a procedure and we better stick to it" otherwise we're going to find that we're going to have more and more things that are brought on at the last minute and there won't be the mature sort of consideration given to these matters that I think should happen. It just so happens that it's this particular piece of legislation at the time but I think we should follow those things that we are said that are the best ways to handle matters in this Assembly and that's why I've raised it.

ACTING DEPUTY SPEAKER Thank you Mr Buffett. The question is that so much of Standing Orders which would prevent Mr Brown from tabling the Criminal Law Amendment Bill 1998 be suspended.

QUESTION PUT

ACTING DEPUTY SPEAKER Would the Clerk please call the House.

MR SMITH AYE
MR BUFFETT NO
MR BATES AYE
MR GARDNER AYE
MR ION-ROBINSON AYE
MR ADAMS AYE
MR NOBBS NO
MR BROWN AYE

ACTING DEPUTY SPEAKER Honourable Members Standing Orders require that a Motion such as this requires the support of 6 Members. The voting is 6 for, 2 against. Mr Brown you may proceed.

MR BROWN Thank you Mr Deputy Speaker. I present the Criminal Law Amendment Bill 1998 and I move that it be agreed to in principle. Mr Deputy Speaker this is a fairly simple Bill, in fact there is only one clause of meaning and that is a clause which says that "The schedule of the Criminal Law Act 1960 is amended by omitting from item 48a, paragraph 4761c". Under paragraph 476 the Court of Petty Sessions may with the consent of an accused person, and with the consent of the prosecution try criminal matters that are otherwise outside of its jurisdiction. The existing paragraph 476 (1c) requires the Court to first satisfy itself that the prosecution is produced sufficient evidence to put the person on trial. This creates uncertainty. The parties don't know whether the matter will be dealt with summarily, that is by the Magistrates Court until the close of the prosecutions case. It also means that guilty plea cannot be dealt with by the Court of Petty Sessions by consent until the Court has been satisfied that the accused has a case to answer. The proposed amendment removes the requirement that the Court must be satisfied that the accused has a case to answer before it accepts jurisdiction in a matter. However it retains the other conditions, of the giving of that consent, that is that the Court is of the opinion that the case may be properly disposed of summarily and the accused and prosecution have consented to the matter being determined summarily, and in the case of an offence relating to money or property the amount of money, or the value of the property does not exceed \$10,000. The rights of the accused are not reduced in that despite the amendment the

accused may submit that he or she had no case to answer after hearing the prosecution evidence in a contested summary prosecution. It's not intended to ask the House to deal with this today Mr Deputy Speaker. It is intended that it lay on the table until our next meeting so that Members can make such enquiries as they wish and I'm sure I'm listening to several of our Members, they'll make detailed enquiries about this and of course it gives the opportunity for the public to make such comment as maybe desired. Thank you.

MR SMITH Thank you Mr Acting Deputy Speaker. It's probably more of a question. I was just wondering if Mr Brown could give us an example of how this would work in practice of the legal background you are, so that we can more readily understand.

MR BROWN Mr Deputy Speaker let us assume that a person, we'll call him X for want of a name has been charged with an offence which would normally be tried by the Supreme Court, that it an offence other than a minor offence. Section 476 of the existing legislation enables the Court of Petty Sessions to nevertheless deal with a wide range of matters which would normally have to be dealt with by the Supreme Court but provided that both the prosecution and the defence consent. Now in most other jurisdictions you can wonder into Court and say "look I'm going to plead guilty to that or I'm happy for that to be dealt with by the Court today" and the Court can proceed to deal with it, but under our existing legislation the Court can't deal with such a matter until it has satisfied itself that the prosecution has produced sufficient evidence to put the person on trial. In administrative terms that's unnecessarily complex. If both parties are consenting to the Court dealing with the matter, in other places amendments have been made so that the Court is able to assume that jurisdiction immediately without having to first hear all of the evidence and then make a decision after hearing all of the evidence as to whether there is enough evidence to put the person on trial and having got to that stage the Court then goes back to stage 1 and says "now that we've heard all of that we'll deal with the case". It just simplifies what occurs in the Court, it doesn't take rights away from anyone.

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

MR BROWN I move the adjournment Mr Acting Deputy Speaker.

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

QUESTION PUT
QUESTION AGREED

ACTING DEPUTY SPEAKER We move then onto Order of the Day No. 2

NO 2 - THE ROAD TRAFFIC AMENDMENT NO 2 BILL - 1998

MR BROWN Mr Deputy Speaker the purpose of this Bill was to enable members of the Police Force to require a person to have a blood sample taken if the member has reasonable cause to suspect that the person was the driver of a motor vehicle involved in an accident or that the member has reasonable cause to suspect that the person was in a motor vehicle at the time of the accident and doesn't not know the identity of the driver of the vehicle. The Bill in its original form also made consequential amendments to existing procedures for taking blood samples. Mr Deputy Speaker this Bill has been the subject of very extensive consultation between the Legislative Counsel, the Norfolk Island Police and the Norfolk Island Hospital and as a result of that discussion some further amendments have been proposed. Those amendments are in the main, amendments which have been inserted at the request of the Norfolk Island Hospital in order to clarify their situation. I will speak briefly now in

notice do you really need to decide whether it is common sense or not. It sort of leaves me dumbfounded. I would propose that we go ahead and pass the whole Bill as it is.

ACTING DEPUTY SPEAKER Thank you Mr Robinson.

MR BROWN Mr Deputy Speaker another option may be for me to move the amendments and if Members feel that more time is needed in relation to that particular section, Members could vote that section out today and by leave I could re-introduce it on another occasion.

ACTING DEPUTY SPEAKER Thank you Mr Brown. We're still dealing with the agreement of the Bill in principle and I think some of those issues can be handled in the detail stage. Further debate.

MR NOBBS I'm not going to support it because I feel as though we need with these Bills, regardless whether it's sensible or not is it sensible to have a one foot. I mean I've been through this before in the Territory Ric and as far as travelling in the back of vehicles and whether it's one foot or 3 foot or 6 foot or whatever it is. I mean you've got to work these things out. Now I don't believe that a 1 foot, which I understand here, I don't think it's 3 metres, I think it's .3 of a metre but I could be corrected on the back of a truck is really warranted. I mean it's an arbitrary figure, that has been put up and whether it's right or not I'm not too sure and therefore I wouldn't vote on it. I can't vote on it because I'm unclear on it and I think we need some advice from outside. In relation to the motor bikes, that was discussed gentlemen about two months ago and so it's going to be rushed through today. I mean I can't see the reason myself but I think we should refer the whole thing back as a proper Bill to the people and wait your next three weeks or whatever it is until the next meeting and deal with it then.

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Is there any further debate on the question that the Bill be agreed to in principle. There being no further debate then I put the question. Question is that the Bill be agreed to in principle.

QUESTION PUT
MR NOBBS NO

ACTING DEPUTY SPEAKER The Ayes have it. We now move to the detail stage.

MR BROWN Mr Deputy Speaker I move the detail stage amendments as circulated.

ACTING DEPUTY SPEAKER The question is that the details amendment as circulated be agreed as a whole. Do you wish for the House

MR BUFFETT Before you do that Mr Acting Deputy Speaker just let me test this with Members. We've agreed to the Bill in principle, so we're on track about wanting to do something about it. Mr Nobbs has raised some concerns about various internal contents of that Bill and the matter of further community consultation. Let me just now test as to whether Members are comfortable to just pause and let that go through a community consultation process by saying let's adjourn the matter until next sitting and I'm putting that Motion to you.

ACTING DEPUTY SPEAKER The Motion is that the detail stage amendments be adjourned and made an Order of the Day for a subsequent day of sitting. Is there any debate.

MR BUFFETT I think that question is that it be put.

ACTING DEPUTY SPEAKER Then I put that question
QUESTION PUT

Would the Clerk please call the House

MR SMITH	NO
MR BUFFETT	This is that the matter be adjourned - AYE
MR BATES	AYE
MR GARDNER	NO
MR ION-ROBINSON	AYE

MR ADAMS Just seeking some clarification Mr Acting Deputy Speaker.

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

MR SMITH	AYE
MR BUFFETT	AYE
MR BATES	NO
MR GARDNER	NO
MR ION-ROBINSON	NO
MR ADAMS	NO
MR NOBBS	AYE
MR BROWN	NO

ACTING DEPUTY SPEAKER The Aye's 3 the Noes 5 the Motion of adjournment is defeated. We move to the detail stage. Mr Brown were you proposing that they be agreed to as a whole.

MR BROWN Mr Deputy Speaker perhaps Members could indicate their thoughts in relation to the section about sitting on the back of a truck because apart from that section I would ask that they be dealt with as a whole.

ACTING DEPUTY SPEAKER Well the question is Mr Brown that the amendments be agreed to as a whole. Do you wish to remove that Motion

MR BROWN Mr Deputy Speaker could I suggest that the amendments be dealt with by firstly considering paragraph 6 in relation to riding on the back of a vehicle, that is paragraph 6 of the amendment and that whether that be won or lost I would then ask the House to deal with the remainder of the amendments as a whole.

ACTING DEPUTY SPEAKER Thank you Mr Brown. I believe that requires the move the of House Mr Brown, so I'll ask the House if leave is granted
AYE

Leave is granted Mr Brown. We will deal with amendment No 6 on page 7 of the amendments circulated on the 14th of September 1998 which deals with page 6 and after line 33 insert the following clauses. Do Members wish me to read those. Are Members familiar with what we're voting on. We're considering the point 6 on page 7 of the amendments which deals with passengers in unenclosed positions in vehicles insertion No. 10. Further debate.

MR ADAMS Are we voting on a yes or no or voting to delay the thing.

ACTING DEPUTY SPEAKER We're voting on whether we agree with this amendment.

MR ADAMS So somebody in my position agrees with Ron that there should be more consideration or particularly public comment I'm left with a yes or a no situation.

ACTING DEPUTY SPEAKER Is there further debate on that

MR BROWN Mr Deputy Speaker if any of our Members feel that this change should not be made without being considered by the public it's appropriate for them to vote no and I will simply re-introduce it at a later time. If Members feel that it is a common sense thing and that they would like to see the change happen as quickly as possible they would vote yes and we'll see how it goes.

MR NOBBS Just a point on that. It sends a message to the community that if Chinny and I vote against it that we're against the thing. I mean I'm not against it in the principle. What I'm against is that going ahead with it without public consultation and particular problem whether .3 of a metre is high enough or not.

MR BUFFETT Could I suggest Mr Acting Deputy Speaker that you seek leave of the House for that particular clause to be discharged. That means we don't make a decision upon it but Mr Brown can bring it forward at another time and we progress with the rest of the Bill.

ACTING DEPUTY SPEAKER I'm not sure where that leaves the rest of the Bill.

MR BROWN Mr Deputy Speaker if the majority of our Members are of a mind to not deal with that section today then I would happily seek leave to withdraw that section. On the other hand if the majority of our Members are of the view to deal with it today then I wouldn't want to further delay it. In other words if Members could give a bit of an indication of their feelings in that regard.

MR NOBBS Can I move it. I'll move it

ACTING DEPUTY SPEAKER Well the question is basically as to whether Members agree with that clause or not and leaves Mr Brown with an option.

MR SMITH Thank you Mr Acting Deputy Speaker. This is part of the problem that we were talking about before when we had our little altercation as Ron called it because we're not all familiar with the thing that's being introduced and there are things that we feel...well I feel

MR BROWN Let me simplify things. Could I seek leave to withdraw that particular section.

ACTING DEPUTY SPEAKER The question is that Mr Brown is seeking leave to withdraw that particular section which deals with section 44 of the Act. Is leave granted.

AYE

NO

MR BROWN There may have been a misunderstanding. I wonder if you could put the vote back to the House again on the question of whether I can be granted leave to withdraw those provisions.

ACTING DEPUTY SPEAKER Thank you Mr Brown. I will put the question then. Is leave granted for Mr Brown to withdraw amendment section 44d of the Road Traffic Amendment Bill.

AYE

Leave is granted Mr Brown.

MR BROWN I move that the remainder of the proposed amendments be dealt with as a whole.

ACTING DEPUTY SPEAKER That section is withdrawn and the Motion is that the rest of the amendment of the ? dated the 14th of September 1998 be taken as read and agreed to as a whole. Further debate.

MR SMITH Just to make sure we're all clear on this Mr Acting Deputy Speaker. These detail stage amendments will allow 15 year olds to be able to ride 185cc motor cycles. It will create an offence of driving under suspension. It will make provision for the roundabouts and the rules that go with it and it will provide that a special licence is not available where a licence has been suspended for non-payment of Court fines or traffic infringement notice penalties. Mr Brown could you confirm that that is what we are debating on.

MR BROWN There are 2 additional things Mr Deputy Speaker. One is to provide for evidence to be given by certificate in relation to the blood tests to save the Doctors having to come and spend time at the Court. An accused person is able to say "look I want to cross examine the Doctor" and in that event the Doctor has to come, but unless the Doctor is specifically required to come he wouldn't be needed and the final thing is the restriction on action section which protects the Hospital staff in particular from actions in respect of any act done or omitted to be done in good faith in performance or purported performance of a function under this Act. And the final thing is it makes no provision for camels. Members may have read with interest in the Mainland press that a gentleman at Oodnadatta is presently before the Court for riding a camel whilst under the influence of intoxicating liquor. These amendments do deal with horse drawn vehicles but not vehicles drawn by camels.

ACTING DEPUTY SPEAKER Is there any further debate.

MR ION-ROBINSON I move that the question be put.

ACTING DEPUTY SPEAKER The question is that the amendments be agreed to.

QUESTION PUT

QUESTION AGREED

ACTING DEPUTY SPEAKER The question is that the remainder of the Bill be agreed to. Any debate. Then I put the question that the remainder of the Bill be agreed to

QUESTION PUT

QUESTION AGREED

ACTING DEPUTY SPEAKER I now seek a Motion that the Bill as amended be agreed to.

MR BROWN I so move Mr Deputy Speaker.

ACTING DEPUTY SPEAKER The question is that the Bill as amended be agreed to. Any debate. Then I put that question.

where without an openness it is quite possible that the innocent may be more maligned than the guilty. I would like to be assured that the written statements are equally accessible to the public where its heard under current committal arrangements. The Bill also covers the non payment of court fines, an issue which was brought to my attention last year and has proven to be a problem. It is pleasing to see that the issue is being addressed. Finally it appears that there are problems with existing debt provisions related to the enforcement of those debts. All these provisions appear quite fair and I support the Bill

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Any further debate? There being no further debate I put the question that the Bill be agreed to in principle

QUESTION PUT

AGREED

The ayes have it. The Bill is agreed to in principle. We now move to the detail stage? Mr Brown you have foreshadowed detail stage amendments

MR BROWN Mr Deputy Speaker I move that the detail stage amendments of draft dated 15 September 1998 be taken as read and agreed to as a whole

DEPUTY SPEAKER I seek an indication from Members that they do not wish each of the amendments to be moved one at a time. Is there debate on the amendments as a whole or the draft dated 15 September 1998 be taken as read and agreed to as a whole. Then I will put that question to you Honourable Members

QUESTION PUT

AGREED

The ayes have it. The question is that the amendments be agreed to

QUESTION PUT

AGREED

The ayes have it.

MR BROWN Mr Deputy Speaker I move that the Bill as amended be agreed to

ACTING DEPUTY SPEAKER The question is that the Bill as amended be agreed to

QUESTION PUT

AGREED

The ayes have it

FIREARMS AMENDMENT BILL 1998

We resume on the question that the Bill be agreed to in principle and Mr Ion Robinson you have the call to resume

MR ION ROBINSON Thank you Mr Acting Deputy Speaker. As a holder of one of the largest private collections of firearms on Norfolk Island I have a huge interest in seeing that this Bill becomes law rather than wait for our colonial overlords to pass a special legislation for us. This being the case I will be abstaining from voting on this issue. It strikes me that all Members here are opposed to being dictated to by the vote catching policy's of politicians in Canberra. Particularly in view of the fact that their Firearms Laws do not do a thing for mental health, which of course is the real root of the problem they are trying to cure. My Honourable colleague, Mr Buffett has presented us with an amendment to the amendment I first introduced into the House some time ago. Essentially it is to remove the requirement for all transactions to be handled through a firearms dealer. I have not had the chance to run this by the Attorney General's Department yet, so at the appropriate time I would hope

that Mr Buffett or myself will adjourn debate on the matter and make it an order of the day for the next sitting, however, we will see what debate there is and take it from there

ACTING DEPUTY SPEAKER The question is that the Bill be agreed to in principal. Is there any further debate?

MR NOBBS Thank you Mr Acting Deputy Speaker. Over the last six months or so we've had passed us a series of amendments to the Firearms Act. It seems that every time we turn around here comes another one, but the latest was two days ago and now we have an additional amendment proposed today. My view is that we should not progress the issue today or possibly not even at the next meeting. May I say at the outset Mr Speaker that I'm in favour of stricter gun controls. I don't accept the argument that the population in general needs to have semi or automatic weapons. Certainly the butchers and some others need semi automatics, but not the community in general. Being such a small place an under current practices, I would like to see the butchers being required to fit silencers to their particular guns. A big concern locally in the proposed amendment to the Act are seen to be being pushed by Australia when firearms fall within schedule 2 of the Act and that is the responsibility of the Island. The Commonwealth is pushing the issue of uniform gun laws, which is it's right I guess but the issue is still our responsibility. I was a little upset receiving in my letterbox last week, a pamphlet produced several years ago by Australia. The pamphlet contained some information but did not explain the situation in relation to Norfolk. Thus it was fairly irrelevant. In my opinion it did nothing to assist the issues. Quite the contrary. My belief Mr Acting Deputy Speaker is we should look to see how best to progress from here. The following course of action is suggested. Firstly we must ensure that the Bill is complete. That is, all amendments are in place. Secondly we must provide for the people a proper explanation of the Bill. That is, a decent letter drop must be made. Thirdly we must leave time for public comment. Finally, when all, including myself, are clear on what is actually proposed, then and only then should the Bill be debated. This may be concluded in one month or it may take two. Mr Acting Deputy Speaker I don't think even the Commonwealth can complain if we take such an obvious course, so I thus seek leave to move, Firearms Bill 1998 be not debated further until it is completed to stage where all proposed amendments are inserted; an explanatory document has been completed and circulated as widely as possible on the Island and reasonable time is allocated for comment from the community

ACTING DEPUTY SPEAKER Mr Nobbs we do have a motion before the House that the Bill be agreed to in principle

MR BROWN Mr Deputy Speaker it's very tempting for me to suggest to Members that this has been around for a long while and we should get rid of it today by making a decision but David has put forward an amendment which seems to me to have alot of sense to it. It seeks to simplify the ways in which a gun can be disposed of but it may be that the Commonwealth will get their you know what's in a tangle if we pass David's amendment today so if we think David's amendment has sense then I don't think we have much choice. I think we do need to further adjourn consideration of the Bill so that Ric can consult with the Commonwealth in relation to that particular provision but I hope that we have seen the last of the Commonwealth's comments at this stage because if they continue to come back to us a few days before each meeting with yet another change, and I'm not suggesting that they are tempted to do that on this occasion, this is our own change being proposed but if we continue to get proposed changes from the Commonwealth a few days before meetings we will never get to the end of this

ACTING DEPUTY SPEAKER Thank you Mr Brown. Is there any further debate on the question that the Bill be agreed to in principle. Then does somebody wish to move that it be adjourned

MR ION ROBINSON Thank you Mr Acting Deputy Speaker I so do

ACTING DEPUTY SPEAKER The question is that debate be adjourned and made an order of the day for a subsequent day of sitting. Is there any debate? Then I put that ...

MR NOBBS Mr Acting Deputy Speaker I suggested a course of action. I'm not too sure how best it should be progressed, whether we

ACTING DEPUTY SPEAKER Mr Nobbs I must put that question without debate. The question is that debate be adjourned and made an order of the day for a subsequent day of sitting

QUESTION PUT

AGREED

The ayes have it. Mr Nobbs you may now seek leave to move a motion if you wish

MR NOBBS Mr Acting Deputy Speaker I seek leave to move the following. The Firearms Bill 1998 be not debated further until it is completed to the stage where all proposed amendments are inserted; an explanatory document has been completed and circulated as widely as possible on the Island and reasonable time is allowed for comment from the community

ACTING DEPUTY SPEAKER Is leave granted. Aye. You have leave Mr Nobbs

MR NOBBS I so move Mr Acting Deputy Speaker

ACTING DEPUTY SPEAKER Is there any debate on that motion Honourable Members? Have you a copy of that motion Mr Nobbs. The motion reads that the Firearms Bill 1998 be not debated further until it is completed to the stage where all proposed amendments are inserted; an explanatory document has been completed and circulated as widely as possible on the Island and reasonable time is allowed for comment from the community. Further debate

MR ION ROBINSON Thank you Mr Acting Deputy Speaker just one correction there. It is not the Firearms Bill it is the Firearms Amendment Bill because we already have the 1997 Firearms Act

ACTING DEPUTY SPEAKER I will insert that in the motion Mr Nobbs. The Firearms Amendment Bill 1998 be not debated

MR ADAMS Thank you Mr Acting Deputy Speaker. Whilst I support the concept that Ron is trying to further here, particularly as it relates to public comment and the seeking out of such comment, because I think the Assembly to date has not gone as far as it could have in eliciting genuine public comment and seeking peoples responses nor telling them fully what the implications and ramifications of the original Bill and the subsequent amendment in the Bill will have, or the effects it will have on their firearms ownership and I ask Members of this House, if they are going to go down the path that Ron suggests, which I think is worthwhile, I ask them, are they in fact serious and by that I mean, when we get public comment, if we get public comment on some points where the community of Norfolk Island who we shouldn't lose sight of the fact, pays our wages, if the community of Norfolk Island have a view that is different to these continuing amendments that tumble out of Canberra on a revolving and repetitive basis, what are the amendments going to do. Is this simply a farce where we are attempting to play the professional politician and give the appearance that we are genuinely seeking comment and if we get genuine comment we are going to do something about it, or at the end of the day

once they've had their say, they'll be duly ignored and will simply vote accordingly to the amendments that some of the people keep rattling out to us from Canberra. I wonder if Members could generally respond to that and say, if we are going to go down Ron's track, are we serious. Are we seriously going to take notice of the community's comments or is this simply window dressing, thank you

MR NOBBS I can assure Mr Adams that there is no window dressing in this lot. It is a genuine attempt on my behalf to gain some insight into what the amendments are personally for myself and also allow the community to have a say on what is exactly proposed and whatever they say, that's it because we're nearly half way gentlemen

ACTING DEPUTY SPEAKER Thank you Mr Nobbs. Then I put the question, and the question is that the Firearms Amendment Bill 1998 be not debated further until it is completed to the stage where all proposed amendments are inserted; an explanatory document has been completed and circulated as widely as possible on the Island and reasonable time is allowed for comment from the community

QUESTION PUT
AGREED

The ayes have it

LEAVE

MR BROWN Mr Deputy Speaker I seek leave to move a motion in relation to Strategic Planning. By way of explanation I have this morning circulated to Members the draft of that motion but I will be seeking to make two amendments to it. The first amendment is to the paragraph numbered 2 after the word "that" at the commencement of that paragraph I'm proposing to insert the words "the senior management positions on" so that would read that the senior management positions on page 65 of the Strategic Review which was tabled in this House on 20th May 1998 be adopted subject to amendment as attached hereto and the second proposed change is on lines 1, 2 and 3 of paragraph numbered 3 by deleting the words beginning "approval of the tenders" down to the word "review" at the beginning of the third line and inserting in their place the words "expert assistance". Mr Deputy Speaker the purpose in seeking leave to move this motion today is to firstly get the motion on the table and secondly if Members are happy to deal with it today bearing in mind that this has been the subject of significant discussion between us all for some time, to actually pass these motions so that the public service in particular knows exactly where we are planning to go

ACTING DEPUTY SPEAKER The question is, is leave granted for Mr Brown to introduce his motion. No

MR BROWN I move that so much of Standing Orders as may be required be suspended Mr Deputy Speaker so as to enable this motion to be moved today

ACTING DEPUTY SPEAKER There was one dissenting voice so leave cannot be granted by the House so the motion that Mr Brown has moved is similar to the one we had earlier that so much of Standing Orders that would prohibit this matter from coming on today be set aside. Any debate?

MR BUFFETT Just to say Mr Acting Deputy Speaker, the reasons for saying no are really the same reasons that I expressed to the House earlier. That there should be appropriate notice given, especially matters of real substance. These matters have been around for some time but the proposal that is in front of us, the words and the actual proposal was given to us this morning and I think the matter deserves better attention than just dropping it on us in that way and disregarding the appropriate notice giving arrangements

ACTING DEPUTY SPEAKER Thank you Mr Buffett. Is there further debate on the question that Standing Orders be suspended. There being no further debate I put the question that so much of Standing Orders that would prohibit this matter from coming on today be set aside
QUESTION PUT

ACTING DEPUTY SPEAKER Clerk, would you please call the House

CLERK	MR SMITH	AYE
	MR BUFFETT	NO
	MR BATES	NO
	MR GARDNER	AYE
	MR ION ROBINSON	AYE
	MR ADAMS	AYE
	MR NOBBS	NO
	MR BROWN	AYE

The ayes five, the Noes three Standing Order 244 requires the support of six Members. That matter cannot be proceeded with

MR BROWN Mr Deputy Speaker I wonder if I could just raise a question in relation to that vote. This is a matter which deals with the public service and I wonder whether...

ACTING DEPUTY SPEAKER We were voting on Standing Orders Mr Brown

MR BROWN Yes. I'll accept that

ACTING DEPUTY SPEAKER We move to the Fixing of the next sitting day. Mr Adams has the call but he is not in the House

FIXING OF THE NEXT SITTING DAY.

MR ADAMS Thank you Mr Deputy Speaker. I move that the House at it's rising adjourn until Wednesday the 21st October 1998 at 10am.

ACTING DEPUTY SPEAKER Thank you Mr Adams. Is there any debate. Then I put that question to you Honourable Members
QUESTION PUT
AGREED

The ayes have it

ADJOURNMENT

MR GARDNER Thank you Mr Acting Deputy Speaker, I move that the House do now adjourn.

ACTING DEPUTY SPEAKER The question is that the House do now adjourn. Is there any debate. Mr Brown

