

subsequently take that ticket back and refuse to allow it to be used in the case of a deportation or in the case of a person wanting to leave the Island has yet to be sorted out.

MR NOBBS I've got a few for Mr Robinson. I'll just ask one now because others will want to do it. Transfer of land. At the last meeting in relation to transfer of land you said "You were advised that there is no documentation which indicates there was an undertaking on the part of the Commonwealth to transfer legislative responsibility for those function". In the light of this startling information, what have you done to ensure that the matter is rectified and we progress with all haste the transfer of land?

MR ION-ROBINSON As you are aware there's a lot of separate codes and bits and pieces to the land, the whole land plan and at the moment that is still being looked into by officers of the various departments. When those are all collated and put together I shall advise the House and come back to you.

MR NOBBS Just a second one on transfer of land. Also at the last meeting you referred to the preparation of plans of management for Reserves. Can you tell me who is paying for the preparation of such plans and secondly, Minister is it not strange that Norfolk Island is paying for preparation of plans which are Commonwealth who actually own and control the lands say that are essential for management of the Reserves and must be completed prior to transfer. I ask why the Commonwealth has not prepared such essential plans during the 85 years they have controlled the Reserves.

MR ION-ROBINSON That's a very good question. As Ron's aware the preliminary draft plan for Hundred Acres has been distributed to Members. As to the funding of it I take your point. It is a good question.

MR NOBBS Also at the last meeting you mention that the National Capital Authority, that's the Canberra people had stated that a draft of additional plans, some of which you referred before, are required. Will these additional plans be required before transfer of land is contemplated? Who will pay for these plans and Minister would I be excused for such a cynical thought that all this additional requirements are delaying tactics and such requests will go on for ever and ever and a day and what do you intend doing about this preposterous situation?

MR ION-ROBINSON Thank you Mr Nobbs. Yes as I said before we are looking into it and hopefully once we gather up all the information we'll be able to hit them with these questions.

MR SPEAKER Thank you Mr Ion-Robinson. Any further Questions Without Notice.

MR BATES I have a couple for yourself Mr Speaker.

MR SPEAKER Yes I might come down now. Mr Buffett if you could take the Chair for me please.

MR BATES Thank you Mr Deputy Speaker. Question to Mr Smith the Chief Minister.. The Minister is aware that Members wish to have at the very least observers status if and when an Intergovernmental meeting takes place between Executive Members and the Hon. Alex Somlyay. Can the Minister give Members an assurance that this can be arranged?

MR SMITH Thank you Mr Bates for that question. It has been my view in the past that I have not had a problem with Members being in on the Intergovernmental meeting, of course understanding the rules that it's the Ministers that would be holding the discussions. However in recent times there has been some question of whether that should happen or not at the next

Intergovernmental meeting but at this point it hasn't really been discussed Mr Bates. Maybe in the next couple of weeks I can advise you on the feelings of all those involved in an Intergovernmental meeting.

MR BATES Yes thank you Mr Deputy Speaker. Further question for Mr Smith the Chief Minister. Last November you undertook to seek an authoritative response on how the Commonwealth views Norfolk Island in the overall scheme of things should Australia become a Republic. Could you bring Members up to date on what you have done and what response you have had, if any?

MR SMITH Thank you Mr Bates for that question. I can't say that I've had a response to the queries that were made at that time. Maybe I can take that and check it out and give you more information at the next meeting Mr Bates.

MR BATES Thank you Mr Smith. Final question for Mr Smith the Chief Minister. What is the present status of the John Howard Report, including Strategic Planning and what public consultation is to take place when the draft report is received.

MR SMITH Thank you Mr Bates. I was actually going to make a short Statement about that but I can answer that question now. The current status is that John Howard, the Consultant that's involved in this Strategic Planning process arrives back on the Island on the 19th, which is next Sunday. He'll be meeting with Members to present the Draft Report, not only the Strategic Plan but the Public Sector Review. The first phase of that will be meeting with the Members and letting Members have their input into this Strategic Plan and as far as I'm aware there is still going to be a public meeting which was put in the Norfolk Islander in the early stages of this process, that there would be a public meeting for people to have input into the Strategic Plan because it needs to be stressed that the Strategic Plan is not my plan, the Governments plan, or the Assemblies plan. It's everybody's plan to, as a design for the future, and that's certainly what I'm hoping it's going to bring out.

DEPUTY SPEAKER Thank you. Further Questions Without Notice.

MR NOBBS Just another question for Mr Robinson. It's on World Heritage. Are you the Minister responsible for KAVHA and if so, do you approve the information distributed by the Norfolk Island Government in the current debate on World Heritage Listing of KAVHA?

MR ION-ROBINSON Yes that's part of the consultation process. The consultation process is far from over. In fact I'm going to be asking Mr Buffett, as the officer who attends the KAVHA meetings and who has been following up on the World Heritage issue to make a Statement and I will move that the Statement be noted so that we can all debate it at the appropriate time.

MR NOBBS Just another one for Mr Robinson. The proposed World Heritage areas sees a subtle extension of KAVHA to include the Sirius site. As the Sirius site is currently below low water mark, will this segment be legitimately part of the Referendum and if so, has the Commonwealth agreed to our request to pass the waters to the 12 mile back to the Island?

MR ION-ROBINSON The first part first. There is no, I have a problem with extending it to the Sirius wreck site because there is no plan of management to cover it and one of the pre-requisites for World Heritage is that they have a plan of management in place and will act upon it, and as far as the 12 mile limit we have not heard back.

MR NOBBS Just a follow up to that. In relation to the preparation of plans of management for Reserves I refer you Minister to the Reserves which lie within the KAVHA area. A large percentage of what one would expect in a plan of management are readily available in

MR NOBBS Just got a couple for the Chief Minister. First one is the Annual Report and I ask again. It's now 10 months into the current year. When will the latest Annual Report be available.

MR SMITH Thank you Mr Nobbs for that question. I seem to remember just in recent weeks, I seem to recall that I actually copied the latest advice to Members. It was a question that was not necessarily required to be answered as Questions On Notice. I'm sure that I, at the last meeting it wasn't brought up and I circulated the answer to that question at that time and I can't remember all the facts that were in it. I think I just better leave it at that Mr Speaker.

MR NOBBS I have asked this on numerous occasions and you did circulate some information but I thought the public might be interested. Just another question. A unanimous Motion was passed in the House at the last meeting related to the sea around Norfolk Island. As the responsible Minister what have you done to progress the matter.

MR SMITH Thank you Mr Nobbs. Simply put I have done little with that at this point considering the other issues that are around. I haven't done a thing about it Ron to be honest.

MR NOBBS I understand, I know we're not too sure on this but you are representing Mr Robertson is that right?

MR SMITH While Mr Robertson is away I do look after anything that needs to be attended to urgently but I don't know that I could answer any questions on Mr Robertson's issues.

MR NOBBS Well I'll ask it because I think we need some answers either by yourself or the Minister. Has the Minister responsible provided a revised budget for the Burnt Pine Upgrade and if so when will the revised budget be made public.

MR SMITH Shall I answer that or not. There has been a revised budget. I can't remember all the details of it at the moment Mr Nobbs. It can be made public at any time.

MR NOBBS Year 11 and 12 fees. You might be a little happier with this one. Can you give the public an idea of the progress to date on this please George.

MR SMITH O.k. I think I can do that quite easily. The people that had paid school fees in the years 11 and 12, school fees for years 11 and 12 in earlier years. We wrote to people saying that if the Assembly had agreed to repay school fees that were paid at that time and I think to date almost all those parents have made a claim and I assured them that they would all be paid.

MR NOBBS Cheques in the mail.

MR SMITH Cheques in the mail.

MR NOBBS Just another one on the Internet. We were told that, or we felt that May the 1st was the date for the Internet kick-off. Is that a sort of an assumption and have the charges been worked out as yet.

MR SMITH Thank you Mr Nobbs for that question. Yes it's all, the equipment has arrived on the Island. There's been some renovations being done at Telecom to be able to fit the equipment in. We're still looking at the 1st of May. The rates, we've been working on and I got some advice yesterday about what the rates possibly should be, particularly if we want to cover our costs I suppose is the way I should put that. My intention is with the agreement of the rest

of the Government that we would be running whatever rates we come up with for, in the first instance for a period of 3 months because we've got no idea how many people really will connect to the Internet so we'll set a rate that will run for a period of 3 months and see how the community reacts to it and also to, what sort of revenue it brings in and at that time we will revise it, hopefully downwards and so far it's all on track.

MR NOBBS I'll just ask one for Mr Brown to keep him awake. Minister recently you had at Government expense an expert on Immigration matters visit the Island. Will you be making a Statement on the reasons, results and other commitments of this visit.

MR BROWN Mr Deputy Speaker I won't be making a Statement today. I have about half of the material back from Mrs Paddick at the moment.

DEPUTY SPEAKER Order gentlemen order. Really there are a number of conversations going on in the House at this moment. If Members wish to consult with each other they might just take a break outside to do that but it does impair by the Member who has the floor.

MR BROWN Thank you Mr Deputy Speaker. It needs a couple of days of my time to enable Mrs Paddick to complete the present project. Certainly I'll be providing material to Members and I'll be providing a copy to the Immigration Committee for comment.

MR GARDNER Thank you Mr Deputy Speaker. A question this morning to the Minister with responsibility for the Public Service. Minister what procedures have been followed for the filling of the vacancy of Secretary to Government.

MR SMITH Yes I've got a. I was going to give a Statement but I can tell you what it is now. The position of Secretary to Government as Members are aware is currently vacant. As an interim measure it is arranged for Mr Ray Gallagher to occupy the position from the 13th of April until the 24th of April. Mr Gallagher will be paid the same remuneration as a permanent occupant of the position during his term subject to normal adjustments as well as travelling and other incidental expenditures are being met and the total cost has been capped at \$6,000. Also additional to the duties of the Secretary to Government position Mr Gallagher will be reviewing the situation in regard to progress in implementing the Land Review Package of legislation. Mr Gallagher is based in the Secretary to Government's office at the moment and is available to Members in the normal manner of the position.

MR GARDNER Supplementary Mr Deputy Speaker. George I notice there wasn't an advertisement for this temporary position.

MR BROWN Point of Order Mr Deputy Speaker. We're dealing with personal matters relating to an employee at this stage and I wonder whether it's appropriate that these matters be aired and put over.

DEPUTY SPEAKER Yes I accept your Point of Order Mr Brown. If we're delving into terms and conditions you have a Point of Order.

MR ADAMS Mr Deputy Speaker I understand that that relates to an Officer. I also further understand this situation is somebody who's working in a position of Consultancy.

DEPUTY SPEAKER This relates to an officer and an officer means an officer or an employee of the Norfolk Island Public Service. It may well be that I might need to seek some guidance as to whether the person we are talking about is in fact an employee. I would assume he is not an officer at this time but may well be an employee and that I'm not aware of at this moment. I

think we would best ask you as Chief Minister if you would clarify that point, and until that point is clarified we might pause on pursuing on that matter.

MR SMITH Yes it's a Consultancy basis that we're talking about, if that's any help.

DEPUTY SPEAKER I would need to be advised as to whether it is an employee under the Norfolk Island Public Service.

MR SMITH It's not

DEPUTY SPEAKER It's not.

MR SMITH It's Consultancy.

MR GARDNER Thank you Mr Deputy Speaker. May I proceed with my question.

DEPUTY SPEAKER On that basis, yes.

MR GARDNER Thank you very much. George as I said I noticed that the position wasn't advertised. Why were the persons already within the Service overlooked for this vacancy considering that at least 3 of them have temporarily filled this position in the past.

MR SMITH If your referring to the Programme Management system that we use, well I can say that it was felt that this time it would be helpful if a person like Mr Gallagher that we've got for the Consultancy can also help out with the Land Package Review which is pretty important stuff anyway. It was felt that we could do 2 jobs at the same time.

MR GARDNER Yes I'm referring specifically to Secretary to Government George.

MR SMITH Yeah

MR GARDNER Minister are the actions taken in filling this vacancy consistent with policy considering the decision was made by Ministers on the whole should be consistent with such policies.

MR SMITH Well that's a good question. Maybe I really need to get you a proper response to that Geoff. I'm not too sure what's happened in the past with situations like this.

MR GARDNER Supplementary Mr Deputy Speaker. Is it intended that the policy that we've put in place now in filling this temporary position will be continued in the future in other such vacancies.

MR SMITH Well I wouldn't think so and I don't know that there is such a policy that your referring to Geoff. It was something that had to be taken up fairly quickly with the vacancy in the position. If it's causing Members concern we certainly need to talk about it.

DEPUTY SPEAKER Further questions.

MR ADAMS Supplementary to that Mr Deputy Speaker. Given the obvious confusion that seems to be involved around this position and how it's going to work, why weren't all of these matters sorted out before actually putting somebody on the pay-roll to undertake the task.

MR ADAMS Thank you Mr Deputy Speaker. A question for Mr Robinson as the Minister responsible for KAVHA area and therefore as an oversight role in the World Heritage process at the minute. Minister who paid for the World Heritage letter drops in our post boxes in recent days.

MR ION-ROBINSON Thank you Mr Deputy Speaker. I understand the World Heritage people did.

DEPUTY SPEAKER Further Questions Without Notice.

MR NOBBS Just a couple for Mr Robinson in relation to World Heritage in these articles that have been appearing in the paper. There's one on the 4th of April that stated that the assessment was funded by the Commonwealth. What your saying is that there was no funding by the Norfolk Island Government.

MR ION-ROBINSON As I understand it at this stage no.

MR NOBBS Who would have paid for Mr Buffet's participation.

MR ION-ROBINSON I understood it to be KAVHA. So yes there will be funding in an indirect way.

MR NOBBS Wouldn't you agree that Mr, the Members Bank Manager would consider it's a fairly direct way as far as salaries and the likes are concerned.

MR ION-ROBINSON That's a fair point yes.

MR NOBBS The other one there on the 4th of April there was references made to how wonderful things are on Lord Howe Island. Unfortunately this is not what we are lead to believe. Will the Minister consider bringing a long term Lord Howe resident to the Island for discussions on the impact on its inhabitants.

MR ION-ROBINSON Thank you Mr Deputy Speaker. If Mr Nobbs had been at the meeting last night, there was some confusion over the timing of that meeting in the paper. However there was a long term resident of Lord Howe there, Mr Michael Nobbs who has been there for 20 years and I specifically rang and asked him if he would attend to give his views on it and he did so.

MR NOBBS Sorry Minister it was unfortunate but I had a prior engagement. Next question was in the last article there. A question was put which stated would World Heritage listing, would it be another layer of Commonwealth Government legislation for Norfolk Island. The answer was no the World Heritage property Conservation Act already extends to Norfolk Island. My question is does it currently apply to Norfolk Island.

MR ION-ROBINSON Thank you Mr Deputy Speaker. The fact is that it does apply to Norfolk Island already. However it is not relevant to Norfolk Island until we have a World Heritage listing here. It turns out that as recently as last night the Commonwealth are now looking at passing legislation to become involved in environmental issues that happen within World Heritage areas. So the implications of that are being looked into now and in fact the Administrators Office has been asked to look into it. It's a concern and until we find out what the actual facts of it are I can't tell you more on that.

MR NOBBS Just a final one. Minister what do you intend doing to ensure that the current propaganda put out by the Norfolk Island Government supporting World Heritage is at least truthful.

MR ION-ROBINSON Can I suggest perhaps carrying a big stick and beating them over the head or. I'm sure that you'll find that they will endeavour to tell the truth in all these matters.

MR ADAMS Mr Deputy Speaker I move that Question time be extended by a further 10 minutes.

DEPUTY SPEAKER Proposal is that Question time be extended for a further 10 minutes. Is that agreed.

MR ADAMS Thank you Mr Deputy Speaker. A question to the Minister with responsibility for dealing with the Commonwealth. Minister when will the next Intergovernmental meeting be held and where.

MR SMITH Thank you Mr Adams for that question. It's looking like it will be early June.

DEPUTY SPEAKER Further Questions Without Notice.

MR ADAMS A question for Mr Smith as Finance Minister. Minister will you be tabling Financial Report in Statement time.

MR SMITH Financial, sorry

MR ADAMS Forecast, in the Statement time.

MR SMITH I'll be tabling the Financial Indicators if that's what your referring to. Yes.

MR ADAMS A question for Mr Smith as Finance Minister. Minister your in the process of introducing or proposing that accrual accounting be brought to Norfolk Island. I wonder if you could briefly give us the outline of how our system will benefit from the introduction of accrual accounting as opposed to the system that we use presently.

MR SMITH Thank you Mr Deputy Speaker. Mr Adams is referring to the difference between what we use now for the Revenue Fund which is cash accounting and changing that to an accrual accounting system as is used in all the Government business enterprises and in those areas that has been used for quite some years. There is advantages and disadvantages to using accrual accounting. The benefits of having cash, using cash accounting is what you've got is what you get. If you've only got, like in last years budget we had \$9.9M to spend and that's it and it's fairly obvious what funds are available. With accrual accounting it takes into account other things like your debtors and creditors, stock, and things such as that. I've had a personal view about changing to accrual accounting as Members are aware. I felt that we should be waiting a little bit longer before we introduced it. However as Members will be aware we talked about this around the table and Members feel they want to go with accrual accounting for the Revenue Fund so that is being progressed at this point, but there is different ways of using accrual accounting in the accrual accounting sense. It's yet to be determined what, just how the system will work. For our purposes for example if you want to include the value of roads in the accrual accounting process, it might not be very easy to do because how do you put value on roads. It's something that will be discussed over the next month or so around this table, or more informally I would guess. I think that probably answers your question as best as I can do today Mr Adams.

MR ADAMS Mr Deputy Speaker, supplementary to that. Minister is there an ability, given the answer that you've just given to us. Is there an ability to hide the true financial situation.

MR SMITH I don't know that I could answer that by saying yes because that sounds like it's something devious is being done. If you are asking whether it is possible under an accrual accounting system that some people may not get the, understand the true picture of financial yes, I understand that that does happen in other places.

MR ADAMS Supplementary to that Mr Deputy Speaker. Minister is that an aspect we need to be concerned about.

MR SMITH Oh absolutely. That is one of the concerns that I personally hold.

MR ADAMS Thank you Mr Deputy Speaker. A question for Mr Ion-Robinson as Minister with responsibility for the environment. Minister is there a time frame for the Public Reserves Plan of Management completion in their entirety.

MR ION-ROBINSON Thank you Mr Deputy Speaker. At the moment the Conservator is looking at prioritising the Plans of Management. As you know he has done a preliminary Draft of only one so far. The Cascade Cliff, he was fairly well along the way to and then decided well best not continue on with that until the Cliff Project is done. So at this stage he is prioritising the list and then hopeful, once we have this first one being put out to public consultation we can work out a time frame for the rest.

MR ADAMS Final supplementary Mr Deputy Speaker. Will the Plans of Management for the Reserves be completed before other initiatives are commenced, for instance such things as Marine Reserves.

MR ION-ROBINSON I would certainly hope so.

DEPUTY SPEAKER Further Questions Without Notice. Then we have concluded Questions Without Notice Honourable Members. There is one Question on Notice this morning which is Question on Notice No. 23. Mr Nobbs asked the Minister with responsibility for Finance. Did you want to respond to that this morning Chief Minister.

MR SMITH Thank you Mr Deputy Speaker. Mr Deputy Speaker Mr Nobbs has directed to myself as Minister for Finance and Strategic Planning the following Question on Notice relating to airport landing charges. A person who by virtue of being a free of charge passenger may be exempt from paying the prescribed landing fee at the Norfolk Island airport. Would the Minister for Finance table for each person so exempt during the period 1 July to 31 December 97 and also the names of each person and the name of the organisation each person was said to represent and the airline on which each person travelled. Mr Deputy

MR ION-ROBINSON Point of Order Mr Deputy Speaker. Standing Order 104 4(a) - Questions shall not contain statements or facts or names of persons unless they are strictly necessary to render the question intelligible and can be authenticated, so I think as you will be naming some people in this I don't know if you can ask that.

DEPUTY SPEAKER Are you about to do that Chief Minister.

MR SMITH I wasn't actually going to name the people. I've been asked to, well I have actually. I was assuming that what Mr Nobbs was wanting me to do was table the names, but I'm happy if Mr Nobbs is happy that I don't table the names but show him the list of names.

MR NOBBS Mr Deputy Speaker I asked that the table for each person and then I went on to say the name of the person, the name of the organisation and the airline that they travelled. I mean that, it's clearly there surely that I asked the Minister responsible for Finance to table. He doesn't have to read them out.

DEPUTY SPEAKER Chief Minister I accept the Point of Order that names should be only mentioned specific circumstances and where things can be authenticated, and if you are able to turn your answers to that question in terms of that it would be desirable.

MR SMITH So leave the names off.

DEPUTY SPEAKER Yes

MR SMITH O.k

DEPUTY SPEAKER But you may table that as requested by Mr Nobbs.

MR SMITH O.k then I'll continue with the answer. I'll answer to Mr Nobbs question as best I can on the basis of information provided to me by the Administration. During the period 1 July 97 to 31 December 97 only one airline, Norfolk Jet Express claimed exemptions from landing charges in respect of free of charge passengers. I have been provided with details of FOC exemptions, claimed by the airline during the period May 97 to 31 December. These figures have been broken down and there is a total of \$20,705-70 has been claimed for exemption. The FOC exemptions claimed during this period were dealt with by the Minister for Tourism and Commerce. No details of FOC passengers were supplied to the Administration regarding FOC exemptions claimed by Norfolk Jet Express for the period May 97 to November 97. However these claims were eventually proved by Mr Robertson, after a number of discussions with Norfolk Jet Express management. For the month of December 97 Norfolk Jet Express supplied a list of 163 FOC passengers for exemption was claimed during that month and I can table that list.

DEPUTY SPEAKER Thank you. Honourable Members Questions on Notice is also concluded. Presentation of Papers. Are there any Papers to present this morning.

PRESENTATION OF PAPERS

MR SMITH Mr Deputy Speaker thank you. I'd like to table the Financial Indicators for March. Thank you. I'd like to also table in Gary's absence the Inbound Passenger Statistics for March 1998.

MR NOBBS Can I move that that be noted.

DEPUTY SPEAKER In respect of the Inbound Passenger Statistics.

MR NOBBS Yes

DEPUTY SPEAKER The question is that that Paper be noted.

MR NOBBS George I don't know whether you'll be able to answer this but Queensland has increased dramatically in this '98. Does that take into account the people coming from Sydney. Is that just out of Brisbane or does that take account of the original point of embarkation do you know? Bearing in mind that some people come via Brisbane from Sydney.

MR SMITH To be honest Mr Nobbs I can't answer that at the moment. I know that in the past the place of residence was actually where they live. Whether it's still the same or not, I'm not too sure.

DEPUTY SPEAKER
Paper be noted. I put the question.

Further participation in the debate on the question that that

QUESTION PUT
AGREED

The ayes have it. Thank you. Further Papers.

MR SMITH
Mr Deputy Speaker I'd like to table Virements as I'm required to do. These Virements include, and Mr Nobbs might be pleased to know that the, his Virement of funds for the Burnt Pine Upgrading/ There is also the Virements for the Budget Review figures which we processed some time ago and the authorisation in the Virement was for a total of \$281,550-00 to various votes as per the budget review and I'd like to table those Papers.

DEPUTY SPEAKER
made.

Further Papers. Statements. Are there any Statements to be

STATEMENTS

MR SMITH
Yes I do have Statements thank you Mr Deputy Speaker. Mr Deputy Speaker I'd just like to report on some meetings that I had in Sydney and Melbourne last week. Last week I attended a series of meetings in Sydney and Melbourne in relation mainly to telecommunications. The main meeting was with the Company that supply and install the exchange at Norfolk Telecom in 1992. Ericssons is the Company and Ericssons had advised that their Company was upgrading all of the exchanges around the world with new software and also to pick up the year 2000 computer perceived problem. Late last year Ericssons sent two representatives to advise of their proposed upgrade that was to take place over the next 2 years. This was a very costly upgrade and we're talking about three quarters of a million dollars but later reduced to \$650,000 after getting Norfolk Island's initial reaction. It had become obvious that a face to face meeting had become necessary with Ericssons and the Norfolk Island Government. As much of what was being proposed may not have been of much use to us in our situation. I have to say Mr Deputy Speaker that the meeting was productive with both Norfolk Island Government and Ericssons agreeing that there needed to be a reappraisal of Norfolk Telecom's upgrade. Ericssons have agreed to revise the proposal which would be more suited to our needs and we are waiting for their response in the next week or so. Ericssons was in Melbourne, we flew down there to meet them and we came back to Sydney and we visited a Company that is interested in being instrumental in assessing our total future telecommunications needs for the implementation of such things as the Internet, Gaming systems and Offshore Finance Centre needs as well as telephony and television issues. This could be timely with the Joint Standing Committee looking into communications in Norfolk Island just around the corner. In actual fact a person from that Company which is called Main Marketing is expected to visit in the very near future to give the Assembly a presentation non their proposal. A visit was also made to Telstra our current carrier in relation to negotiating our current telephone rates and operating agreement among other things. Telstra has proposed some new rates for us to consider and we only need now to provide a counter proposal that will suit both Telstra and Norfolk Island for the next 12 month period. That should be concluded in the next 4 weeks. Mr Deputy Speaker I have a Statement to make on the Airport Stage 1 of the Airport

MR BATES
noted.

Mr Deputy Speaker can I move that that last Statement be

DEPUTY SPEAKER

The question is that the Chief Minister's Statement be noted.

MR BATES
Thank you Mr Deputy Speaker. I'm pleased that Mr Smith has had these talks with Ericssons. I find it rather amazing that a Company of the standing of this Company could sell us a product around about 1992, it was supposed to state of the art in which saw would stand us in good stead for some 15 to 20 years. To find that in under 8 years we're asked to

spend an additional three quarters of a million dollars just to make it work past the year 2000 and that fact I think is a big blunder by the supplier of this product. It's not our blunder and I find it a little bit disconcerting that a Company of this status can leave its clients in such a mess and I'm pleased that Mr Smith has endeavoured to at least reduce the cost by some \$150,00 to around about \$600,000 but I still just sit here in bewilderment that it can happen by a Company of this status. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER

Thank you. Any further contributions.

MR NOBBS

I've just got a couple of queries Mr Smith. The first one is in relation to the digital phones that were coming through. Have they been scrapped or what's happening with them, mobiles.

MR SMITH

Yes thank you Mr Deputy Speaker. Yeah I can tell you what happened there or what is happening there. I suppose I need to start right at the beginning when we were assessing whether we should have mobile phones. We put out for expressions of interest in persons supplying such systems and in that process it was found that the digital mobile phone system were extremely expensive that we then looked at analogue systems and we actually found a company that would supply an analogue mobile system at a reasonable rate which Members are well aware of and I mentioned it in the House before and we were progressing fairly well with that until Ericssons came over and they told us that we were going to have to pay \$750,000 to upgrade the exchange, well that would have taken all our money, so that was the first thing. We put that on hold. Other issues came about. The Joint Standing Committee is another one that's probably going to effect whether we run with mobile phones at this point or not but I suppose really the short answer is it's on hold at the moment Ron on the mobile analogue phones until we get a clearer picture of what's happening with the exchange, what's happening with the communications inquiry and also that other Company that I was talking about that's looking at our telephone needs.

MR NOBBS

I Like Brian, am very concerned with this Ericsson proposal and what's going on I think it's disgraceful what's happening but I'll leave it up to you George to see whether you can sort it out but what also concerns me is the, we heard that there's to be a Joint Standing Committee coming across and which would give us all the answers as the lady said on the radio so clearly and now we're looking down the barrel at another mob coming over here, a bunch of Consultants as well. Surely it's either one or the other isn't it.

MR SMITH

Thank Mr Deputy Speaker. I'd just like to mention that the Ericssons proposal, what they're doing. What they had in the past

MR NOBBS

Point of Order. It's not the Ericssons I'm talking about, it's these other people that are coming over to give us a presentation, you spoke to in Sydney I understand.

MR SMITH

I thought you were agreeing with

MR NOBBS

Surely we don't need them if we've got this Joint Standing Committee, or we don't need the Joint Standing Committee if we've got a Consultant coming across.

MR SMITH

Thank you Mr Deputy Speaker. Ron with Ericssons I was just referring to what you said in the first part of your thing and I was going to lead on to the second part. The Joint Standing Committee is not something that we've instigated. They are inquiring into what we're doing with telecommunications, television, postal services and things like that. We need answers. I'm assuming that the commission will want answers out of us on what we're doing. The people that this Main Marketing that are coming over to talk to us, they're putting a proposal to us which Members will talk with this Company. If you don't want to do it, or if Members don't want to do that that's our choice but I see benefits in that happening that if somebody like the Consultancy

Company that we're talking to can tell us what we're going to need in the next 2 to 3 years and we're able to put that to the Joint Standing Committee that we are looking at these sort of things it may be of benefit.

DEPUTY SPEAKER Further debate. No further debate. I put the question. The question is that that Statement be noted.

QUESTION PUT
AGREED

Thank you. Further Statements.

MR SMITH Thank you Mr Deputy Speaker. Statement on the Airport building. Stage 1 of the Airport Terminal building is I'm pleased to say nearing completion and it's probably only a week or 2 before the changeover from the old building will take place. The removal of the existing Airport Terminal building was put up for tender and a successful tender was let to Lyle Tavener to remove the building. A small portion of the building is to be retained for the Airport and it is intended to be used as an emergency management centre within the Airport boundary. I'm pleased to say the Airport project is running reasonably on time. It's probably 1 or 2 weeks late but that's not enough to be of concern and it is hoped that Stage 2 will commence very shortly. Stage 2 is the concourse and departures wing and I must add that this week it was agreed by Members that a conveyor system would also be installed in the departure area of the new check-in area. Mr Deputy Speaker in Gary's absence I would like to mention that Stage 1A of the Burnt Pine Upgrade is almost totally complete with Stage 1B already commenced. I must say that Stage 1A did have problems including an overrun of costs and other things that may have made people unhappy but I think the end result is something for us all to be proud of. I should say that a lot has been learnt from the project and those things should make the next stage easier. It is hoped that we can allocate funds in the next financial years budget to be able to commence Stage 2 of the Burnt Pine project and at this stage I would like to record our appreciation to all those involved in getting the project done so far. Mr Deputy Speaker a short Statement on the generator. Our new Caterpillar generator arrived last week from Sydney by the Royal Australian Airforce in their Hercules transports. This generator is well overdue. It should have been installed or bought years ago and I'm pleased to see it here. It will be some weeks before it's installed but when it is it will be an important part of the Powerhouse's ability to supply constant power to the Island. This machine is to replace the old Blackstone 1 megawatt generator that has really done its time and has become very expensive to maintain and run. I would also like to record our appreciation to the Administrators Office and to the Royal Australian Airforce for carrying the Caterpillar generator to Norfolk Island at no cost from Sydney to Norfolk Island. Thank you Mr Deputy Speaker.

DEPUTY SPEAKER Further Statements this morning.

MR BUFFETT Mr Speaker I have a Statement to make which is with the approval of the Minister who has responsibility for this matter and it relates to World Heritage listing situation. Mr Speaker Norfolk Island is to have a Referendum on the 13th of May on whether we should nominate the Kingston Arthur's Vale historic area for World Heritage listing. Last night a public meeting was held to put out information on World Heritage listing and also to consult with the community as a prelude or lead up to the Referendum in the context that I've just mentioned and those at the meeting specifically signalled that it would be useful for a Statement to be made on this subject here in the House today so that it might give a lead in the identification of relevant issues and encourage, enlighten debate on the matter and this Statement really is specifically to respond to that public meeting request and is done as I have just mentioned to you in cooperation with the Minister who has responsibility for the matter. Let me start by providing some background to this issue. The Commonwealth initiated this matter with Norfolk Island and commissioned 2 studies. Both of these studies were done by Consultants Dr Michael Pearson and Duncan Marshall and these studies both were aimed at examining whether there were convict sites that could meet World Heritage criteria and a steering group was formed to oversee this process. Norfolk Island continually stated its position in participating in the studies that it wished to assist to determine whether Norfolk Island and the other

sites could meet World Heritage criteria but the final decision as to whether Norfolk Island would want to nominate, if it could meet the criteria would have to be taken consultation with the Norfolk Island community and in all of the processes Norfolk Island has measured up, and that being the case the public consultation process, which was earlier foreshadowed has commenced and the proposal in a nutshell is that the Kingston and Arthur's Vale historic area, which is an area that has boundaries that was established probably some 18 or 20 years ago when the Kingston Arthur's Vale was put together as a convict site should be considered in this process and I should just mention that another matter that came out of the meeting was that it would be helpful if a better map were available which might define the area that I have just referred to and that is endeavouring to be done and published in the Norfolk Islander. So I just mention that that might be an additional piece of information for people to see. So the proposal is to list the Kingston and Arthur's Vale historic area and also the HMS Sirius wreck site, the Sirius being the flagship of the First Fleet, the establishment of the convict settlements on the Australian scene. This KAVHA area is proposed to be part of a serial listing. That is part of a group of listings and the other sites that are proposed are these. The Fremantle gaol in West Australia, Hyde Park barracks in NSW, part of the Great North Road in NSW, Port Arthur, Coalmines Historic Site, Darlington Historic Site and Ross Female Convict Station. Those last 4 being in Tasmania. So in this context Mr Speaker we have looked at a process of criteria as to whether World Heritage can be met and we are now at the second stage of the overall process, that is to decide whether we in Norfolk Island would actually want to be proposed given that background. So we know we meet the criteria but do we actually want to nominate and in making that assessment we do need to know of some of the implications that come with being listed on the World Heritage Register. The meeting last night said "Please tell us all of the issues", and I'm endeavouring this morning to spell out some of the issues. That is some of the pluses and some of the minuses that have been identified to date. The implications study which is a publication which has been circulated in the community and continues to be available has mentioned a number of pluses that might be available to Norfolk Island if in fact it wished to undertake this World Heritage listing. I'm just trying to collate my notes so that I gain all of those together. These are some of the examples of possible pluses. That Norfolk Island would gain international recognition as a site, and that that would place Norfolk Island on a pedestal in historic fabric terms above that that it may have at this moment. At present the Kingston Arthurs Vale historic area is on the register of the National Estate, that is an Australian register. This proposal would place it on a international recognition status. It is also said in the report that this would engender Norfolk Island pride which is additional to that already felt and exhibited. There is the prospect that this would increase tourism in the Island and also it is mentioned that it might give another mix to the tourist population that might come here. Mention is also made that World Heritage listing may also attract additional funding from the Australian Government. Members will know that in the Kingston and Arthurs Vale historic area it is moved over the last few decades in these sequences. There has been a significant program of restoration in earlier times. That moved through to a process of conservation and maintenance, not necessarily re-building but conserving what existed there. At present we have moved to a stage of interpretation, that is a stage of telling people all about what the Kingston and Arthurs Vale Area is and it must be acknowledged that funding in that area, if it could be achieved and may well thought to have a better chance if it was on the World Heritage list may be useful. Other factors that are mentioned are employment opportunities and if you want to really suss out and gain some further information I do refer you to this document which has been circulated and is available in quantity now called "Study on World Heritage Implications for Norfolk Island". So there are some of the pluses that you might like to consider. But of course there are also minuses Mr Speaker and I'd like to identify some of those minuses now and I'll probably be more fulsome about some of these minuses because all of these minuses are not actually in that implication study that I have referred to, but in fact they are around and in our process of putting it all out as the public meeting last night ask that we do then I think people should see the broad spectrum/ So let me talk about some of the minuses. One is that once your in, your in, which there is no withdrawing from World Heritage listing unless of course you lose the heritage values which placed you there in the first place. For example if you find it too demanding, or it doesn't suit the needs of the Norfolk Island community for reasons that may be unforeseen, we are not able to decide to withdraw. So once your actually in, your in. Another is that there will be extension of another piece of Commonwealth legislation to operate in Norfolk Island and

the piece of legislation I am referring to and indeed has been referred to earlier in this meeting during Questions Without Notice is the piece of legislation called the "World Heritage Properties Conservation Act" of 1983. That particular piece of legislation covers World Heritage Sites. When I mentioned this last night I foreshadowed that somebody would well have the right to jump up and say "well that piece of legislation already extends to Norfolk Island, it extends already," and that is true, that's very true. But let me point out that for realistic and practical extension of Australian control by extension of legislation there are two essential components that need to be in place. Firstly the Australian legislation needs to be, and it needs to extend to Norfolk Island, so that's the legal consideration. The second component is that an activity which the legislation covers also needs to be in place. That's the practical consideration. So practical extension of Australian legislation is immediate both of those two components are present. The trigger normally for us is we've experienced it here in Norfolk Island is that there is already an existing activity and the Commonwealth wishes to extend a piece of legislation. In respect of this particular matter it's the reverse. The activity doesn't exist at this moment but the legislation is there and it does extend. So in all practical terms it doesn't have the extension and that was a point made by the appropriate Minister during response to a Question Without Notice. But however, once there is the World Heritage listing here both of those two components will be present and then immediately it will have the effect of operating and extending legislation in Norfolk Island and that isn't the case at this moment. There had been concern that the view shed area that is the area that is outside the designated KAVHA area extends some of the restrictive aspects of KAVHA and that viewshed area is quite extensive. It's probably something like an additional 300 hectares surrounding the Kingston Arthurs Vale Area. I think in fairness one needs to point out that the viewshed was not a creature of the KAVHA arrangement but in fact came into being once the land planning arrangements were reformulated in 1997 and there was quite an extensive period of public consultation about that and the viewshed area has derived from that process as is not derived as an initiative in the Kingston and Arthurs Vale Historic Area. The fourth point in some of the minuses is this, that there is talk of funding for World Heritage areas but I think it needs to be also pointed out to the community that there is no firm undertaking to provide funds. There has been an indicator that in other places funding has come forward and there is said that there was a likelihood that Norfolk Island may attract funding if it takes a decision to list and if that listing is, nomination is successful, but that's something that is the discretion of the Commonwealth. It's not something that we can automatically count upon and there has been no offered guarantee that. The fifth and the final point that I've got to mention on this matter of minuses although I'm sure others could identify some other areas but these are the ones the people have mentioned to me and I've endeavoured to collate. The fifth, I think is the probably the most what I've termed, the most taxing situation and it arrives with us asking the question "What is Norfolk Island's long term plans for the Kingston and Arthurs Vale Historic Area. Successive Assemblies including this one the 8th Assembly all Assemblies have worked on the basis that land, and by land I mean ownership of Crown lands and authority for lands in a general sense in the Island, and that includes the Kingston and Arthurs Vale Historic Area should be devolved from the Australian Government to the people of Norfolk Island in the self-Governmental process, and we know that that self-Governmental process is continuing at this moment. It's been a long continuance I might say but it is continuing at this moment. The Commonwealth Government has shown a reluctance, I think it's fair to say a marked reluctance to make this transfer in respect of the Kingston and Arthurs Vale Historic Area to us. So Norfolk Island, to achieve that still has quite a job ahead to gain what is an essential transfer to Norfolk Island over an area which contains its principal seal link, it's fishing facility, it's only enclosed beaches, its main recreation area, the communities main church, the seat of Government in which this Assembly and which the Government of Norfolk Island has its headquarters and indeed a number of other activities, activities which are important to the Norfolk Island community of today in its daily living. As well of course as its very significant historic area which is what the World Heritage listing situation is about but in addressing the historical significance we also need to recognise that it lies in three probably principal areas. The convict history, which again I mention is the thrust of the World Heritage listing but there is also our history, that is the Pitcairn history, the history of the Third settlement which is that that continues today with great strength and there is also the history that relates to the Polynesian Settlement, which is only appeared with great substance in the past say 2 years. I say with great substance, that means that there is, has

been an escalation on a couple of occasions which has produced conclusive proof that there was a Polynesian Settlement of this particular importance and era. And so in a historic sense it is very wide ranging and those things are important to Norfolk Island. And for all of those reasons it is essential that it come to us in Norfolk Island. So then we ask ourselves the question "Does World Heritage listing have any bearing on what I've just said at this moment", and I think it's fair to say that some would say that no it doesn't, we're talking about self-Government on one hand and we're talking about World Heritage values on another and it's fair to point out that the implications report, and this part I must point out to you was written by the Commonwealth says that "Self Government advancement will not be effected in the processes of World Heritage listing", and as I mentioned at the meeting last night you are entitled to take that on face value. I also felt that I had to point out that Norfolk Island is also entitled to look at the Commonwealths track record in dealing with us as far as devolving areas of land is concerned. One example that I could point to and I did last night, the National Parks. We in good faith for example, entered into an arrangement with the Commonwealth for the then ANPWS, Australian National Parks and Wildlife Service to manage that park area on our behalf. It was quite a while ago now. They did undertake that task and they continue to manage it and I've got to say that they have done some very good work there, they have spent money so that the Park is being cared for in many ways and they have spent money that we probably could not afford to be able to allocate to that particular quarter and again in fairness there must be acknowledgment of that and thanks give. However, there is another side of that coin and the other side is that there is a result in the long term that has been that they now rather act and think in terms of being the owner and not the manager and we consider that the park in Norfolk Island belongs to the Norfolk Island community and we want to devolve that to the community but because of that background it has become extremely difficult for us to make that achievement, and the question therefore is "Will we find ourselves in a similar bind with KAVHA if in fact it reaches the somewhat dizzy heights of being recognised on an international plane?" Will the Commonwealth therefore have greater hesitancy than they have in devolving the area to us, because at the end of the day we want to run our own affairs and have these areas, ones that we would operate and be internal to the operations of this Island. We recognise that we can't always achieve it immediately but if we can't achieve it immediately we don't want to cancel our options to be able to do it on another and later day. I did mention to the meeting last night that I thought it would be significant and tremendous for us to achieve World Heritage status but it would be equally significant and tremendous and maybe have the edge for us to achieve and finalise self-Government and that's not new to Members of this House in me expressing that view to you and the question therefore again comes, "Will getting one impede or make difficult our getting of the other". And that will be one of the question that we will have to weigh in our minds and I think it's probably one of the bigger questions that we will have to weigh in our minds. So what I've endeavoured to do Mr Speaker is to bring this matter so that it can be discussed in this forum and I've endeavoured to spread out some of the pluses and I've endeavoured to spread out some of the minuses so that the community can take all of those issues into account, and indeed there may be other issues that are around too and Members will have an opportunity to identify those so that when Referendum time comes on the 13th of May the community will be able to assess all of the factors that are around and decide the matter.

MR ION-ROBINSON

Can I move that the Statement be noted.

MR SMITH

Yes. The question is that the Statement be noted.

MR ION-ROBINSON

Thank you for that Mr Buffett. It will take the World Heritage governing body 18 months to decide if the KAVHA area should be listed as a World Heritage site. If the people of Norfolk Island have been given slightly less than 8 weeks to decide whether or not to apply for KAVHA to be nominated. There are several key points and Norfolk Islands voters should consider before they go to Referendum on May 13, and one is a World Heritage nomination can happen at any time. KAVHA will not be excluded from nomination in the future if the present move for nomination is refused at Referendum. In other words a No vote does not mean that KAVHA can never be nominated at some later moment. Two, even Canberra has not suggested that there is any danger of us damaging or destroying the KAVHA area. World Heritage listing is not

necessary to ensure that the site is preserved. Three, voters should not put an increase in tourist numbers at the top of their priorities. Norfolk Jet Express recently announced that there were not enough beds available on Norfolk Island to warrant the starting of air services to Hamilton. Four, as stated in the Norfolk Islander last Saturday and Mr Buffett touched on it, the Federal World Heritage Conservation Act 1983 already extends to Norfolk Island. Until a part of Norfolk Island has been listed as World Heritage, the Act has no relevance here. What is meant is that in 1983 some perceptive person in Canberra was fairly certain that the time would come when the Act would be relevant here. Every single Federal Act, good or bad, that extends to Norfolk Island means more control to Canberra and less control to the people of Norfolk Island. Unfortunately as late as last night there were indications from the Commonwealth that they were looking into bilateral agreements on environmental issues, particularly as it relates to World Heritage listed areas. We don't know what that involves yet but we are certainly moving on looking into it. And finally there are just too many grey areas not sorted out for us to do anything premature or rash. Among these grey areas is the KAVHA Viewshed which is already preventing people from living minus endless red tape, not only within site of the KAVHA area but several hills away and completely out of sight. World Heritage status will make matters as yet unresolved much harder to sort out at all. Another grey area is the foreshore out to and including the wreck of Sirius. At the moment there is no plan of management in place for this area. How does that effect things. Please consider every aspect carefully before voting and remember this, once in, we can't ever ever get out again, no matter how much we may want to. I intend to vote no because I want a lot more time to think about all the possible consequences. Later on if close examination reveals that World Heritage status would be best for Norfolk Island, then we can seek to have KAVHA nominated. And lastly, the funding. As it stands at the moment Norfolk Island Government provides 30% and the Commonwealth provides 70%. If the World Heritage nomination means that the Commonwealth will be putting in more funds does that mean that the Norfolk Island Government will need to find yet more funds to make up their 30% share of it. Thank you.

MR SPEAKER

The question is that the Statement be noted. Further debate.

MR NOBBS

Thank you Mr Speaker. This was sort of put on us at the last minute this morning, just before we sat so I've only got some rough notes here. Mr Buffett mentioned that there will be a map published in the Norfolk Islander of the KAVHA area in the next addition of the Norfolk Islander. I ask that the Viewshed area be also included, simply because the KAVHA Viewshed area is an extension of KAVHA for the purposes of control by virtue of the fact that all applications such as developments etc, covered by the Norfolk Island Plan must be referred to, unless approved by the KAVHA Board. Now I know it slipped through, some claim but there was no complaint that I can find from the KAVHA Board in relation to the Viewshed area going into the Plan and 2 Members of the KAVHA Board were actually on the Assembly that approved the Plan. As far as it goes, this is a serial listing and it relates specifically as we're continually told to a series of convict sites and as Mr Buffett said it relates not to our Polynesian ancestors or later the Pitcairners who occupied the area down here. It's designed specifically as a serial listing for convict sites. Now listing of KAVHA as a World Heritage area as you've heard will allow the provisions of the Commonwealth Act to apply and listing of KAVHA and the result and application of the Commonwealth World Heritage Act will ensure that if the land is handed back to Norfolk Island as promised the Commonwealth still retains control by virtue of this Act applying to the area. Notwithstanding the provisions of the Norfolk Island legislation there are provisions I understand in the Commonwealths World Heritage Properties Act which allow for anything that may be considered to impact on a World Heritage area even though it may be outside the area, to be controlled. It's claimed Mr Speaker that there will generally be an increase in both tourism visitation and funding once an area has been listed as a World Heritage area. In fairness I think you will find in general that the areas listed, a lot of them were, prior to their listing utilised for other activities or we're a very low development stage in relation to tourism. On listing the previous activities of the areas ceased, tourists were encouraged into the area and facilities had to be developed. Naturally funds were pumped into the area and thus tourism increased. I think you will find this relates to Kakadu, the Dane tree areas in Tasmania and I can go on. This is quite a different proposition to what the

KAVHA situation is. It's claimed there will be an increase in the Commonwealth's funding. I just ask who does this commitment come from. In reality the current KAVHA funding is a shared basis between the Commonwealth and Norfolk Island and it can be assumed, because there has been no other statement made really, or no other commitment that an increase by one contributor will be required to be matched by the other. That is if the Commonwealth increases its outlay Norfolk's contribution will also increase. There are areas which were listed and this sort of funding was promised and as now none has been forthcoming since the World Heritage listing. Just finally Mr Speaker I think the World Heritage assessments is done on KAVHA was full of praise for the current management of KAVHA itself. It supports the proposal which I believe that we may achieve anything under our own legislation which will happen under the World Heritage listings. And my answer is why give the area away completely by placing Commonwealth legislation over the area. I'd just finally like to say that I should have stated it at the outset that I live in the area. We have, well my dad was impacted significantly on his particular area as has a lot of the freehold land which has gone back for generations in the family around the Kingston area. I was at the first meeting of KAVHA, we were given all these assurances that everything would be rosy and there would be no great worry's at all only to have the whole thing thrown in our faces at a later date. I will not be voting in favour of this proposal and if at some future time things change and we get the land and we have some real control over it well then I may consider voting in favour of it. Thank you.

MR SPEAKER
noted. Is there any further debate.

Thank you Mr Nobbs. The question is that the Statement be

MR BATES
Thank you Mr Speaker. I feel at a little bit of a disadvantage here because like Mr Nobbs I only learnt that this was going to be up for debate about a quarter of an hour before the meeting started and I've got some fairly disjointed notes to speaker from. I do notice that a couple of the previous speakers had theirs nicely typed out for them so they must have had a greater warning than what I've had. Since this matter was first put on the Agenda I've tried to approach it with an open mind and I must admit that up until this morning I was very much undecided as to how I might personally vote in the Referendum, but the more things have come out and the more this matter is discussed I think I'm very clearly moving in the direction of not supporting the listing when I come to put my vote on the table. I ask you myself, what things will happen in KAVHA anyway, whether it's listed or not and what things might happen or might not happen in KAVHA if it is listed, and I keep coming up with the idea that why should we tie our hands behind our back. I don't think anything less will happen in KAVHA by the listing. Maybe that's not what I mean. I can see that the listing may hamper additional things happening in KAVHA that may not be hampered if it's not listed. I've been looking at just this morning a little bit more closely at the study that was put out in March 1998 prepared by Ted Rankin, and McAlpine of the Commonwealth World Heritage unit in collaboration with David Buffett the Norfolk Island Government, and David Kennedy of the Commonwealth Territories Office. I've been looking at some of the key issues in that I think some of them are worthy of reading out especially to backup some of the things that I want to say anyway. It says in part 1 "What is World Heritage?" and it says that "World Heritage is about identifying and conserving those areas". Now I put a lot of emphasis on conserving, I've underlined that. "Conserving those areas of natural cultural heritage which are unique and outstanding in world terms". Fine. A little bit further it says "Why does anything need to be done?" and it says "Key examples of natural and cultural environments are under constant threat from ill advised development". I'm trying to come to grips with what is ill advised development. Ill advised development in the eyes of World Heritage, or ill advised development in the eyes of Brian Bates or the elected Members of this House? A little bit further over I come again and I look at what are the obligations under the World Heritage convention and I'll quote those. "Primary obligations under the convention are the identification, protection, conservation," that word again "presentation, rehabilitation". Now that's a word that comes a little bit closer to what else I want to say. It doesn't quite go far enough I don't think but it's another key word. "And transmission to future generations of the outstanding universal values for which every particular site is nominated." I don't like quoting little things out of a large document in case I do get them out of context but I want to just talk a little bit about some of the key words there. The word conservation, one of them, ill advised development

another one and rehabilitation the third. I guess if I said that I would like to see one day the KAVHA area restored to the way it was when the Pitcairners arrived here to that status, I guess that could be conceived in the eyes of World Heritage as ill advised development. I'm not so sure that it is ill advised development. I think that would fit in very carefully with the Pitcairn occupation if it was restored to the stage where it was occupied by the Pitcairners but I think it would fulfil a lot of the benefits that we see of international recognition. I think that could be the stage when it could be listed for World Heritage when we got to that stage and that stage I could see would take a lot of doing but it certainly would be boost to the tourist industry. Some of the other pluses of funding well we said there is no guarantee of funding. It's also said that I think that interpretation is now a new key word. So we moved from restoration which was the key word, some 10 years ago or less to conservation which is the key word now, and to interpretation which is probably a future word, and I guess that's all well advised development, I guess it's not ill advised. Perhaps restoration may have been ill advised on the Island at one stage but it was the key word at one stage. So I guess I'm going around in circles but this ill advised development worries me a little bit because I think that ill advised in the eyes of the World Heritage commission. I'd like to take Members back to some time ago when we had the Paradise Hotel here in Kingston and Travel lodge had the site and they were going to build a new Hotel in Kingston and they had plans to build it back up in the valley behind the present site so that it didn't intrude on the Kingston area and I think this is a good example of where the National Trust I think they were called or the National Register or whoever it was put their two bobs worth in and virtually stopped a Hotel being built in the Kingston area, although back of the way a little bit and I think that was one of the saddest things that has ever happened to Norfolk Island as development. I think that when people go to a South Pacific Island and there are some people that used to enjoy staying at the paradise because it was close to the water, they could walk to Emily Bay and enjoy the beaches, they felt as though they were on an Island and close to the ocean, and I think not only was it a big injustice to Norfolk Island that that was not allowed to proceed I think it had a very detrimental effect to the economy of the Island. So I think that sort of sums up the, I think it was Ric that might have said "Are we ready for this" but it can be something we can come to grips with in the future and I don't think we are ready. I think we've got a long way to go before we need the interference of another body especially if there are Members around this table who think that restoration is a key word at the present time and that there should be more restoration. If World Heritage thinks that's ill advised development well there you go you know. Local people cannot have a say in maybe doing more restoration. I might have that wrong but I notice the words conservation are coming out and I see the word rehabilitation but I don't see the word restoration. I think it was David Buffett, I may have this wrong too that mentioned something about it may put some impediment in our long term plans. So all in all I think that that sums up how I'm feeling. I think that I'm leaning more and more to considering that we're not ready for this move at this point in time. Thank you Mr Speaker.

MR SPEAKER

Thank you Mr Bates. The question is that the Statement be noted. Is there any further debate.

MR ADAMS

Thank you Mr Speaker. Mr Speaker much has been made in this debate and course of the campaign information campaign presently going on about the essential question "Does Norfolk Island meet World Heritage criteria". Mr Speaker I think essentially we've overlooked a very important point in that and the point is that does the World Heritage listing and all the baggage it may or may not bring with it meet Norfolk's criteria. I think that's a most important point, and some of the criteria that it may well be of importance in this issues is for instance we do not want any interference with self-Government and its aspirations and indeed the further development of self-Government. We are certainly not sure of that point at this time. Certainly there have been a number of travelling salesmen essentially pushing the issue. We do not at this stage know what the final outcome of all of theirs that relates to us and certainly our self-Government regime under the Norfolk Island Act. As late as last night on the media we see Senator Hill giving an indication that there's going to be in the near future another layer of legislation that may relate to World Heritage areas. All this is and the ramifications of all of what that legislation may entail is yet unknown to us and I am solidly of the belief that there may well be quite a number of things in the forthcoming legislation as it may relate to this area that certainly will effect our self-Government aspirations. One

of the questions I've asked for some time is how does the World Heritage improve the KAVHA situation in a real and tangible way that our community can readily identify. For arguments sake if we listed it tomorrow, the day after what can we point to and say that's going to be areal tangible positive improvement on the situation. I have yet to have that question answered to my satisfaction. I get answers along the lines of there may be more tourism, there may be more grants, there may be this, there may be that. The key point in all of those things is the maybe's, their potential and either way we're not in a KAVHA situation as I see it is not necessarily in dire need of any of these maybe's and might be's and of course the downside is that greater control being exerted over a piece of Norfolk Island yet again by the people other than its elected representatives. Mr Buffett in his debate mentioned certainly the arrangement in respect of the National Parks on Norfolk Island and how some time ago around 1986 if my memory serves me correctly we entered into the arrangement with yet another Commonwealth body to undertake a process of management on a piece of Norfolk Island. That's turned around in quite a significant way where despite moves of past and present Norfolk Island Governments we are yet unable to affect any real input into the management of those areas by Norfolk Island bodies to the point where at the present time we are unable to even have the Commonwealth body at this stage ANCA to even concede to signing an MOU that concedes to our aspirations as representatives of the Norfolk Island community in having a longer term goal of affecting some management input into that area. I think Mr Speaker that I am in agreement with Brian in being quite nervous and hesitant about the full ramifications of what this might mean. The supposed gains are maybe's but I think there's certainly a sting in the tail of this one. I think there's certainly the scenario where listing this under the World Heritage arrangement on an Island that's 5 miles by 3 or 8 by 5 depending on your own vintage is further turning Norfolk Island into a Museum and we have 1500 people there abouts who live on this Island which is 8 by 5 the less restricted areas that restrict people's movement and how they go about their business the better and in closing I'd like to make a point about the KAVHA viewshed area. It's certainly something that grew out of the NCDc's input into the Planning Act and it was one that was quietly slipped in at the last moment and is causing a great deal of concern. It's certainly a good thing in my opinion that Norfolk Island is not flat otherwise the Viewshed area would extend from the KAVHA area to the Cascade area. In closing Mr Speaker the furthest I'm presently prepared to go on this issue is to have the KAVHA area listed on the Norfolk Island Heritage Act and no further. Thank you.

MR BROWN

Mr Speaker Warren Nicholls is in the Chamber today and I'd just like to say that I think Warren Nicholls is a very genuine man and I have had some interesting discussions with him about this and I have no doubt at all that he's telling us what he believes. He's got a difficult job listening around the table, not many Members are presently convinced that this project should proceed. I've still got an open mind about it but I can see the difficulties and one of the greatest difficulties really is if we sit here and say "How can we be confident that something the Commonwealth says to us today will be the same thing as what it says to us in a years time or 2 years time". The electoral issue is a perfect example of that. It's been dealt with extensively on at least 2 prior occasions and I believe to a lesser extent on a 3rd one and yet without consultation the Cabinet has made a decision that certain changes should take place and the Minister has been left in the unenviable position of trying to ram those changes down our throats because Cabinet has told him to do so. I don't know how you overcome that problem and I think that's one of the greatest difficulties that Mr Nicholls will have to find an answer to. How can we be sure that the Commonwealth won't simply change its mind later on and tell us that the people that made promises to us today really didn't have the authority to make those promises or really were a bit naive and shouldn't have made them or simply circumstances have changed. Can there be a provision where if circumstances change we can withdraw our support. I can't see how we could do that but if we had the same ability that the Commonwealth has to simply change our mind and change the ground rules perhaps more of the Members around the table would be supportive of giving things a go. I think it is important that we inform ourselves as well as we can about this debate. I think it's important that we not simply close our minds today, difficult and all as that may be. My words to the Commonwealth are "show us how we can start to believe you," and when we get to that day we'll have made a lot of progress but until then anyone listening to this debate today can see that there is significant doubt. Thank you

MR SMITH

Thank you Mr Brown. Any further debate on the Statement.

Mr Buffett do you have anything more to say, I'd like to come down and say a few words.

MR SMITH

Thank you Mr Deputy Speaker. It's an interesting issue this one and I agree with what Mr Brown has just been saying and I think that's the key to a lot of the problems that people are having with the World Heritage listing because I think occasionally we may miss the point of the World Heritage listing is all about but when it comes to Norfolk Island allowing the Commonwealth to do something else particularly in the KAVHA area, people get quite nervous about it and that's a lot of concern is coming out of that fear I suppose. I picked that up in the meeting last night at the Rawson Hall which I attended with Ric and David and there is, the main points that were being made is the fear of what will happen with the KAVHA area. Now we've been given the opportunity I suppose to see whether we fit into the World Heritage guidelines and that assessment has been done over the last period. It has now been put to the Norfolk Island community to decide whether we want to progress further and make application to be listed on the World Heritage Register and in some ways it is an easy decision considering the things that Mr Brown has just spoken of. The other side of it, are we giving away an opportunity for something. Maybe if we look at the benefits to tourism, I think that's being spelt out often, the advantages to tourism, but it has also been pointed out that we are full up anyway. Maybe the advantages for it for tourism purposes is that, and I don't know how good it is, but it may be a good back up if our tourism was to weaken in other areas. There is the prestige that comes with World wide recognition but the negatives are what concerns me the most. The points that people raised at the meeting last night. They were genuinely really concerned with what may happen or what has already happened under the KAVHA situation and that makes the decision harder because its the community who really will decide what to do with this. I know we are all expressing our views around the table here today but if people aren't sure or are absolutely against it, well that's how it will be. There is also the fear that has been expressed I suppose of where it will lead to next. As was commented last night, stage 1 is this one, stage 2 is where, at Longridge. Stage 3 the whole Island. That sort of stuff is around and it concerns people and I think that relates to what Mr Brown was saying before about, can the Commonwealth be trusted. Today they may be able to, but next year? They may have a different view. So I don't know. I don't know where we are running with this. I just agree with Members that not only we have to make sure we know what we're doing with it but for the community to be well aware of the positives and the negatives in this issue. Thank you Mr Deputy Speaker

MR GARDNER

Thank you Mr Deputy Speaker. I think most Members have covered most of the issues arising from this matter. I just wanted to say a couple of things. As far as I'm concerned notice of this has been too short. We as Members of this House already have a substantial part of tree that we haven't really yet had the opportunity to fully digest. I can't really expect a general populace to digest all of the information and implications of this issue prior to May 13th. I did say when notice was first given of this that that was once of my major fears and that I would prefer to see this put off to a later date. I'm not saying that I don't agree with World Heritage Listing, I think it is probably a very valuable thing for Norfolk to have a some time. Not at this particular time. Somewhere further down the line, as Ron says, and a couple of others have said, when we are in better control of our own affairs and we aren't being meddled with, time and time again. There are a few other issues that arise out of this. I don't wish to see a listing that disenfranchise or threatens to disenfranchise tenants of freehold properties on this Island and it is a problem that I see may well occur. There are no guarantees given in what I've read that that is not going to happen. As far as the KAVHA area is concerned, I think it is managed as well as possibly can be at the moment. Obviously managed well enough and to a degree that warrants in the view of some, World Heritage Listing. We do a pretty good job of it. We are very proud of this KAVHA areas down here at Kingston. I can't see us in the future going backwards on that and turning it into a pigsty. As I said, we are very proud of it, we have links with it. All of us, whether of Pitcairn descent, whether the newer members of this community, whether those who are descended from the convicts who actually lived here on this site. We've done a pretty good job and it's been pretty well looked after in the 142 years that Norfolk Island has been settled by the current people of Norfolk Island. There are benefits. Possibly of tourism. At the public meeting last night some people did raise the issue that maybe we have enough tourists here now. Are

we able to cope with more. Have we the infrastructure in place to be able to cope with more. I think when word gets out that the KAVHA areas has been targeted as an area that probably fills the criteria of World Heritage Listing that in itself in probably a dam good advertisement for tourists anyway without having to go the whole step and go to World Heritage Listing right at this moment. As Ric mentioned I think, the 70/30 funding split between the Commonwealth and the Norfolk Island Government for the maintenance and upkeep of the KAVHA area, with the Listing and the possible attraction of fairly substantial extra funding from the Commonwealth Government on their behalf, may also have significant budgetary implications for the Norfolk Island Government in maintaining their 30% share. These are all issues that need to be addressed and need to be thought of very very carefully. I don't think that we can adequately address all those issues by May 13th. At this particular point in time Mr Deputy Speaker I'm not in favour of proceeding with World Heritage Listing and the application of the KAVHA area. On the other hand I wish to say that maybe, somewhere, further down the line in years to come when we have better control of our own affairs, and we are able to sufficiently fund the KAVHA area ourselves on our own initiatives, that possibly it's an idea worth pursuing. Thank you Mr Deputy Speaker

MR SMITH Thank you Mr Deputy Speaker. Just a couple of things that I had better add to say that today is the last day for the yes and no cases to be put in to the Speaker on the referendum issue. If you do have a yes or no case that you want to put to me today is the last day to do that. The other thing I would just like to mention Mr Deputy Speaker, that there is some questions from the people at the meeting last night whether an opportunity could be given for somebody to do an interview if you like on the local radio, somebody from the other side, from the no case, and I think it was readily agreed to that somebody would be given that opportunity to do that if they wanted to before the 13th May. The other thing that was asked, we were asked if we would seek assurances from the Federal Minister that if the referendum fails that they would take no further action. Now we have undertaken to seek that assurance from the Federal Minister so if the referendum did fail, they would not take it any further. I just thought I should mention those two things Mr Deputy Speaker, thank you

DEPUTY SPEAKER Thank you Honourable Members. I think we have concluded. I will put the question that the Statement be noted

QUESTION PUT
AGREED

Thank you. The ayes have it that Statement is so noted. Are there any further Statements this morning? No

There are no messages from the Office of the Administrator and there are no Reports from Standing Committees so we move on

NOTICES

So we are at Notices. Notice No 1 will not be called on this morning Honourable Members so we will move to Notice No 2

NO 2 - LIQUOR AMENDMENT BILL 1998

MR BROWN Mr Deputy Speaker. I present the Liquor Amendment Bill 1998 and I move that the Bill be agreed to in principle

DEPUTY SPEAKER The question is that the Bill be agreed to in principle

MR BROWN Mr Deputy Speaker this Bill seeks to amend the Liquor Act 1960 in order to make it clear that a prohibition order under Section 65 of the Act relates to any supply of liquor and not only to commercial supply. Section 65 of the Liquor Act provides that the Court of Petty Sessions may make an order prohibiting all persons from supplying liquor to a person

specified in the order whose drinking is injuring himself, his family or the community. A person who supplies liquor to a specified person is guilty of an offence. Supply could possibly be read down to exclude small non commercial instances of supply. In the context of Section 65 this might allow persons specified in a prohibition order to circumvent the order. The proposed subsection 13 defines supply for the purposes of Section 65 to include every provision of liquor with the specific exception of matters placed outside the ambit of the Act by Section 6, for example, supply by a Medical Practitioner for medicinal purposes. Because it may not always be desirable to control every provision of liquor in a prohibition order the proposed subsections 65(5) and 65(5)(a) gives the Court the discretion to make orders in more limited terms than currently provided in subsection 65(5). Mr Deputy Speaker it is a minor amendment to overcome two difficulties. One is to overcome the possibility that a person subject to a prohibition order can be provided with liquor by a means not prohibited by the present legislation and secondly it slightly expands the powers of the Court in relation to the terms in which the order can be made. I commend the Bill

MR ADAMS Thank you Mr Deputy Speaker. No doubt the Liquor Act 1960 is one of those pieces of legislation that has been lying around for some time and probably there is a lot of housekeeping and improvement that can be done on it and I understood there was to be some fairly extensive changes to be made to that Bill which I'm not aware of having taken place yet but in relation to this specific instance, I wonder if the Minister could inform us what would be the situation if say somebody on a prohibition order supplied himself from a home brew kit

MR BROWN Mr Deputy Speaker that's a fascinating question to which I'm not sure of the answer. I suspect that helping oneself to one's own home brew would not be covered by the legislation even as it is proposed. That's not to say that I'm encouraging everyone to go out and get a home brew kit just in case someone puts you on a prohibition order, but it may well be the case that that would be an example which would not be covered by the existing legislation or by the proposed amendment

DEPUTY SPEAKER Any further debate?

MR BROWN Mr Deputy Speaker I move that debate be adjourned and resumption of debate be made an Order of the day for a subsequent day of Sitting

DEPUTY SPEAKER Thank you Mr Brown and I put that question to Members
QUESTION PUT
AGREED

That matter is so adjourned

NO 3 - AIRPORT AMENDMENT BILL 1998

MR SMITH Mr Deputy Speaker. I present the Airport Amendment Bill 1998 and I move that the Bill be agreed to in principle

DEPUTY SPEAKER The question is that the Bill be agreed to in principle, Chief Minister

MR SMITH Mr Deputy Speaker this Bill seeks to amend the Airport Act 1991 to allow regulations to be made under paragraph 3(d) to provide for the waiver of charges rather than only for the waiver of landing fees. The amendment will allow regulations to be made to more effectively control the basis on which aircraft movements may be exempted from charges under the Act. Section 3 of the Airport Act 1991 empowers the making of regulations prescribing charges for or in relation to the landing, take off or movement of aircraft to or from the airport. The Act and regulations do not distinguish charges levied on landing aircraft from any other aircraft movement charges, and it is therefore illogical to provide only for the landing component of charges. The amendment replaces the reference to landing fees in paragraph 3(g) to (d) with a general reference to

charges as defined in Section 2 to include all charges that can be levied under the Act. Mr Deputy Speaker, just to make it a little easier to handle the waiving of charges as in the Explanatory Memorandum is explained there in relation to airlines and the charging for waiving of the charges of landing or any charges in relation to the airport and I intend to move an adjournment on that after Members have had a say

MR BATES

Thank you Mr Deputy Speaker, I notice that this puts a certain amount of power in the hands of the executive member for waiving charges and I believe also that earlier in this meeting we looked at some of the charges that had been waived by other Ministers that had to do with landing fees and FOB passengers and without having had a chance to study those figures, it seems that one particular airline had an extraordinary amount of waiving of landing charges. Probably all legitimate, but very high and the other airline had none. It is something that seems to need looking at a little bit. I think what I'm coming around to is when Ministers have authority in the legislation to do things and they can do them without the checks and balances of the House becoming aware of just what they are doing I think it leaves a little bit of a gap in the checks and balances of the legislation. I note that the Customs legislation, if the Minister waives a customs charge he can do it, that's good that he can do it, but he is required to table the things that he has waived so that other Members can have a look at it and say hey, just a minute Minister, aren't you going a little bit overboard with some of these waivers, or it's a good thing, but there are checks and balances there where Members can actually oversee what the Minister has done and I would like to see somehow in the regulations or in the legislation that when the Minister does use this power to waive any charges, whatever they might be, he then has an obligation to tell the Members about it by perhaps tabling some document in the House. I don't know whether it is possible to write that into this Bill at this stage. It seems to me that we just approve of this as it is, leave the Minister to go ahead and do what he feels necessary to do in good faith and all the rest of it, the rest is left a little bit in the dark as to what fees might be waived.

MR NOBBS

Mr Deputy Speaker thank you. When I first saw this Bill I thought it was Gary Robertson's answer to the many problems he foreshadowed earlier this year with penalty provisions of the Act related to the seizure of the aircraft. It turned out not to be so. The amendments allow for some clarification in what I have found to be very very loose arrangements related to the waiving of landing fees. Arrangements which have been in place for some time I might add and which have been of real concern to some during the term of this Government. The concerns I have is that the current rules are to be included as regulations which unlike Bills, don't come before the House and Ministers can change them at their whim and fancy. I think as Brian stated that the electorate needs a little more consideration than that. Of those issues so forcefully put by Minister Robertson, on failures within the Act related to penalties it proved very comprehensive arguments for change George, obviously having received some legal advice and it would be a shame not to include such amendments at the same time as these, possibly on Mr Robertson's return at the next meeting, he will have additions to this Bill

DEPUTY SPEAKER

Any further debate? Chief Minister

MR SMITH

Thank you Mr Deputy Speaker. I take the points being made by Mr Bates and Mr Nobbs and maybe we need to add something in. I might move an adjournment on it now and we can discuss that and if we want to make some amendments to it we'll do that in the period to the next meeting

DEPUTY SPEAKER

Any further debate?

MR SMITH

Mr Deputy Speaker I move that debate be adjourned and resumption of debate be made an Order of the day for the next Sitting

DEPUTY SPEAKER

Thank you Mr Smith and I put that question to Members
QUESTION PUT

AGREED

That matter is so adjourned thank you

NO 4 - DANGEROUS DRUGS AMENDMENT BILL 1998

MR BROWN Mr Deputy Speaker. I present the Dangerous Drugs Amendment Bill 1998 and I move that the Bill be agreed to in principle

DEPUTY SPEAKER The question is that the Bill be agreed to in principle

MR BROWN Mr Deputy Speaker this Bill seeks to amend the Dangerous Drugs Act 1927 to allow information contained in a certificate signed by an analyst to be admitted as evidence in proceedings for offences under the Act. There are no facilities on Norfolk Island for analysing samples to determine whether they are substances prohibited under the Dangerous Drugs Act. Samples are sent to the Australian Capital Territory for analysis. It is then necessary for the analyst to give evidence in court of the results of each analysis. Bringing an analyst to Norfolk Island to give evidence in each proceeding under the Act is costly for the Administration and time consuming for the analyst. The fact that similar evidentiary provisions exist in the drug legislation of most Australian jurisdictions where notably it is much easier for analysts to attend court proceedings, underlines the particular difficulty faced by the Norfolk Island Police Force in enforcing the Dangerous Drugs Act in its current form. The amendment proposes the admission in court of written evidence of the identity and qualifications of the analyst, evidence of the manner in which a sample was received to enable the court to establish that the sample analysed was the sample despatched by police in Norfolk Island, and the result of the analyst. Certificate evidence will be given weight according to its terms, on the same basis as if the analyst had personally given that evidence in court. It will be open to a defendant to challenge a certificate by calling contrary evidence or by calling the analyst as a witness. Analysts must be appointed as such for purposes of the Commonwealth Customs Act 1901, the ACT Drugs of Dependence Act 1989 or another person prescribed for the purposes of this section. Mr Deputy Speaker I don't wish to add anything at this time to what I've just said but the amendment does not propose to take rights away from any person but it does aim at simplifying the proceedings of the Court on those unfortunate occasions on which such matters must come before it

DEPUTY SPEAKER Any further debate? There is no debate at this stage, Mr Brown

MR BROWN Mr Deputy Speaker I move that debate be adjourned and resumption of debate be made an Order of the day for a subsequent day of Sitting

DEPUTY SPEAKER Thank you Mr Brown and I put that question to Members
QUESTION PUT
AGREED

That matter is so adjourned. We have concluded Notices and we commence Orders of the Day

ORDERS OF THE DAY

NO 1 - RETIREMENT VILLAGE CONCEPT

We resume debate on the question that the Report be noted. Mr Nobbs, you have the call to resume

MR NOBBS Mr Deputy Speaker thank you. The Report was prepared by Mrs Loretta Byers and was tabled at the last meeting. The Report has been made available for public perusal and in the Norfolk Islander for the main part of the report, for which I must thank the Editor. The Report indicates that the provision of a Retirement Village for non residents to provide funding to support much needed services for Norfolk Island residents. There is no doubt that Norfolk Island has

the same problems as is occurring in Australia and New Zealand in aging population. One issue that has come to the fore is the need for a comprehensive aged care strategy for residents of this Island. Currently aged care on Norfolk is operated on rather an ad hoc basis. It is felt that we need to formalise these arrangements as well as to providing other services currently not available. I don't believe Mr Deputy Speaker, that we should leave the Report sitting on a shelf and I foreshadowed the introduction of a motion at the appropriate time which will pick up the issues we need to address if the proposal is to proceed from this point. The motion will provide a strategy on which funds may be expended. This will allow Members to make a decision in due course based on all the facts. The proposed motion if I may read it Mr Deputy Speaker is that the Retirement Village Report is noted and the concept contained in the report be progressed by the establishment of two committees reporting to the Assembly. The Committees are charged to report as follows, Committee 1, provide a comprehensive aged care strategy for Norfolk Island residents, Committee 2, progress the concept of a community based retirement village by developing issues identified in the report including immigration issues, location of facility, services required and offered, village layout and unit plans, construction details, management structure, financial arrangements and legislation. I will continue I think at this stage Mr Deputy Speaker. The proposal should be viewed in the context of value of the project to the Island. If the project is progressed as a community project as suggested, we are not looking at the value to the individual such as would be expected in a private development, we are looking at the total value to the community. The motion provides for a much needed aged care strategy, a strategy which is anticipated to cover provisions of the facilities as well as services. The motion also provides a means of funding the strategy through a Retirement Village. As an example it is suggested that the initial sale of units could provide funds towards the construction of a new section for the oldies at the hospital. The purpose built facilities with a better outlook than at present. Whilst not wishing to pre-empt any of the committee's decisions, it doesn't seem a bad thought and at least provides an indication of what may be achieved. I will wait Mr Deputy Speaker if I may and hear from other Members

DEPUTY SPEAKER Debate Honourable Members. No debate. I return to you Mr Nobbs. Could we dispose of the motion that is in front of us and then we will come to that motion that you have foreshadowed just now to us Honourable Members. If there is no further debate I will put the question to you Honourable Members which is that the Report that we have had tabled before us by Mr Nobbs, be noted

QUESTION PUT
AGREED

The ayes have it thank you. Mr Nobbs your proposal for a motion

MR NOBBS Mr Deputy Speaker. I will change that now just a little bit because we have already noted the Report. The concept as contained in the Retirement Village Report be concept contained in the report be progressed by the establishment of two committees reporting to the Assembly. The Committees are charged to report as follows, Committee 1, provide a comprehensive aged care strategy for Norfolk Island residents, Committee 2, progress the concept of a community based retirement village by developing issues identified in the report including immigration issues, location of facility, services required and offered, village layout and unit plans, construction details, management structure, financial arrangements and legislation.

DEPUTY SPEAKER Thank you Mr Nobbs. Can you let me have a copy of that? The question being asked of the House Honourable Members is whether leave is granted for this motion to come forward. Is leave granted? Leave is granted thank you. Mr Nobbs, do you wish to further debate the matter?

MR NOBBS Mr Deputy Speaker I think I've spoken enough, and I'll just rest at the moment

DEPUTY SPEAKER Thank you. Debate Honourable Members in the wider context

MR BATES

Thank you Mr Deputy Speaker. I think this motion is a way forward. There are no doubt difficulties in the eyes of members of our community with the concept. Immigration issues are one of them I'm sure that we need to come to grips with and I see this as a way forward of developing these issues. By agreeing with this motion it doesn't mean that we are agreeing with the actual erection of the Village, it means that we are agreeing with further investigation into the pro's and con's of it. The question that I would like answered at this point in time is the makeup of the Committees. Mr Nobbs proposes two committees. He doesn't suggest how many might be on those committees or how they might be made up. I don't know whether he is suggesting that they might be made up by Members of this House or whether he is suggesting that the Committee's be made up of people outside this House. I think it is probably important that people outside this House are involved on Committee's such as this rather than Members. Members get their chance to look at the results and look at issues and everything else, but when it comes to immigration issues I guess there are people out there who are very interested in immigration issues and their being put into a Committee like this could be very valuable. Maybe Mr Nobbs could elaborate just a little bit more for my benefit anyway as to how he sees these Committee's made up, how many and who by.

MR NOBBS

Mr Deputy Speaker I will answer that now. I've had just a small informal Committee of three looking at the proposal all along and just going through and checking some of the things and coming back to Mrs Byer's with a response. I thought that these Committees would be outside this House. There would be three, or a maximum of four, they may not be 100% experts in their field but they would be people you would expect would gather whatever information is necessary and put it together. I won't be naming names here, as Ric will probably bring out Section 654 or whatever it is, but we can do it out of session if you are interested in it. There are people who have approached me who are very interested in the proposal and I think actually, to cut the Committee's down to three or four will be quite difficult. This proposal in no way gives the green light to the Retirement Village Proposal. On the Immigration issues, just out of interest I ran some stuff before an expert in this field and there was quite a reasonable response. So maybe the Immigration issues are not as bad as we think they are but those have to be worked out and they were identified in the motion. That was identified, the Immigration aspect

MR ION ROBINSON

Thank you Mr Deputy Speaker I don't have any problems with the basic concept but should "committee to" instead of "progress" have the word "investigate the concept for a community based Retirement Village", because after all that's what they are doing. They are no there to progress the construction and what have you of the concept.

MR NOBBS

Mr Deputy Speaker it doesn't matter to me. It was just progressing the concept that was contained in the report and Mrs Byers identified these as specifics. Some of them were difficult and we had to need decisions, other were not but anyhow. I'll leave it up to Members

MR ADAMS

Thank you Mr Deputy Speaker. I think Mr Nobbs should be commended for his work at this stage. It's been a very extensive job bringing the motion and the research to this stage and I understand that at one stage he even had to pay for somebody to come in out of his own pocket until a later date to seek recompense. One of the things about the way the motion is worded that I think is relatively unarguable is Committee 1 and that relates to providing a comprehensive aged care strategy for Norfolk Island residents. Mr Deputy Speaker I think that's something that we should have in place as a matter of course and if we don't have it in place it's something we should be developing, not from the point of view of having a look at it to see whether or not we should have it, or whatever some of the machinations might be, it certainly is something that we need I believe in place to take care of the government's social obligation of looking after elderly people of Norfolk Island and let's not beat around the bush here, the system in place at the moment certainly could stand some betterment in my opinion. One of the difficulties I see with the way the motion is worded, or if Ron intends to word it, is that point 1 is to provide a strategy and in

point 2, or as Committee 2 relates to, is developing the concept or progressing the concept of a community based retirement village. Now in those things, as Ron has pointed out, we have a) to h) points whereby immigration issues and financial arrangements and legislation etc and any one of those things might turn out to be a serious difficulty that might inhibit or change the general direction of how the development of a retirement village concept may eventually materialise. I certainly think there is a case to have in place anyway the provision on Norfolk Island for comprehensive aged care strategy for Norfolk Island's elder residents and I think that should be something that we are working of developing anyway so I wonder if Ron might give some thought to separating those two things with the intent of developing the strategy for the elderly residents, certainly in the healthcare area, as opposed to looking into a concept which is outline by point 2 or Committee 2 of this motion, thank you Mr Deputy Speaker

MR NOBBS I'm open to suggestions. Thank you for your kind words Chippy, I'll buy you a beer after. I hope Marlene wasn't listening to the second part, but anyhow, the go is I'm quite easy on it. The reason why I put them together was I thought there is a potential to fund one on an ongoing basis, not just for the initial building of the facility. There is provision there and I thought they could run together. I'm easy. If you want to separate them, that's fine, it doesn't worry me

DEPUTY SPEAKER Thank you Mr Nobbs. Any further debate. The motion that I've interpreted that we have in front of us Honourable Members is this. I will read it. That the Retirement Village concept contained in the earlier noted Report be progressed by the establishment of two Committees reporting to the Assembly. The Committees are charged to report as follows, Committee 1, provide a comprehensive aged care strategy for Norfolk Island residents, Committee 2, progress the concept of a community based retirement village by developing issues identified in the report including immigration issues, location of facility, services required and offered, village layout and unit plans, construction details, management structure, financial arrangements and legislation. Was that your intent Mr Nobbs

MR NOBBS Yes, Mr Deputy Speaker and I've just had a chat on the side here to my compadre and if there is no further debate on it, I will move that the question be put

DEPUTY SPEAKER Thank you. There is no further debate and I'm prepared on that basis to put the question directly

QUESTION PUT
AGREED

That motion is agreed, thank you

NO 2 - REFERENDUM ACT 1964 - SPEAKER TO DIRECT A REFERENDUM ON THE COMMONWEALTH'S PROPOSAL TO INTRODUCE LEGISLATION IN RELATION TO VOTING AND ELECTION RIGHTS OF AUSTRALIAN CITIZENS FOR THE NORFOLK ISLAND LEGISLATIVE ASSEMBLY

DEPUTY SPEAKER We resume debate on the question that the motion be agreed to and Mr Adams you have the call to resume

MR ADAMS Thank you Mr Deputy Speaker. Prior to reading out the words of the motion for information I will just put it to Members that I intend to seek a conclusion on this matter today, and indeed have a question prepared assuming acceptance by the House of the principle motion. For information Mr Deputy Speaker the wording of the motion to have a referendum is thus, that this House recommends to the Speaker, under the provisions of the Referendum Act 1964, that he direct a referendum on specific questions to be determined by this House to ascertain the opinion of the electors of Norfolk Island in respect of the matters raised in the press release issued on Thursday 5 March 1998 by the Federal Minister for Territories the Hon. Alex

Somlyay MP and which include a proposal by the Commonwealth to introduce legislation in relation to voting and election rights of Australian Citizens for the Norfolk Island Legislative Assembly

Mr Deputy Speaker the situation has essentially come about by the Australian Government's movements without consultation to attempt to force change onto Norfolk Island in the areas of who can vote; who can nominate the election and the clear intention I might add of enfranchising much of Norfolk Island's transient population. In a shorter period of one month's stay on the Island and there might well have been perhaps specific changes that might well have come out of the hat at a later date. Mr Deputy Speaker the intentions and reasons given for the intended changes by Alex Somlyay, the Australian Minister for Norfolk Island appear cloudy, they appear uninformed and they appear simply to be without reasonable basis. In fact Mr Deputy Speaker, it may well have been a departmental initiative by DEST, the Department of Environment, Sport and Territories and is simply assented to and signed by a Minister who didn't bother to bring himself up to speed on the issue. And I say maybe. It's a little cloudy from this end as to the true origins of this little movement, but however, whatever the reasons and origins for this inappropriate and clumsy intermeddling in Norfolk Island's affairs, it is unwelcome and it detracts yet again from Norfolk Island's management and the addressing of everyday problems on Norfolk Island. Certainly I believe Mr Deputy Speaker ideological moves of this type on behalf of the Australian Government may well give some ball point commando in Canberra a warm fuzzy feeling prior to adjourning to the bar but moves underwritten by such motives in our political affairs, has a real potential of derailing the process of self government as the people of Norfolk Island would wish it. Mr Deputy Speaker I spoke at length and I believe that some other Members did at the last sitting of the House. I don't have anything extra to add at this stage other than I might read out if I may at this stage, if that is the correct procedure, the wording of the wording of the question I intend proposing to the House. The question is, The Australian Government has recently indicated its intention to bring about changes to Norfolk Island's electoral process. Given this situation do you feel that it is appropriate that the Australian Government in Canberra dictates the electoral process on Norfolk Island. Yes or No. I'll rest on my debate at this stage Mr Deputy Speaker and see what the other Members feel about the thrust and the wording of the motion and the question thank you

MR GARDNER

Thank you Mr Deputy Speaker. I'm going to stand for this one because I think it's about time somebody made a stand. Mr Deputy Speaker I've just a couple of comments to add to what I previously said in relation to this matter. Mr Deputy Speaker in recent weeks I've discussed this issue with many people around the Island. Some, a few Mr Deputy Speaker, support such changes and I recognise those peoples right to be heard. However, an overwhelming majority of those I've spoken with are incensed with the Commonwealth's meddling in our affairs. We the people of Norfolk Island have determined that our electoral laws are what suit us. We as a whole agree that three years, give or take a few days, residency is a suitable period of time to allow the necessary assimilation into this community for people to have a reasonable grasp of issues including history, culture etc, to give an informed electoral decision at the ballot box. A person I've spoken with who has resided here, lived and mixed freely within this community for around twelve months now, was to use their own words "bewildered" by the response of the majority of the people of Norfolk Island to these so called harmless adjustments to the electoral position of persons residing here. Mr Speaker remember that word "bewildered". Under the provisions proposed by the Commonwealth at this stage, voting rights would be extended to all persons of Australian citizenship, resident here for a period of only a quarter of twelve months and even less. As little as one month. Mr Deputy Speaker the proposed changes, I feel are not justified. To me and many others they are totally unacceptable. Mr Deputy Speaker, remember this bewildered person I referred to. Well not only is this person in such a position within this community that they are far better versed on the laws and day to day governance of Norfolk Island than the majority, they also have previously served as a Minister of the Federal Government. Quite clearly, Mr Deputy Speaker, even a person privy to this information over a period of twelve months and with their vast past experience in the political arena cannot, I repeat, cannot sufficiently grasp the meaning of being a person of Norfolk Island and understand the fierce pride that we, the people of this community have in our home in the way that we do things. Mr Deputy Speaker one month is not long enough, neither three months, six months or

twelve. We are content at this time with our current position. Mr Deputy Speaker I implore all those that are able to reject completely this imposition and meddling in our internal affairs. Electoral matters are quite clearly laid out in Schedule 2 of the Norfolk Island Act 1979 as being totally our responsibility. Thank you Mr Deputy Speaker.

MR BATES

Thank you Mr Deputy Speaker. I support the motion that we go ahead with this referendum. I understand what Mr Adams is trying to achieve. I remain a little bit... I don't know how he proposes to bring forward the actual question. The motion says it's a specific question to be determined by this House. I'm not sure how Mr Adams intends to have a question determined by the House. I'm not sure of the urgency of having that question determined, whether he hopes to have that wrapped up today. During the meeting he did circulate two options. I've only had time to look at those options during the meeting, in between things. I think that if we are going to have a referendum we should get the question right. It should be right and it should be fair and it should be what we all want so that it does give us the answer that we are seeking. Mr Adams has read the question and I'm not sure that I'm 100% clear on what he is trying to achieve with the question. The part where it says "the Government in Canberra dictates the electoral process on Norfolk Island." I'm a little uncomfortable with that. I think it's more than that electoral process. I think I'm concerned that the Commonwealth Government is over-riding us on Schedule 2 matters. Schedule 2 matters in general. We've got more than one of them. It's not just the electoral process. We've also got the gun laws. I think it is wider than the electoral process. For me I think it's all of the Schedule 2 matters and maybe some Schedule 3 matters, without having the Norfolk Island Act in front of me it's not easy to place emphasis on certain aspects of this but I guess there are certain things in some of the Schedules where it is quite appropriate for the Commonwealth to dictate, things like Foreign Affairs and Defence and maybe they are quite right to dictate issues to do with those, but whether they should be dictating changes to issues in Schedule 2, I think that is a real question mark. Especially without proper consideration of the views of the elected representatives of Norfolk Island. I think if something along the lines of not just homing in electoral process and adding something about "without proper consultation or consideration of the views of the elected Members of the Norfolk Island community", I think the question is getting a little bit more in line with what I would like to see, but maybe Mr Adams doesn't wish to finalise the question today. I think if he does I wouldn't have difficulty in supporting that particular question. I understand precisely what he is trying to achieve by it

MR NOBBS

Mr Deputy Speaker thank you. I won't stand, I'm a bit old for that. Mr Deputy Speaker I continue to find this issue as put by the Commonwealth as pathetic. Pathetic in its supporting arguments and pathetic in its execution. No consultation is unforgivable. One must assume that the issue is designed for no other reason than to muddy the waters, to ensure that any thoughts of progressing self government will be clouded by bickering and expenditure of additional time and funds on defending what has been achieved to date. These tactics, as pathetic as they are, are not new. They have been around before, even this issue has also. It is interesting that Canberra has recognised in its enthusiasm for training programmes. Each year they expend considerable sums on training. This may be commendable if it leads to efficiencies. We were recently persuaded by the rest of Australia from running a course on the use of dope. It appears that based on voting and attendant issues, the training courses have not been changed from those of the previous government, the labour government whose party would wish to decimate all forms of government except Canberra. The current government supposedly has a more liberal approach to other governments but this obviously is not coming through in the Canberra training courses. It must, Mr Deputy Speaker, take time to train the trainers. It is interesting that whilst the current Federal Minister now hails from Queensland, he did reside for a time in Canberra. Obviously it must have been during his formative years. I'm not being over critical. In fact, probably the reverse. From excellent papers developed by our Legal people, we are able to trace, step by sinister step, the use by Canberra of this issue alone. It just keeps coming back. It's bedded down one year and lo and behold a couple of years later, here she comes again. We have more to do than be sucked in by such tactics. Why does it go on. Very simple Mr Deputy Speaker. We appear to be always on the back foot. There is an old but a very true adage that attack is the best form of defence. It is very true in this case.

We must get onto the front foot. You don't take guard to a fast bowler by sitting on your stumps or even on the crease. You probably won't see the ball where-ever you stand so you take guard a foot in front of the crease, and Mr Deputy Speaker it really makes the bowler think, and this gives you a big chance because they say a fast bowler, like a hooker in football, if they start to think their team is in deep trouble. Mr Deputy Speaker, the issue is really not about some dummy spitting Kiwi who wouldn't like to change the vote. This is an issue, but it's not the main one. It goes to the heart of relations with Australia and it is all through some political or other ambition of someone who doesn't care as to the damage that's being done. Mr Deputy Speaker I wish to take you back in history to 1948. It is interesting that I and other Norfolk Islander's at that time by the swift stroke of an Australian pen, fell warts and all into the Australian passport system. The holding of an Australian passport is seen by some as the critical issue. You are just like any other Australian they say. Were the Norfolk Islanders of 1948 consulted. What do you think? I've heard claims of "No objections". I would doubt that. However, let's go back to that time. Sure the Second World War was over but some of the 175 volunteers from this Island had not even got home. The Island was a shambles. The Island was decimated. It was quite incredible. No bomb had fallen on the place or a shot fired in anger. Fences were down, weeds such as lantana covered the Island. Herds were decimated and materials were only just becoming available. Bearing in mind of course that in the pre war the Islanders lived mainly off what it produced and the Island was tended very effectively. Now we have the post war shambles, people were attempting to survive and it was a good chance to bring in change which seemed to be somewhat obscure and probably the last thing on people's minds at the time. Add to this, of the 175 volunteers the majority had volunteered for services to the Australian Forces. Gentlemen, I suggest that people become aware of the Island's history. Learn from it and progress self government beyond that achieved to date. We must get on the front foot. We must accept the Commonwealth Minister's latest suggestion that we provide him with amendments to the Norfolk Island Act which will make the operation of the Act more efficient. There are many amendments which are required and they may be readily provided. We must operate within the constitutional framework which we have inherited, forget about some obscure reason for independence, we must concentrate on progressing self government. People may say, watch them, this'll cost us. Look at the Cascade Cliff. Norfolk Island Government couldn't touch it. It was land under the control of the Commonwealth. But they will loan us the money to fix it, as long as it is paid back. I agreed to this because it must be fixed. I don't agree with the gutless effort of voting rights being placed in the application for that loan. On top of this they want to ensure that reserves in the KAVHA area won't be under our control. And I repeat what I said earlier. People must be aware. If it becomes World Heritage a Commonwealth Act will remain over the area for ever and ever and a day. We must take up the Minister's challenge to review the Norfolk Island Act and get on with running our own affairs, thank you Mr Deputy Speaker

MR SMITH

Thank you Mr Deputy Speaker. I support the motion that Mr Adams has on the programme. This issue has been of particular concern to me since the 5th March when we were handed a Press Release informing us that there were proposed changes as to the way people can carry out their electoral matters on Norfolk Island. The first and worst part was the lack of consultation with the Norfolk Island Government, between ourselves and the Commonwealth Government. I think that was a serious mistake, in the first place on the Commonwealth's part. Secondly there are the issues that come out of the proposed changes to electoral matters. There's really three parts to it. What has been posed as one is that if you are not an Australian citizen you can't vote in elections or referendums. If you are not an Australian citizen you can't stand for the Legislative Assembly under this proposal and thirdly, it suggests that the qualifying period for a person to be eligible to vote in Norfolk Island elections would drop down from 400 days which is two and a half years or a little bit longer, down to as little as one month, a person would need to be on Norfolk Island before they could vote in an election. That causes me concern because I can see that it brings problems and it also has to be looked at realistically. Most people who are here on a temporary basis are here on a temporary basis. Most people that come here to work in a seconded fashion where the maximum period of time they would spend here would be two to three years, the Australian citizens that I have spoken to, and I've spoken to quite a few about this particular issue, and I've asked them how they feel about the issue. The majority have said that they are more concerned about

voting in their home town or their home state or territory, then being interested in voting in Norfolk Island elections particularly, where they are going back there. They can see no reason or sense in voting here and then leaving us with whatever they have voted for. Obviously there are others that have a different view. Ones that want to continue residing on Norfolk Island and there are a few each year who fall under that category. But realistically, I can't see the point in what the Federal Government is trying to achieve with this. But the other issue, the main issue that I have talked about mainly in the last Sitting of the House, was about the way it was being done. The Norfolk Island Government is supposed to be looking after the affairs of the community under the Norfolk Island Act that was put into place in 1979. We are properly elected representatives of the people and if the community isn't saying that they want major change to the electoral system, we have no reason to want any change. But the issue is, and it is up to us to make any decisions as far as I see, for elections to the Assembly or being able to vote in Assembly elections or referendum. The process so far has been a Press Release and a letter from the Minister to the Norfolk Island Government about what these proposed changes were. That resulted in a meeting of three of the executives from the Norfolk Island Government going to meet with the Minister in Canberra to put our view and listen to what reasoning was behind the whole issue. Following that there was a second letter received from the Commonwealth Minister raising different issues from the original one. Since that time we've been assessing all the issues that the Minister has put before us and we have developed a reply which is now finished and we are about to send that off to the Federal Minister. I would be very interested to see what his response to our reply is as we will be stating that we are quite happy with the current situation. We don't see a need for change. We've been through this issue before, I think Mr Brown said earlier on, three times this has been addressed. Certainly only as recently as 1991 this issue was raised about the electoral rights of people in Norfolk Island so we will be telling the Minister that we don't want any change and I will be interested to see what his response to that will be. I'm wondering if Mr Adams is considering an adjournment of the motion. I don't know at this point in time until we get a reply from the Minister. I see this issue as very important in the affairs of Norfolk Island on our path to full internal self government. It's another one of those issues that some Members have raised around the table today of how are we supposed to be self governing if we are continually being partly governed from Canberra in issues as important as electoral matters. Mr Deputy Speaker I won't say any more at this point, but will let other Members have some more say

DEPUTY SPEAKER Thank you. Honourable Members we have a motion in front of us and if there is no further debate I will put the question that the motion be agreed to

QUESTION PUT]

AGREED

The ayes have it that motion is so agreed thank you.

MR ADAMS Thank you Mr Deputy Speaker. Did we agree to the question as part of the motion?

DEPUTY SPEAKER Which question?

MR ADAMS The question that I've put in front of Members.

DEPUTY SPEAKER No

MR ADAMS I had indicated that I would be seeking advise from yourself or the Clerk in the preamble to my debate on how best to introduce the question at this time.

DEPUTY SPEAKER You can now seek leave of the House to introduce another motion which encompasses the two questions that you have, or the one question that you have. Do you wish to do that?

MR ADAMS I would wish to do that, yes

DEPUTY SPEAKER Thank you, the proposal is that this matter be adjourned and made an Order of the Day for a subsequent sitting of this House

QUESTION PUT

AGREED

That matter is so adjourned thank you

NO 4 - CUSTOMS AMENDMENT BILL 1998

We resume on the question that the Bill be agreed to in principle and in this case Chief Minister you have the call to resume on this matter

MR SMITH Thank you Mr Deputy Speaker, this is connected to the Firearms Bill that Ric has adjourned and I intend to do the same thing with this because there is also a couple of amendments to this Bill so I would move that debate on this Bill be adjourned and made an Order of the Day for a subsequent sitting of this House

DEPUTY SPEAKER Thank you, and I put that to you Honourable Members

QUESTION PUT

AGREED

That matter is so adjourned thank you

NO 5 - ROAD TRAFFIC AMENDMENT BILL 1998

We resume debate on the question that the Bill be agreed to in principle and Mr Brown you have the call to resume in respect of this matter

MR BROWN Mr Deputy Speaker I won't be seeking an adjournment on this Bill because this Bill is ready to proceed today. There are two aspects to it. The first is to make provision for pedestrian crossings and school crossings in our road traffic legislation and the second is to provide for the use of laser speed guns in order to determine speeds of motor vehicles, and in particular, that will avoid the otherwise possible necessity of having a police car actually chase a speeding vehicle in order to clock its speed. I had indicated to Members that I proposed to introduce a further amendment in relation to compulsory blood tests in certain situations after a motor vehicle accident, but that amendment is not yet ready to present to Members and following discussions with a number of Members yesterday, it may require some further revision in any event so I'm not seeking consideration of that at this stage so the Bill before us is limited, as I said to pedestrian crossings, school crossings and the laser speed gun

MR SMITH Thank you Mr Deputy Speaker. Some comments on what Mr Brown has proposed in his Bill. With the crossings issue to allow for pedestrian and school crossings, I have no difficulty at all with those particular things, but with the matter of the laser speed gun I have to say that I had a problem with that when it was proposed to be introduced in the previous Assembly and I objected very strongly as did the majority of Members at that time, and it was rejected. My view hasn't changed on that because the question was whether we were moving into more of a mainland situation if we have the speed gun and all the associated things that go with it and my view hasn't changed on that Mr Brown

MR NOBBS Mr Deputy Speaker the pedestrian crossing situation is long overdue and as far as the speed gun is concerned I accept this because if you don't speed you don't get caught so that would be the go, but I would hate to see Coppers charging all around the Island chasing youngsters which has occurred at various times in the past because they are liable to create another accident. It's a simple method of doing it and as I said, if you don't speed you don't get caught, thank you

MR ADAMS Thank you Mr Deputy Speaker. I support essentially what the Chief Minister has mentioned in this issue. I certainly support the fact that pedestrian crossings be placed at the school. These are long overdue and would certainly be a worthwhile addition to the arrangement there. Similarly to the Chief Minister I have a great deal of hesitation when it comes to the benefits of providing such an instrument to the police to be used in their day to day process and operations. I understand Mr Deputy Speaker there was a recent court case which is now concluded which examined the question of using a gun in a particular instance and I understand that it was thrown out for a number of reasons. I certainly don't believe that such a device would add anything beneficial to Norfolk Island in the way we go about our business. I hear what the Minister says in respect to we don't need to have a police car running around the Island from now on to ascertain what speed an alleged offending motorist or cyclist might be travelling, which brings me to the point of interest I suppose you could say Mr Deputy Speaker, on how people actually did determine their speed in the past. For years we had things appearing in the paper when such offences and convictions were listed in the Government Gazette along the lines of estimated speed, now we have the ten system where you can be issued with an on the spot infringement notice, and at a later date if you had some area of dispute with the conditions and indeed what it may say on the traffic infringement notice, you can have your day in court. I don't essentially see Mr Deputy Speaker, speed guns adding to Norfolk Island's way of going about its business in respect of the Road Traffic Act in General. I think it is probably an accepted thing that although the speed limit is thirty miles an hour, it's not unusual to find vehicles travelling at slightly above that as an average speed. I don't necessarily see that as a bad thing. And I don't see that our situation gives rise to a necessity to implement or put into place a laser gun measuring system, thank you Mr Deputy Speaker

MR BROWN Mr Deputy Speaker I would be interested to have a general indication from Members about the laser gun because if the majority of Members are in fact opposed to it then it might be appropriate for the debate to be adjourned so that the detail stage can be more simply dealt with

DEPUTY SPEAKER Those who have some hesitancy, would you wish to indicate that to Mr Brown

MR BROWN There is sufficient uncertainty Mr Deputy Speaker to justify a further adjournment and I would accordingly move, if it is convenient to Members, that debate be adjourned and resumption of debate be made an Order of the Day for a subsequent day of Sitting

DEPUTY SPEAKER Thank you Mr Brown and I will put that to you Honourable Members

QUESTION PUT
AGREED

The ayes have it. That matter is further adjourned for further examination thank you

NO 6 - GAMING BILL 1998

We are looking at Order of the Day No 6 and resuming debate on the question that the Bill be agreed to in principle and Mr Brown you have the call to resume

MR BROWN Mr Deputy Speaker I've noticed the time. I don't know whether Members wish to adjourn at this stage

DEPUTY SPEAKER Thank you. It would depend on how long you wish to speak

MR BROWN Mr Deputy Speaker I can be quite speedy in my dealing with the Gaming Bill and the Norfolk Island Gaming Supervision Bill and I will be seeking to adjourn the Lotteries and Fundraising Bill and the Bookmakers Bill so if Members would like to get started. Mr Deputy Speaker I propose at the appropriate stage to introduce a number of amendments to the Bill

today but continues tomorrow, a new fine can be imposed for each day on which an offence continues, thank you

DEPUTY SPEAKER

Thank you. Debate Honourable Members

MR NOBBS

Mr Deputy Speaker I support this whole Gaming set up but I think it must be made clear that this gaming is in respect of interactive home gaming. I don't know whether you mentioned that Mr Brown, but gaming undertaken by means of telephone, Internet or other telecommunication or radio communications devise and with all these amendments I think you've still retained in there that it can't be accessed on Norfolk Island. Is that still a point

MR BROWN

Mr Deputy Speaker it is certainly intended that either in the legislation or in the licence provisions, there will be a prohibition on seeking to make the interactive home gaming available to people in Norfolk Island. My recollection is that it was intended to be a condition of the licences rather than the actual provision of the Act, but it certainly remains a current intention

MR ION ROBINSON

Thank you Mr Deputy Speaker. I commend the Bill. To a large degree it is going to be suck it and see. There will no doubt be further amendments later on down the track but this seems to have covered most areas and aspects of the Gaming Bill and I commend it

MR BATES

Thank you Mr Deputy Speaker. I support the Bill and its amendments. I think we are moving in the right direction. We have the ability to move forward in this direction which has been on the agenda of this House for quite some time as a possible revenue raiser for the community and the last thing that any of us wants to do is to end up with some shonky arrangement where Norfolk's name could be dragged down through some shonky schemes coming in and as Ric says, there's bound to be some anomalies in it that we are going to have to address in the future some time, but I think it's a step in the right direction. I think Mr Brown should be commended on his progressing this particular issue and I intend to support it

MR BROWN

Mr Deputy Speaker I move that the Bill be now agreed

DEPUTY SPEAKER

Thank you. Before we get to that stage I wonder if I could ask Members if they agree to the amendments that you have just proposed, and I will put that question to everyone

QUESTION PUT

AGREED

The amendments are agreed thank you. Could I now ask whether the clauses as amended are agreed. That is so agreed. Can I ask you whether the remainder of the Bill is so agreed and this will complete the detail stage. Thank you. The remainder of the Bill is agreed. Mr Brown

MR BROWN

I'll do a better job this time Mr Deputy speaker. I move that the Bill as amended be agreed to

DEPUTY SPEAKER

Thank you, is there any final debate? No final debate. I will put that question

QUESTION PUT

AGREED

That Bill is agreed

NO 7 - NORFOLK ISLAND GAMING SUPERVISION BILL 1998

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

MR BROWN Mr Deputy Speaker thank you. I do not wish to add anything to what I said on the previous occasion in so far as the agreement in principle is concerned. I will be seeking leave to move certain amendments

DEPUTY SPEAKER Thank you. Any debate. The question before us is that the Bill be agreed to in principle. If there is no further debate I put that question to you

QUESTION PUT

AGREED

The Bill is agreed to in principle and we move to the detail stage. Mr Brown you wish to speak to some amendments

MR BROWN Mr Deputy Speaker I seek leave to move the amendments which I have circulated to Members this morning

DEPUTY SPEAKER Is leave granted? Leave is granted

MR BROWN Mr Deputy Speaker I move those amendments and in doing so I would like to extend my very sincere thanks to the Legislative Counsel who has put a tremendous effort into getting this package of legislation ready for us to consider today. We've been very fortunate in that our Legislative Counsel is very experienced in this particular area of the law. He worked extensively with it on previous occasions and it has enabled us to get to this stage much more quickly and extremely efficiently. I would like to also thank the consultants that we have used, David Barbuto in Sydney and Clayton Utes Lawyers of Sydney who have given us the benefit of their knowledge and advise with the intention that if we choose to pass the package of legislation we will establish ourselves as a very responsible jurisdiction in which licensing can be sought for interactive home gaming and when we get further down the track the other issues. Having said that Mr Deputy speaker, the amendments that have been circulated this morning do have comments attached to them. The major changes are that previously the presiding member of the authority was to be an eminent person but more flexibility is provided by the change that is proposed where the presiding member can be appointed without consideration being given to whether he or she is what we might call an eminent person. Many of the other changes are endeavours to clarify and make more understandable what we have already written. When we get to paragraph 15 we make provision for the appointment of a Director, and we make provision for the appointment of authorised officers and we make provisions for the functions and powers of the authorised officers. There is a prohibition on hindering authorised officers in the exercise of their duties. The new clause 16 provides that authorised officers need not be public servants and that they are subject to the direction of the authority in the performance of their functions. There is a provision in relation to privilege. Mr Deputy Speaker in many cases a person is entitled to refuse to answer a question on the grounds that his answer might be used in some form of evidence against him in some other place, that right to silence is specifically done away with in this case but there is nevertheless a restriction on the use of such information in subsequent proceedings. There are provisions in relation to documents held in computers, there are provisions in relation to probity checks, that is to ensure that the people who are seeking to be licensed, are people of good character and with adequate experience to do what they are proposing to do. Again, as in the previous Bill, maximum penalties have been significantly increased again, with the theory that we should do away with any criminal aspect but provide increased penalties. After all, the major purpose is to ensure that those persons whom we do eventually licence continue in their business in proper and responsible functions. We are not really wanting to be closing them down, we are wanting to be continuing to own a revenue stream from them and to assist them in such proper ways as we can to ensure that they are profitable and we as a result do well. Thank you Mr Deputy Speaker

MR NOBBS Mr Deputy Speaker I support the Bill and it seems far better than what was given to us at Christmas. Some of these amendments are quite good because I thought that this eminent person caper was a bit of a joke because there was no definition and they say that it

is all in the eyes of the beholder, so... I don't know who is eminent and who ain't, as they say. Thank you. Mr Brown claims he's eminent. That's very good. But the other excellent change is that the authority has the power to direct the Director and the staff and that's made very clear because I thought in the previous draft that we had, that there might be some problems in that regard, but all in all, as Ric said, we'll just have to see how she goes. Thank you and I thank Mr Brown for his efforts and particularly the parliamentary drafting people

DEPUTY SPEAKER Thank you Honourable Members. Any further debate? If there is no further debate I will ask whether you agree those amendments Honourable Members? They are agreed thank you

Are the clauses as amended by those amendments agreed? They are so agreed thank you. Can I ask you whether the remainder of the Bill is agreed? The remainder of the Bill is so agreed thank you.

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

DEPUTY SPEAKER Thank you. Final debate?

MR BROWN Mr Deputy Speaker, once again to just say thank you to the people who have assisted with this package. It has been extremely complex. You yourself, in another role have worked very hard in ensuring that its been ready for today and Members have put alot of time into pouring through the quite voluminous material that has been provided to them, so thank you all

DEPUTY SPEAKER Thank you Mr Brown. I'll put the question that the Bill as amended be agreed Honourable Members

QUESTION PUT
AGREED

Thank you. That Bill is agreed

ORDERS OF THE DAY 8 AND 9

Orders of the Day 8 and 9, maybe we could take together Mr Brown.

MR BROWN Mr Deputy Speaker could I move that debate on each of Orders of the Day No 8 and 9 be adjourned and that resumption of debate be made an Order of the day for a subsequent day of Sitting

DEPUTY SPEAKER Thank you Mr Brown and I put that question to Members
QUESTION PUT
AGREED

That matter is so adjourned

FIXING OF THE NEXT SITTING DAY.

MR GARDNER Thank you Mr Deputy Speaker. I move that the House at it's rising adjourn until Wednesday the 20th May 1998 at 10am.

MR DEPUTY SPEAKER Thank you Mr Gardner, any debate? I put that question to you Honourable Members

QUESTION
AGREED

That is the next sitting day set. Thank you.

ADJOURNMENT

MR BATES

Mr Deputy Speaker, I move that the House do now adjourn.

MR DEPUTY SPEAKER

Thank you Mr Bates. Any adjournment debate Honourable Members? Then there being no further debate on the question that the House now adjourn I put that question to you.

**QUESTION
AGREED**

Honourable Members, therefore this House stands adjourned until Wednesday 20th May 1998 10am in the morning.